

VIRGINIA:

*In the Supreme Court of Virginia held at the Supreme Court Building in the
City of Richmond on* Thursday *the* 1st *day of* November, 2012.

It is ordered that the Rules heretofore adopted and promulgated by this Court and now in effect be and they hereby are amended to become effective January 1, 2013.

Amend a portion of Rule 1:4 to read as follows:

Rule 1:4. General Provisions as to Pleadings.

* * *

(1) Every pleading, motion or other paper served or filed shall contain at the foot the Virginia State Bar number, office address and telephone number of the counsel of record submitting it, along with any electronic mail (E-mail) address and facsimile number regularly used for business purposes by such counsel of record.

Amend portions of Rule 1:17 to read as follows:

Rule: 1:17. Electronic Filing and Service.

* * *

c) *System Operational Standards.* In addition to the obligations and procedures set forth in subdivision (d) of this Rule, electronic filing systems under this Rule shall meet these requirements:

* * *

(5) Remote electronic access to documents submitted in an electronically filed case and stored electronically shall be limited to judges, court personnel, any persons assisting such persons in the administration of the electronic filing system, and to active members of the Virginia State Bar and their authorized agents, who have complied with the registration requirements to use the electronic filing system.

* * *

(d) *Electronic Service and Filing Practice and Procedures*

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(5) (i) Subject to the provisions of subsections (d)(6) and (7) of this Rule, an electronic document shall be filed by following the procedures of the applicable E-Filing Portal, and shall be deemed filed on the date that it is received in the E-Filing Portal without regard to whether the filing occurred within or outside of standard business hours. If the electronic document is received in the E-Filing Portal on a Saturday, Sunday, legal holiday, or any day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly, then such document shall be deemed filed on the next day that is not a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk's office is closed.

* * *

(7) Clerk's notice of defects in a filing; striking documents; court orders.

(i) *Incorrect or missing fee.* If the clerk of court determines that an electronically filed document is defective because of an incorrect or missing filing fee, and

(A) if the clerk has been provided by the filing party with a credit or payment account through which to obtain payment of fees, the clerk shall immediately process payment of the correct fee through such credit or payment account; or

(B) if processing by the clerk of the proper payment through a credit or payment account authorized by the filing party is not feasible, notice shall be sent by the clerk electronically to the filing party, and all other parties who have appeared in the case.

(ii) *Document filed in the wrong case by counsel.* If the clerk of court determines prior to acceptance that an electronic document has been filed by counsel under the wrong case or docket number, the clerk shall notify the filing party as soon as practicable, by notice through the E-Filing system, by telephone, or by other effective means.

(iii) A copy of all notices transmitted by the clerk under this subpart (d)(7) shall be retained in the permanent electronic case file maintained by the clerk. A copy of any document stricken shall be retained by the clerk with a designation clearly reflecting that it was stricken and the date of such striking, as a record of its content and disposition.

* * *

(9) When an order is entered, the electronic record will be updated to identify the judge who directed entry of the order and the date it was entered, and a notification shall be sent to counsel of record that the order has been entered, along with a copy of the order or an electronic link providing access to such order. If the entry of an order is done on a paper copy of the order, a digital image of such order shall be made a part of the electronic record, and the endorsed original paper shall be retained for the record.

* * *

(e) *Application of, and Compliance with, Other Rules.* In an Electronically Filed Case:

(1) Unless otherwise agreed by all parties, or ordered by the court in an individual case for good cause shown, all documents required to be served - after the initial service of process - shall be served by electronic transmission. Such service shall be effective as provided in Rule 1:12.

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Amend portions of Rule 3:3 to read as follows:

Rule 3:3. Filing of Pleadings; Return of Certain Writs.

* * *

(b) *Electronic Filing.* -- In any circuit court which has established an electronic filing system pursuant to Rule 1:17:

(1) Any civil action for which electronic filing is available in the circuit court may be designated as an Electronically Filed Case upon consent of all parties in the case. Such designation shall be made promptly, complying with all filing and procedural requirements for making such designations as may be prescribed by such circuit court.

(2) Except where service and/or filing of an original paper document is expressly required by these rules, all pleadings, motions, notices and other filings in an Electronically Filed Case shall be formatted, served and filed as specified in the requirements and procedures of Rule 1:17; provided, however, that when any document listed below is filed in the case, the filing party shall notify the clerk of court that the original document must be retained.

* * *

Amend portions of Rule 3:4 to read as follows:

Rule 3:4. Copies of Complaint.

(a) *Copies for Service.*-- Except in cases where service is waived pursuant to Code § 8.01-286.1, the plaintiff shall furnish the clerk when the complaint is filed with as many paper copies thereof as there are defendants upon whom it is to be served. In an Electronically Filed Case, the plaintiff shall file the complaint electronically and furnish paper copies to the clerk as provided in this Rule.

(b) *Exhibits.* -- It is not required that physical copies of exhibits filed with the complaint be furnished or served. Unless an individual case is exempted by order of the court for good cause shown, an electronic or digitally imaged copy of all exhibits that

are incorporated by reference in the pleading shall be filed with the complaint. Upon the adoption of standards for the preparation of electronic or digital records for use in appeals, exhibits under this Rule shall comply with such standards.

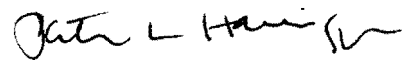
(c) *Additional copies.* -- A deficiency in the number of copies of the complaint shall not affect the pendency of the action.

(1) If the plaintiff fails to furnish the required number of copies, the clerk shall request that additional copies be furnished by the plaintiff as needed, and if the plaintiff fails to do so promptly, the clerk shall bring the fact to the attention of the judge, who shall notify the plaintiff's counsel, or the plaintiff personally if no counsel has appeared for plaintiff, to furnish them by a specified date. If the required copies are not furnished on or before that date, the court may enter an order dismissing the suit.

(2) Additionally, in an Electronically Filed Case, if the clerk has been provided by the plaintiff with a credit or payment account through which to obtain payment of fees for duplication of required copies of filings, the clerk shall promptly prepare additional copies of the pleading as needed, and process payment through such credit or payment account; or, if processing by the clerk of the proper payment for duplication of additional copies of the pleading through a credit or payment account authorized by the filing party is not feasible, the clerk shall proceed as provided in subpart (c)(1) of this Rule.

A Copy,

Teste:



Clerk