

AGREEMENT TO PARTICIPATE IN
THE EIGHTH CIRCUIT ELECTRONIC NOTICING SYSTEM

I wish to receive electronic notices of all orders, correspondence, calendars, opinions and other documents produced by the Eighth Circuit's clerk's office in my pending appeals. Pursuant to the provisions of Eighth Circuit Rule 25A(b) on electronic noticing, I agree that the electronic notice will be the only notice I receive from the clerk. I also agree that in the event of technical failure or unavailability of the system, the clerk may deposit my copies of the documents in the United States Mail for regular first-class delivery. I understand that I may withdraw my agreement at any time.

Attorney Signature

Name (printed or typed)

Firm Name

Physical Address

Voice Phone Number

Fax Number

E-mail address (print or type)

I prefer to receive notice by:

_____ Fax

_____ E-mail

United States Court of Appeals

For the Eighth Circuit

Thomas F. Eagleton Court House
111 S. 10th Street, Room 24.329
St. Louis, Missouri 63102

Michael E. Gans
Clerk of Court

VOICE (314)-244-2400
FAX (314)-244-2780
www.ca8.uscourts.gov

*IF YOU HAVE ALREADY RETURNED A VIA FORM,
PLEASE DISREGARD THIS NOTICE*

All Counsel of Record

Re: Introduction of Electronic Noticing

Dear Counsel:

In April, 1999, the United States Court of Appeals for the Eighth Circuit introduced “**VIA**”, a new system of electronic noticing. The purpose of my letter is to familiarize you with the system and encourage you to participate in it.

The **VIA** system allows us to either e-mail or fax the full text of orders, opinions and correspondence directly to your office. With **VIA**, you receive a same-day copy of opinions and important rulings on motions, as well as acknowledgment of the docketing of new appeals and the establishment of briefing schedules. The monthly calendar of oral arguments is also distributed over the system.

VIA works automatically. When an opinion or order is entered, the deputy making the entry calls up your previously-entered e-mail address or a fax number. The system notes that you are to receive electronic notice of the event and places your copy of the opinion, order, schedule or letter in the appropriate electronic queue. You receive your electronic copy of the document shortly after the opinion, order or correspondence is completed and released for delivery. The system will automatically re-try failed fax transmissions and will notify the deputy sending the message of any failed e-mail or fax transmission. The deputy will call and verify addresses and the condition of equipment if we have a failure. In the unlikely event that electronic transmission of the opinion, order or correspondence cannot be completed, the deputy will send you a paper copy in that day’s regular mail.

Eighth Circuit Local Rule 25A(b) on electronic noticing provides that counsel who choose electronic noticing must agree that the electronic notice will be the only notice provided by the clerk’s office. In other words, if you agree to participate in the program, we will no longer mail you, as a routine matter, a copy of the order, opinion

or correspondence. In the event you need a regular or certified copy of the order, opinion or letter, you may contact us, and we will mail it to you.

Since April 1, 1999, more than 5,000 attorneys have joined the program, and we have successfully transmitted tens of thousands of documents. If you are interested in participating, I ask that you return the enclosed form which indicates your willingness to participate and provides your electronic address or fax number. You may provide the information for as many people in your firm as you wish. Please provide a separate form for each attorney participating, though, so we know that the attorney has agreed to the terms for receiving notice through **VIA**.

In thinking about the proper e-mail address, you may wish to consider how you work with your support staff and other attorneys in your office. If your e-mail is never checked in your absence, you may wish to provide a legal assistant's or firm e-mail account so that all e-mail is routinely pulled and distributed in your absence. Of course, if other members of your firm have also entered an appearance in a specific case, we will e-mail or fax the document to them if they participate in **VIA**.

I hope you will participate in this program, as I believe it has significant benefits for counsel, especially in light of today's many serious concerns regarding the timeliness and safety of the mail. Additionally, by obtaining same-day notice of the court's actions, you can avoid any delay in setting your schedule or preparing your pleadings. If you have any questions about **VIA**, please feel free to contact me.

Sincerely,

Michael E. Gans
Clerk of Court

enc.

August, 2002