

Notice to Bar Regarding Enforcement of Service List Rule

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Revised: Tuesday, November 29, 2011

NOTICE TO BAR REGARDING ENFORCEMENT OF SERVICE LIST RULE

B.L.R. 9022-1(a) calls for the submission of a service list along with an order submitted for a judge's signature. The rule provides that the service list should NOT include any party who is represented by an ECF registered participant who receives electronic service. This means that in most cases not involving an active pro se litigant the service list should be blank.

B.L.R. 9022-1(a) is commonly violated by submitting a service list which includes ECF participants. If you click on the silver ball next to the docket number of any motion or pleading, you will see the attorneys who are automatically served electronically. Neither these attorneys nor their clients may be listed on a service list.

An even worse violation of the rule is when counsel decides that the court should serve their courtesy copies for them. Only those parties who are ENTITLED to notice and are NOT represented by registered participants may be listed on the service list. Parties who did not oppose a motion are not entitled to service of the order. If there is any doubt as to whether a party is entitled to notice, you should leave that person off the service list and SERVE THE PERSON YOURSELF.

Violation of B.L.R. 9022-1(a) is a major problem for the court. When presented with an improper service list, our deputy clerks are faced with a decision as to whether to waste time going through the motions of serving people who don't need to be served or bringing that matter to the attention of a judge. Either way, the time of an essential employee is being wasted. Our current workload simply does not permit us to waste our resources this way.

Each judge decides how violations of B.L.R. 9022-1(a) are to be handled in relation to orders submitted to him or her for signature. However, I am going to urge all of the judges to refuse to sign orders with improper service lists after January 1, 2012. To avoid unnecessary rejections of your orders, I ask each of you to review your procedures and make the changes necessary to comply with B.L.R. 9022-1(a).

As always, thank you for your cooperation.

Dated: November 29, 2011

_____/s/_____
Alan Jaroslovsky
Chief Judge

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