

06-CV-F

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS
11535 UNITED STATES COURTHOUSE
515 RUSK STREET
HOUSTON, TEXAS 77002



CHAMBERS OF
JUDGE LEE H. ROSENTHAL

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August 8, 2006

Mr. Peter G. McCabe
Secretary, Committee on Rules of
Practice and Procedure
Federal Judiciary Building
One Columbus Circle, NE
Washington, DC 20544

Dear Mr. McCabe:

This letter conveys a suggestion for our Civil Rules docket. It is part of what may be a larger project to be undertaken once electronic filing is in place across the country and the districts have had enough experience implementing it to understand what rules changes might be appropriate. Magistrate Judge Ronald Hedges from New Jersey suggests that we consider amending Rule 5 to abolish the requirement to file proof of serving documents, such as motions, because CM/ ECF will generate the equivalent of that proof through a receipt. An exception would have to be provided for cases not filed under CM/ECF, such as pro se cases.

Magistrate Judge Hedges notes that the suggestion originated with senior personnel of the Clerk's office, in particular, Mickie Shanklin. The Clerks of Court will be an important source if a project is undertaken to adjust the rules to be consistent with the implementation of electronic filing for most cases filed in the district and bankruptcy courts.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lee H. Rosenthal", with a long horizontal line extending to the right.

Lee H. Rosenthal

cc: Mr. John Rabiej