

As a courtesy, the court is giving notice to federal court practitioners of an upcoming change to the Federal Rules of Civil and Criminal Procedure.

On December 1, 2016, Federal Rule of Civil Procedure 6(d) will change (absent contrary Congressional action) to eliminate electronic service from the types of service that automatically add three days to deadlines measured from a date after being served. A similar change will occur to Federal Rule of Criminal Procedure 45(c).

Currently, Rules 6(d) and 45(c) add three days to deadlines created when a party may or must act within a specified time after service, if service is made (1) by mail, (2) by leaving a document with the court clerk, (3) by electronic means if there is consent, or (4) by other means where there has been consent, all as defined by Federal Rules of Civil Procedure 5(b)(2)(C), (D), (E), or (F). The December 1, 2016 Amendments eliminate electronic means of service from this three-day addition.

Given these changes, the District of Hawaii's CM/ECF Guide (available on the District's website) is being modified to eliminate contrary guidance regarding electronic service. Specifically, a sentence on page 5 of the Guide that now reads "In accordance with Fed.R.Civ.P.6([d]) and Fed.R.Crim.P.45(c), service by electronic means is treated the same as service by mail for the purposes of adding three (3) days to the prescribed period to respond" will be deleted.

This is a courtesy notice only, and is not in any manner to be construed as a legal interpretation by the court. You may want to consult the official advisory committee commentary regarding the December 1, 2016 Amendments for guidance.