

Friday

21st

October, 2005.

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, 2006.

Amend Rule 5:20(b) to read as follows:

Rule 5:20. Denial of Appeal; Petition for Rehearing.

* * *

(b) Except for petitions for rehearing filed by pro se prisoners or with leave of Court, a petition for rehearing shall be filed as an Adobe Acrobat Portable Document Format (PDF) document attached to an e-mail in compliance with Rule 5:20A. Petitions filed by pro se prisoners or with leave of Court shall be filed in compliance with subsection (c) of this Rule.

* * *

Amend Rule 5:20A, third paragraph, to read as follows:

Rule 5:20A. Denial of Appeal; Petition for Rehearing.

* * *

The e-mail message to which the petition is attached shall recite in the subject line the style of the case and the Supreme Court record number. The e-mail message shall contain a paragraph stating that a petition for rehearing is being filed, the style of the case, the Supreme Court record number, the name and bar number of counsel filing the petition, as well as the law firm name, mailing address, telephone number, and e-mail address of counsel. The message shall also state whether a copy of the petition has been served by e-mail or another means on opposing counsel and the date of such service. If opposing counsel has an e-mail address, that address shall also be included. Upon receipt of the petition for rehearing in the e-mail box of the clerk's office, an acknowledgment will automatically be forwarded to counsel seeking the rehearing.

* * *

Amend Rule 5:39(f) to read as follows:

Rule 5:39. Rehearing.

* * *

(f) Notwithstanding subsection (c), a petition for rehearing shall be filed as a PDF document attached to an e-mail in compliance with Rule 5:39A unless filed by a pro se prisoner or with leave of Court. In those instances, the petition for rehearing shall be filed in compliance with subsection (c) of this Rule.

Amend Rule 5:39A(b), second paragraph, to read as follows:

Rule 5:39A. Rehearing Petition.

* * *

(b) * * *

The e-mail message to which the petition is attached shall recite in the subject line the style of the case and the Supreme Court record number. The e-mail message shall contain a paragraph stating that a petition for rehearing is being filed, the style of the case, the Supreme Court record number, the name and bar number of counsel filing the petition, as well as the law firm name, mailing address, telephone number, and e-mail address of counsel. The message shall also state whether a copy of the petition has been served by e-mail or another means on opposing counsel and the date of such service. If opposing counsel has an e-mail address, that address shall also be included. Upon receipt of the petition for rehearing in the e-mail box of the clerk's office, an acknowledgment will automatically be forwarded to counsel seeking the rehearing.

Amend Rule 5A:15 to read as follows:

Rule 5A:15. Denial of Appeal; Petition for Rehearing.

* * *

Amend Rule 5A:15A(a) and (b), third paragraphs, to read as follows:

Rule 5A:15A. Denial of Appeal; Petition for Rehearing Filed by Electronic Means.

(a) * * *

The demand, which shall include a statement identifying how the one-judge order is in error, must be formatted to print on a page 8 ½ x 11 inches, must be in 12 point type or larger, must be double-spaced, and must not exceed a word count of 500. The demand must include a certificate of service to opposing counsel and the certificate shall specify the manner of service and the date of service. If opposing counsel has an e-mail address, service on opposing counsel shall be by electronic means and such address shall be included in the certificate of service. The demand must also include a certificate of compliance with the word count limit. The demand will be considered filed on the date and time that it is received by cavpfr@courts.state.va.us. If the demand does not meet the requirements of this rule as to format, the clerk of the Court of Appeals shall so notify counsel and provide a specific amount of time for a corrected copy of the demand to be filed. A person who files a document electronically shall have the same responsibility as a person filing a document in paper form for ensuring that the document is properly filed, complete, and readable. However, if technical problems at the Court of Appeals result in a failure to timely receive the electronically filed demand for three-judge review, counsel shall provide to the clerk of the Court on the next business day all documentation which exists demonstrating the attempt to file the demand by e-mail, any delivery failure notice received in response to the attempt, and a copy of the demand for three-judge review.

* * *

(b) * * *

The petition must be formatted to print on a page 8 ½ x 11 inches, must be in 12 point type or larger, must be double-spaced, and must not exceed a word count of 7,500. The petition must include a certificate of service to opposing counsel and the certificate shall specify the manner of service and the date of service. If opposing counsel has an e-mail address, service on opposing counsel shall be by electronic means and such address shall be included in the certificate of service. The petition must also include a certificate of compliance with the word count limit. Petitions filed by e-mail will be considered filed on the date and time that it is received by cavpfr@courts.state.va.us. If the petition does not meet the requirements of this rule as to format, the clerk of the Court of Appeals shall so notify counsel and provide a specific amount of time for a corrected copy of the petition to be filed. A person who files a document electronically shall have the same responsibility as a person filing a document in paper form for ensuring that the document is properly filed, complete, and readable. However, if technical problems at the Court of Appeals result in a failure to timely receive the electronically filed petition for rehearing, counsel shall provide to the clerk of the Court on the next business day all documentation which exists demonstrating the attempt to file the petition by e-mail, any delivery failure notice received in response to the attempt, and a copy of the petition for rehearing.

* * *

Amend Rule 5A:33 to read as follows:

Rule 5A:33. Rehearing – On Motion of a Party.

* * *

Amend Rule 5A:33A(a), second and third paragraphs, to read as follows:

Rule 5A:33A. Rehearing – On Motion of a Party, Filed by Electronic Means.

(a) * * *

Except for petitions for rehearing filed by pro se prisoners or by those with leave of Court to proceed under Rule 5A:33, the petition shall be filed as a single PDF document attached to an e-mail addressed to cavpfr@courts.state.va.us and will be timely filed if received by the clerk’s office at or before 11:59 p.m. on the fourteenth day after the date of the decision or order sought to be reheard.

The petition must be formatted to print on a page 8 ½ x 11 inches, must be in 12 point type or larger, must be double-spaced, and must not exceed a word count of 7,500. The petition must include a certificate of service to opposing counsel and the certificate shall specify the manner of service and the date of service. If opposing counsel has an e-mail address, service on opposing counsel shall be by electronic means and such address shall be included in the certificate of service. The petition must also include a certificate of compliance with the word count limit. The petition will be considered filed on the date and time that it is received by cavpfr@courts.state.va.us. If the petition does not meet the requirements of this rule as to format, the clerk of the Court of Appeals shall so notify counsel and provide a specific amount of time for a corrected copy of the petition to be filed. A person who files a document electronically shall have the same responsibility as a person filing a document in paper form for ensuring that the document is properly filed, complete, and readable. However, if technical problems at the Court of Appeals result in a failure to timely receive the electronically filed petition for rehearing, counsel shall provide to the clerk of the Court on the next business day all documentation which exists demonstrating the attempt to file e-mail the petition by

e-mail, any delivery failure notice received in response to the attempt, and a copy of the petition for rehearing.

* * *

Amend Rule 5A:34 to read as follows:

Rule 5A:34. Rehearing En Banc.

* * *

Amend Rule 5A:34A, second and third paragraphs, to read as follows:

Rule 5A:34A. Rehearing En Banc Filed by Electronic Means.

* * *

Except for petitions for rehearing filed by pro se prisoners or by those with leave of Court to proceed under Rule 5A:33, the petition shall be filed as a single PDF document attached to an e-mail addressed to cavpfr@courts.state.va.us and will be timely filed if received by the clerk's office at or before 11:59 p.m. on the fourteenth day after the date of the decision or order sought to be reheard.

The petition must be formatted to print on a page 8 ½ x 11 inches, must be in 12 point type or larger, must be double-spaced, and must not exceed a word count of 7,500. The petition must include a certificate of service to opposing counsel and the certificate shall specify the manner of service and the date of service. If opposing counsel has an e-mail address, service on opposing counsel shall be by electronic means and such address shall be included in the certificate of service. The petition must also include a certificate of compliance with the word count limit. The petition will be considered filed on the date and time that it is received by cavpfr@courts.state.va.us. If the petition does not meet the requirements of this rule as to format, the clerk of the Court of Appeals shall so notify counsel and provide a specific amount of time for a corrected copy of the petition to be filed. A person who files a document electronically shall have the same responsibility as a person filing a document in paper form for ensuring that the document is properly filed, complete, and readable. However, if technical problems at the Court of Appeals result in a failure to timely receive the

electronically filed petition for rehearing, counsel shall provide to the clerk of the Court on the next business day all documentation which exists demonstrating the attempt to file the petition by e-mail, any delivery failure notice received in response to the attempt, and a copy of the petition for rehearing.

* * *

A Copy,

Teste

Clerk