

## URCP 5 SERVICE

### Concerns:

- Confusion in the current rule as to who must serve certain court decisions;
- Actual failure of such decisions to be served, particularly on pro se parties.

### Proposal:

**(b)(5) Who serves.** Unless otherwise directed by the court, a party that requests any portion of a written decision or direction from the court that the court grants must serve a copy of that decision or direction upon all pro se parties. If the court issues a written decision or direction that was not requested by any party, the court must serve a copy of it upon all pro se parties. All items electronically filed in a case are presumed to be served upon counsel of record in that case .:

~~(b)(5)(A) every paper required to be served must be served by the party preparing it; and~~

~~(b)(5)(B) an order or judgment prepared by the court will be served by the court.~~

....

**(d) Certificate of service.** A paper required by this rule to be served, including electronically filed papers, must include a signed certificate of service showing the name of the document served, the date and manner of service and on whom it was served. Service of papers by electronic filing on counsel of record in a case need not list such counsel.

### Effects:

- Shifts burden of service to the party benefiting by the court's action;
- Reduces court time and expense – fewer items to serve than currently;
- Provides a clearer rule for court, counsel, and pro se parties to understand;
- Eliminates the need for certificates of service to list all counsel of record that have been served by being e-filers (many have already stopped doing this).