

Proposed Amendments to Rule 79

Rule 79 is amended as follows:

Rule 79. [~~Books and~~] Records Kept by the Clerk [~~and Entries Therein~~]

(a) Civil Docket. [~~The clerk shall keep a book known as a "Civil Docket," on one or more looseleaf sheets for each action, and shall enter therein each action filed with the court. Actions shall]~~

(1) In General. The clerk must keep a record known as the "civil docket" for each case. The clerk must enter each civil case in the docket. Cases must be assigned consecutive file numbers[~~. The file number of each action shall~~], **which must** be noted [on]in the [sheet of the Civil Docket whereon]**docket where** the first entry [of the action] is made.

(2) Items to be Entered. The following items must be marked with the file number and entered chronologically in the docket:

(A) [~~All~~]papers filed with the clerk[~~and all judgments and orders shall be entered chronologically in the Civil Docket on the sheet assigned to the action and shall be marked with its file number. These entries shall be brief, but shall show the nature of each paper filed and the substance of each judgment or order. The entry of an order or judgment shall show the date the entry is made. When in an action, trial by jury~~];

(B) process issued, and proofs of service or other returns showing execution; and

(C) appearances, orders, verdicts, and judgments.

(3) When a jury trial has been properly demanded or ordered, the clerk

[shall] **must** enter the word “jury” [on] **in** the **docket** [~~sheet assigned to that~~ action].

(b) Judgments and Orders. The clerk [shall] **will** keep [~~as a permanent record~~] a **copy of every final judgment and appealable order in the** “Judgment and Order Book” in which there [shall] **should** be filed, in serially-numbered chronological sequence in looseleaf binders, a correct copy of every final judgment or appealable order, together with all opinions, decisions, or findings of fact and conclusions of law [up] on which it is based, and any other order [which] **that** the court [~~may direct~~] **directs** to be kept. Every such final judgment or appealable order [shall] **must**, from time to time but no less frequently than annually, be permanently bound.

(c) Notices of Orders or Judgments.

(1) Immediately [up] on the entry of an order the clerk [shall] **must** serve a notice of the entry, together with a copy of the order and any accompanying memorandum, by delivery or mail in the manner [~~provided for~~] **prescribed** in Rule 5 [up] on each party who is not in default for failure to appear, and [shall] **should** make a note in the docket of the delivery or mailing. Any party may in addition serve a notice of such entry in the manner [~~provided for~~] **prescribed** in Rule 5 for the service of papers.

(2) Immediately [up] on the entry of a judgment the clerk shall serve a notice, together with a copy of the judgment, opinion, decision, or findings of fact and conclusions of law [up] on which it is based, by delivery or mail in the manner provided for in Rule 5 [up] on each party who is not in default for failure to appear, and, if appropriate, the port director of the customs port in which the [action] **case**

arose, and [~~shall~~ **must** make a note in the docket of the delivery or mailing. Any party may in addition serve a notice of such entry in the manner [~~provided for~~ **prescribed** in Rule 5 for the service of papers.

(3) Lack of notice of the entry by the clerk does not affect the time to appeal or relieve, or authorize the court to relieve, a party for failure to appeal within the time allowed, except as permitted in Rule 4(a) of the Federal Rules of Appellate Procedure or by the rules of the United States Court of Appeals for the Federal Circuit.

(As amended Oct. 3, 1984, eff. Jan. 1, 1985; Sept. 25, 1992, eff. Jan. 1, 1993; Aug. 29, 2000, eff. Jan. 1, 2001; Sept. 30, 2003, eff. Jan. 1, 2004; _____, **2008**; eff. _____, **2009**.)

Advisory Committee Note

The language of Rule 79 has been amended as part of the general restyling of these rules to make them more easily understood and to make style and terminology consistent throughout the rules. These changes are intended to be stylistic only. In addition, Rule 79 has been amended to reflect current administrative procedures being utilized by the clerk's office.