

**United States District Court
for the District of Rhode Island**

**AMENDMENTS TO THE LOCAL RULES
FOR THE DISTRICT OF RHODE ISLAND**

**Redlined Draft
for Public Comment**

Comment Deadline: December 19, 2008

LOCAL RULES OF GENERAL APPLICATION

AND

**LOCAL RULES GOVERNING ATTORNEY
ADMISSIONS, APPEARANCES AND DISCIPLINE**

LOCAL RULES OF GENERAL APPLICATION

LR Gen 101 SCOPE AND PURPOSE OF RULES

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- (b) **Effective Date.** These Local Rules shall become effective on January 1, 2006 and shall apply to all cases then pending and thereafter filed, subject to any amendments adopted thereafter.

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- (g) **“Conventionally filed.”** As used in these Rules, the term “conventionally filed” refers to documents presented to the Court in paper or other non-electronic format.

CROSS-REFERENCES

See LR Gen 113(e) (rules do not restrict Court from issuing general orders or administrative orders).

See also Administrative Procedures for Electronic Case Filing, ¶ 1(f).

LR Gen 106 REFERRALS TO AND FROM OTHER DISTRICTS

When a judge of another district is designated to hear a case or other matter because all of the judges in this District have recused themselves, or when a judge of this District is designated to preside over a case filed in another district, the following procedures shall apply:

* * *

~~(c) **Notification of Pending Matters.** When a case is referred to this District, the Clerk of this Court shall direct the parties to notify the Court in writing within fifteen (15) days of any pending motions or other matters in the case that require action by the Court. If no such notification is received, the Clerk shall terminate any pending motions or matters as “passed.” The documents with respect to any pending motions or matters for which notification is received shall be separated by the Clerk and re-filed as of the date of receipt of the notice.~~

(d c) Trials and Other Proceedings. Conferences and hearings may be held in either district. Jury trials shall be held in the district where the case originates unless all parties agree otherwise.

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LR Gen 109 BANKRUPTCY

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(f) Appeals to District Court.

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(6) Record on Appeal. In addition to any other applicable requirements, ~~an appellant, including a party whose motion for leave to appeal has been granted~~ the Bankruptcy Court clerk shall ensure that the record electronically transmitted by the bankruptcy clerk to the District Court clerk includes:

(A) *[no change]*

(B) *[no change]*

(C) the record on appeal, as to which the appellant shall ~~be~~ responsible for seeing that each document is tabbed and provide the Bankruptcy Court clerk with documents arranged in reverse chronological order so that the documents appear in the same order as shown on the docket sheet;

(D) *[no change]*

(E) a ~~certified~~ copy of the docket sheet.

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**LOCAL RULES GOVERNING ATTORNEY ADMISSIONS,
APPEARANCES AND DISCIPLINE**

I. REGULATION OF ATTORNEY PRACTICE BEFORE THE COURT

LR Gen 202 ELIGIBILITY AND PROCEDURE FOR ADMISSION

(a) Requirements for Admission. In order to be eligible for membership in the Bar of this Court, an attorney must:

- (1) Be a member of in good standing of the Bar of the Supreme Court of the State of Rhode Island; and

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LR Gen 203 CONTINUING OBLIGATIONS OF MEMBERS OF BAR

(a) General. Unless otherwise permitted by the Court for good cause shown, in order to remain a member in good standing of the bar of this Court, an attorney must:

- (1) remain a member in good standing of the ~~Court(s) that provided the certificate(s) referred to in LR Gen 202(b)(1)~~ Bar of the Supreme Court of the State of Rhode Island and all other bars in which the member maintains an active status; and
- (2) not be suspended, disbarred or found unfit, for any reason, to continue practicing law . . .”

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(d) Periodic Registration Procedure.

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(3) Method of Registration. A member shall register by:

- (A) Completing and filing the registration form provided by the Clerk which form shall include: (i) a certification that the attorney continues to satisfy all of the requirements set forth in subsection (a) of this Rule; and (ii) a statement as to whether the attorney has been convicted of a serious crime as defined in LR Gen 213(a)(3) or ~~subjected to any disciplinary action~~ been disciplined by any other court or body having disciplinary authority over attorneys; and

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LR Gen 204 PRO HAC VICE COUNSEL

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(d) Application. An application for *pro hac vice* admission shall be made by completing and filing a form ~~of motion~~ provided by the Clerk, together with a check for the application fee fixed by the Court which shall be payable to the “Bar Fund.” The application fee will not be refunded if the application is denied.

A motion for *pro hac vice* admission shall be signed both by the applicant and by local counsel affiliated with the applicant.

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**LOCAL RULES APPLICABLE
TO CIVIL PROCEEDINGS**

LR Cv 5 FORM AND FILING OF DOCUMENTS

(a) Form and Content of Documents. All documents filed in a civil case shall be on 8½" x 11" paper and shall include the following:

* * *

(3) Format; Page Numbering. Unless otherwise provided or ordered by the Court, all documents shall be double-spaced: and typed in at least 12-point font. Footnotes shall be in at least 10-point font and may be single-spaced. Where a document is more than one page in length, the pages shall be numbered at the bottom center of each page.

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CROSS-REFERENCES

See LR Cv 5.1 (Service and Proof of Service), LR Cv 5.2 (Notice by Publication), LR Cv 7 (filing of motions and supporting materials) and LR Cv 56 (Motions for Summary Judgment). See also LR Cr 57 (form and filing of documents and use of cover sheets in criminal cases); and 28 U.S.C. §1914(a) (governing filing fee for civil actions).

See generally Administrative Procedures for Electronic Case Filing.

LR Cv 5.1 SERVICE AND PROOF OF SERVICE

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(b) Private Process Servers.

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- (2) To be considered for appointment, an applicant shall file ~~an application on a form provided by the Clerk, together with~~ an affidavit setting forth the applicant's age, citizenship, criminal record (if any), and relevant experience and qualifications for the service of process. In order to be appointed, an applicant must demonstrate:
- (A) sufficient knowledge and/or other experience to perform the duties required by law; and
 - (B) sufficiently good character to discharge the duties of a process server.

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LR Cv 7 MOTIONS, OBJECTIONS AND SUPPORTING DOCUMENTS

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(d) Memoranda and Supporting Documents

- (1) Form of Memoranda.** ~~The text of all memoranda in support of motions, objections and replies shall be double-spaced and typed in at least 12-point font. Footnotes shall be in at least 10-point font and may be single-spaced. In addition, All~~ memoranda of law, as well as all motions, objections and replies, shall conform with the requirements of LR Cv 5(a) of these Rules. Page margins shall be at least one inch on all sides, and only one side of each page may be used. Each item attached to the memorandum shall be separately identified and labeled.* **[see Comment, end of Rule]**

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LR Cv 7.1 ORDERS

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CROSS-REFERENCES

See LR Cr 47.1 (form of orders in criminal cases).

See generally Administrative Procedures for Electronic Case Filing.

LR Cv 33 INTERROGATORIES

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(c) Objections. Each objection and the grounds therefor shall be stated separately. When an objection is made to any interrogatory, or sub-part thereof, it shall state with specificity all grounds upon which the objecting party relies. Any ground not stated in an objection shall be deemed waived.

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LR Cv 56 MOTIONS FOR SUMMARY JUDGMENT

(a) Statement of Undisputed Facts.

- (1) In addition to the memorandum of law required by LR Cv 7, a motion for summary judgment shall be accompanied by a separate Statement of Undisputed Facts that concisely sets forth all facts that the movant contends are undisputed and entitle the movant to judgment as a matter of law.*
- (2) The Statement of Undisputed Facts shall be filed as a separate document with the motion and memorandum. Each “fact” ~~in a Statement of Undisputed Facts~~ shall be set forth in a separate, numbered paragraph and shall identify the evidence establishing that fact, including the page and line of any document to which reference is made, unless opposing counsel has expressly acknowledged that the fact is undisputed.
- (3) For purposes of a motion for summary judgment, any fact alleged in the movant’s Statement of Undisputed Facts shall be deemed admitted unless expressly denied or otherwise controverted by a party objecting to the motion. An objecting party that is contesting the movant’s Statement of Undisputed Facts shall file a Statement of Disputed Facts, which shall be numbered correspondingly to the Statement of Undisputed Facts, and which shall identify the evidence establishing the dispute, in accordance with the requirements of Section (a)(2).
- (4) If an objecting party contends that there are additional undisputed facts not contained in the moving party's statement of undisputed facts which preclude summary judgment, that ~~An objecting party shall also~~ file a separate Statement of Undisputed Facts setting forth such additional undisputed facts. Such statement shall be prepared in accordance with the requirements of paragraph (a)(2), except that the additional undisputed facts shall be numbered consecutively to the moving party's undisputed facts.**
- (5) If an objecting party files a separate statement of additional undisputed facts and the movant contests any of those facts, the movant shall file a separate statement setting forth what additional facts are disputed, numbered correspondingly to the opposing party's additional undisputed facts, at the same time it files its reply memorandum pursuant to LR Cv 7(b)(2).

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* The word “separate” was added by the Court’s Emergency Amendment to this Rule, effective April 10, 2008, and is now incorporated into these proposed amendments for public comment.

** The proposed amendment modifies the wording of Paragraph (a)(4) established by the Court’s Emergency Amendment to this Rule, effective April 10, 2008.

**LOCAL RULES APPLICABLE TO
CRIMINAL PROCEEDINGS**

LR Cr 44 PROCEEDINGS INVOLVING AN INDIGENT DEFENDANT

(a) Appointment of Counsel by the Court.

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- (2) If the Federal Defender is unable to represent the defendant due to a conflict of interest or for any other reason, the Federal Defender shall ~~submit a written~~ request ~~to the Chief Judge~~ that a CJA Attorney be appointed to represent the defendant.

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LR Cr 46 SECURITY AND SURETIES

- (a) **Security.** Except as otherwise provided by law or by order of the Court, a bond or similar undertaking must be secured by:
- (1) the deposit of cash or obligations of the United States in the amount of the bond; or
 - ~~(2) the guaranty of a company or corporation holding a certificate of authority from the Secretary of the Treasury pursuant to 31 U.S.C. § 9304 et seq; or~~
 - (3 2) the guaranty of an individual resident of this District who owns and pledges as security real property in which such individual has equity that exceeds the amount of the bond.

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LR Cr 47 MOTIONS, OBJECTIONS & SUPPORTING DOCUMENTS

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(b) Objections and Replies.

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(2) ~~No memorandum~~ Other than a memorandum in support of a motion and a memorandum in opposition, no memorandum (including a reply memorandum) may be filed without prior leave of the Court.

* * *

(d) Memoranda and Supporting Documents.

(1) **Form of Memoranda.** ~~The text of all memoranda in support of motions, objections and replies shall be double-spaced and typed in at least 12-point font. Footnotes shall be in at least 10-point font and may be single-spaced. In addition;~~ All memoranda of law, as well as all motions, objections and replies, shall conform with the requirements of LR Cr 57(a) of these Rules. Page margins shall be at least one inch on all sides, and only one side of each page may be used. Each item attached to the memorandum shall be separately identified and labeled.* **[see Comment, end of Rule].**

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LR Cr 47.1 ORDERS

* * *

CROSS-REFERENCES

See LR Cv 7.1 (form of orders in civil cases).

See generally Administrative Procedures for Electronic Case Filing.

LR Cr 57 FORM AND FILING OF DOCUMENTS

(a) **Form and Content of Documents.** All documents filed in a criminal case shall be on 8½" x 11" paper and shall include the following:

* * *

(3) **Format; Page Numbering.** Unless otherwise provided or ordered by the Court, all documents shall be double-spaced: and typed in at least 12-point font. Footnotes shall be in at least 10-point font and may be single-spaced. Where a document is more than one page in length, the pages shall be numbered at the bottom center of each page.

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CROSS-REFERENCES

See LR Cv 5 (form and filing of documents in a civil case).
See generally Administrative Procedures for Electronic Case Filing.