

October 16, 2009

The Honorable Mary M. Lisi
Chief Judge of the United States District Court
United States District Court
One Exchange Terrace
Providence, RI 02903

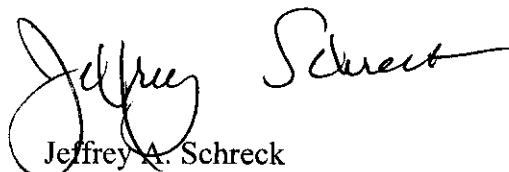
Re: Report of the Local Rules Review Committee

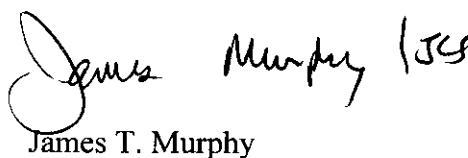
Dear Chief Judge Lisi:

As the co-chairs of the Local Rules Review Committee, on behalf of the Committee, we hereby submit the enclosed Report of the Local Rules Review Committee ("Report"). Pursuant to L.R. Gen 113(b)(1), this Report constitutes a submission to the Court on proposed amendments to the Local Rules. This Report was adopted by vote of the Committee at the Committee's October 5, 2009 meeting.

The Report relates to the Committee's effort to bring the time requirements of the Local Rules into conformity with proposed changes to the Federal Rules effective December 1, 2009.

Respectfully submitted,


Jeffrey A. Schreck


James T. Murphy

cc: David A. DiMarzio
Paul Goodale
Enclosures

United States District Court

District of Rhode Island

Proposed Amendments to the Local Rules

(based on amendments to the Federal Rules of Civil

and Criminal Procedure effective 12/1/2009)

(10/08/2009)

Rule	Change	Subcommittee Recommendation	Full Committee Action	Court Action
LR Gen 107	<p>LR Gen 107 Requests for Daily Transcripts of Court Proceedings</p> <p>Except for good cause shown, all requests for daily or expedited transcripts must be made in writing to the court reporter, if known, and if not, to the Clerk. A copy of the request must be provided to opposing counsel not later than five (5) <u>seven (7)</u> business days before the hearing or trial to be transcribed.</p>	The General Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Gen 109(d)(1) LR Gen 109(d)(3)	<p>LR Gen 109 Bankruptcy</p> <p>(d) Reports and Recommendations by Bankruptcy Judge.</p> <p>(1) Time for Objections. Any objection to proposed findings of fact and/or rulings of law by a bankruptcy judge in a non-core proceeding shall be filed and served within ten (10) <u>fourteen (14)</u> days after such proposed findings and rulings are served on the objecting party.</p> <p>(3) Responses and Replies. A response to an objection shall be served and filed within ten (10) <u>fourteen (14)</u> days after the objection is served. The objecting party may serve and file a reply to the response within ten (10) <u>fourteen (14)</u> days thereafter. Any response and /or reply shall comply with LR Cv 7. Unless otherwise permitted or required by the Court, nothing further shall be filed in support of or in opposition to an objection to a bankruptcy judge’s proposed findings of fact and rulings of law.</p>	The General Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Gen 205(d)(1)	<p>LR Gen 205 Pro Se Litigants</p> <p>(d) Notification</p> <p>Every <i>pro se</i> litigant shall inform the Clerk in writing of any change of name, address, telephone number, and/or fax number within ten(10) <u>fourteen (14)</u> days of such change.</p>	The General Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

Rule	Change	Subcommittee Recommendation	Full Committee Action	Court Action
LR Gen 207(b)(2)	<p>LR Gen 207 Conflict of Court Appearances; Excusals</p> <p>(b) Excuse from Court Appearances.</p> <p>(2) Service of Request. If any matters are scheduled during the period for which an excuse is requested, the request shall be served on all other counsel in those matters. If the request is for a period of more than two weeks <u>fourteen (14) days</u>, the request shall be served upon counsel in each case pending before this Court in which counsel making the request has entered an appearance. If the time requested is less than two weeks-fourteen (14) days, said request shall be filed with the Court only.</p>	The General Rules subcommittee endorses the proposed change, with the additional modification in the final sentence proposed by David Wollin, and recommends adoption by the Court	PROPOSED CHANGE ACCEPTED	
LR Gen 210 (c)(3) LR Gen 210 (d)(1)(C)	<p>LR Gen 210 Disciplinary Proceedings</p> <p>(c) Commencement of Formal Proceedings.</p> <p>3. The attorney shall file a written response to the show cause order and the allegations of misconduct contained therein within ten (10) <u>fourteen (14) days</u> after service. If any issue of fact is raised in the response or if the attorney wishes to be heard in mitigation, the Court shall set the matter for hearing in accordance with subsection (d) of this Rule.</p> <p>*****</p> <p>(d) Hearing</p> <p>(1) Forum</p> <p>(C) Within ten (10) <u>fourteen (14) days</u> after being served, the attorney and/or any special prosecutor appointed by the Court may serve and file written objections to the report. Failure to file an objection within the ten-day <u>fourteen-day</u> period shall be deemed a waiver of any objection. Those portions of the magistrate judge's findings and recommendations to which objection is made shall be reviewed by the Court <i>de novo</i> based on the record compiled before the magistrate judge. The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge or it may receive further evidence or recommit the matter to the magistrate judge with instructions.</p>	The General Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

Rule	Change	Subcommittee Recommendation	Full Committee Action	Court Action
LR Gen 214(a)(2) LR Gen 214(b)	<p>LR Gen 214 Action Taken By Other Courts or Disciplinary Agencies</p> <p>(a) Show Cause Order. When a certified copy of a judgment or order is filed with this Court showing that an attorney who is a member of the Bar of this Court or who is admitted to practice before this Court <i>pro hac vice</i> has been disciplined or found incapacitated to practice by any other court of the United States, the District of Columbia, any state, territory, commonwealth or possession of the United States or by any agency having disciplinary authority over attorneys, whether by reason of misconduct, mental infirmity or addiction to drugs or intoxicants, this Court shall, forthwith:</p> <p>*****</p> <p>(2) issue an order directing the attorney to show cause, within ten (10) <u>fourteen (14)</u> days after service of the order, why this Court should not impose the identical discipline and/or make a similar finding of incapacity.</p> <p>*****</p> <p>(b) Disciplinary Action. If the attorney fails to show cause within the aforesaid 10-day <u>14-day</u> period, this Court shall impose the identical discipline or make the identical finding of incapacity.</p>	<p>The General Rules subcommittee endorses the proposed change and recommends adoption by the Court.</p>	<p>PROPOSED CHANGE ACCEPTED</p>	
LR Cv 7(b)(1) LR Cv 7(b)(2)	<p>LR Cv 7 Motions, Objections, and Replies</p> <p>(b) Objections and Replies.</p> <p>(1) Any party opposing a motion shall file and serve an objection not later than fourteen (14) calendar days after service of the motion. Every objection shall be accompanied by a separate memorandum of law setting forth the reasons for the objection and applicable points and authorities supporting the objection.</p> <p>(2) The movant may file and serve a reply memorandum not later than five (5) <u>seven (7)</u> business days after the service of the objection. A reply memorandum shall consist only of a response to an objection and shall not present additional grounds for granting the motion, or reargue or expand upon the arguments made in support of the motion.</p>	<p>The Civil Rules subcommittee endorses the proposed change and recommends adoption by the Court.</p>	<p>PROPOSED CHANGE ACCEPTED</p>	

Rule	Change	Subcommittee Recommendation	Full Committee Action	Court Action
LR Cv 16(b)	<p>LR Cv 16 Initial Scheduling Conference</p> <p>(b) Statement of Claims. At least five (5) <u>seven (7)</u> days before the conference, counsel for each party asserting a claim (including a counterclaim, cross claim and/or affirmative defense) shall file with the Court a brief (2-3 page) written statement listing the elements, with a short description of the facts in support thereof, that must be proven in order to prevail on that claim, counterclaim or defense.</p>	The Civil Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Cv 26(a)	<p>LR Cv 26 Discovery</p> <p>(a) Discovery Conference. Unless the Court otherwise orders, within ten (10) <u>fourteen (14)</u> days after the last answer or responsive pleading has been filed by all parties against whom claims have been asserted, the parties shall confer for the purposes specified by Fed. R. Civ. P. 26(f); provided, however, that if in lieu of an answer, a motion is filed that, if granted, would dispose of the entire case, the time for the parties' conference may be deferred until not later than ten (10) <u>fourteen (14)</u> days after such answer or pleading is thereafter filed.</p>	The Civil Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Cv 37(b)	<p>LR Cv 37 Motions to Compel Discovery</p> <p>(b) Time for Compliance. When a motion to compel discovery is granted, the required response shall be provided within twenty (20) <u>twenty-one (21)</u> days or such other time as the Court may order.</p>	The Civil Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Cv 39(b)(1)	<p>LR Cv 39 Opening Statements; Use of Recorded Testimony; Time Limits</p> <p>(b) Recorded Conversations or Testimony.</p> <p>(1) At least two (2) weeks <u>fourteen (14) days</u> prior to empanelment, counsel for any party that proposes to offer a recorded conversation or any portion thereof as evidence shall furnish the Court and counsel with:</p> <p>(A) a chronologically arranged list showing the date of, participants in, and approximate playing time of each such recording; and</p> <p>(B) a transcript of each such conversation.</p>	The Civil Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

Rule	Change	Subcommittee Recommendation	Full Committee Action	Court Action
LR Cv 39.4(a) LR Cv 39.4(b)	<p>LR Cv 39.4 Settlement</p> <p>(a) General. When a case has been settled, counsel shall immediately notify the Court and, unless otherwise permitted by the Court, shall file a dismissal stipulation or consent judgment within ten (10) <u>fourteen (14)</u> days thereafter. In cases where a dismissal stipulation has not been filed or a consent judgment has not been filed and entered by the Court prior to the time of empanelment and/or trial, counsel shall appear for empanelment and/or trial, unless excused by the Court.</p> <p>(b) Jury Costs. In cases that are settled later than one week <u>seven (7) days</u> before the date scheduled for empanelment of a jury, jury costs may be assessed equally against the parties and/or their counsel unless a party demonstrates to the Court's satisfaction that:</p> <ol style="list-style-type: none"> (1) The costs should be borne entirely or primarily by one or more parties on the ground that the tardiness of the settlement was due to that party's failure to make a good-faith effort to settle the case earlier; or (2) No costs should be assessed because all parties made a reasonable good faith effort to settle the case earlier. 	The Civil Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Cv 44	<p>LR Cv 44 Proof of Official or Certified Records</p> <p>A party that intends to offer into evidence an official record pursuant to Fed. R. Civ. P. 44, a public document pursuant to Fed. R. Evid. 902(1)–(3), or a certified record pursuant to Fed. R. Evid. 902(4) or (11)–(12) may serve such record on the opposing party at least twenty (20) <u>twenty-one (21)</u> days prior to trial, together with a request that the opposing party admit the authenticity of such document. The authenticity of such document shall be deemed admitted by the party served unless, within ten (10) <u>fourteen (14)</u> days thereafter, that party serves and files an objection.</p>	The Civil Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Cv 47(b)	<p>LR Cv 47 Empanelment of and Communication with Jurors</p> <p>(b) Voir Dire Questions. If and when directed by the Court, counsel shall submit a list of any questions that counsel requests the Court to ask prospective jurors during voir dire examination. Proposed questions for the jury voir dire shall be served and submitted to the Court at least three (3) <u>five (5)</u> days prior to empanelment.</p>	The Civil Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

Rule	Change	Subcommittee Recommendation	Full Committee Action	Court Action
LR Cv 54(a) LR Cv 54(d) LR Cv 54(e)	<p>LR Cv 54 Costs</p> <p>(a) Timing of Request. Within ten (10) <u>fourteen (14)</u> days after entry of judgment, a party seeking an award of costs shall file and serve on all other parties a motion for an award of costs, together with a proposed bill of costs. Failure to file a proposed bill of costs within that time shall constitute a waiver of any claim for costs unless the Court otherwise orders, for good cause shown.</p> <p>(d) Objections to Costs. The taxation of costs by the Clerk shall be final unless modified by the Court. Any objection to the costs taxed by the Clerk shall be served and filed within five (5) <u>seven (7)</u> days after notification and shall be supported by a memorandum of law stating the reason for the objection and the authorities upon which the objector relies.</p> <p>(e) Resolution of Objections. Within ten (10) <u>fourteen (14)</u> days after an objection is filed, all interested parties shall meet and confer in an effort to resolve the objections. The meeting shall be initiated by the objecting party, who shall notify the Court promptly as to whether the objections have been resolved. If all objections have not been resolved, the Court will make a final determination with respect to the taxation of costs.</p>	The Civil Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Cv 58(b)	<p>LR Cv 58 Preparation and Entry of Judgments</p> <p>(b) Preparation by Counsel. If the Court so directs, any judgment orally announced in open court shall be prepared in writing by counsel for the successful party and served and filed with the Clerk within five (5) <u>seven (7)</u> days. A judgment prepared by counsel shall contain a certification that counsel presenting the judgment:</p> <p>(1) has served a copy of the proposed judgment on the opposing party or that party's counsel;</p> <p>(2) has determined that the opposing party/counsel has no objection to the form of the judgment; or, alternatively, that counsel presenting the judgment has been unable to obtain a response from the opposing party/counsel despite having made a good faith effort to do so.</p>	The Civil Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

Rule	Change	Subcommittee Recommendation	Full Committee Action	Court Action
LR Cv 69(a)	<p>LR Cv 69 Writs of Execution</p> <p>(a) Execution. Except where stayed by statute, rule or order of the Court, a party in whose favor judgment has been entered may execute on the judgment ten (10) <u>fourteen (14)</u> days after judgment has been entered.</p>	The Civil Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Cv 72(c)(1) LR Cv 72(c)(3) LR Cv 72(d)(1) LR Cv 72(d)(3)	<p>LR Cv 72 Authority of Magistrate Judges in Civil Cases</p> <p>(c) Appeals from Rulings on Nondispositive Matters.</p> <p>(1) Time for Appeal; Failure to File. Any appeal from an order or other ruling by a magistrate judge in a nondispositive matter shall be filed and served within ten (10) <u>fourteen (14)</u> days after such order or ruling is served on the appellant. Failure to file specific objections in a timely manner constitutes waiver of the right to review by the district judge and the right to appeal the Court’s decision.</p> <p>*****</p> <p>(3) Responses and Replies. A response to an appeal shall be served and filed within ten (10) <u>fourteen (14)</u> days after the notice of appeal is served. The appellant may serve and file a reply to the response within ten (10) <u>fourteen (14)</u> days thereafter. Unless otherwise permitted or required by the Court, nothing further shall be filed in support of or in opposition to an appeal of a magistrate judge’s order or ruling. Any response and/or reply shall comply with LR Cv 7.</p> <p>(d) Objections to Reports and Recommendations.</p> <p>(1) Time for Objections; Failure to File. Any objection to a Report and Recommendation by a magistrate judge shall be filed and served within ten (10) <u>fourteen (14)</u> days after such Report and Recommendation is served on the objecting party. Failure to file specific objections in a timely manner constitutes waiver of the right to review by the district judge and the right to appeal the Court’s decision.</p>	The Civil Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

Rule	Change	Subcommittee Recommendation	Full Committee Action	Court Action
	<p>(3) Responses and Replies. A response to an objection shall be served and filed within ten (10) <u>fourteen (14)</u> days after the objection is served. The objecting party may serve and file a reply to the response within ten (10) <u>fourteen (14)</u> days thereafter. Unless otherwise permitted or required by the Court, nothing further shall be filed in support of or in opposition to an objection to a magistrate judge’s Report and Recommendation. Any response and/or reply shall comply with LR Cv 7.</p>			
LR Cv 81(b)	<p>LR Cv 81 Removal from State Court</p> <p>(b) Filing of State Court Record. Within ten (10) <u>fourteen (14)</u> days after filing a notice of removal, the party filing the notice shall file certified or attested copies of the docket sheets and all documents filed in the case being removed arranged in the following order:</p> <ol style="list-style-type: none"> (1) the docket sheet(s); and (2) the documents filed in the court from which the case is being removed, arranged in the same order as they appear on the docket sheet. Each document shall be numerically tabbed. 	The Civil Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Cr 10.1	<p>LR Cr 10.1 Post-Arrest Meeting</p> <p>Within five (5) <u>seven (7)</u> days after arraignment, counsel shall confer in an effort to reach an agreement regarding discovery and any other matters that may be the subject of any motion that counsel intends to file.</p>	The Criminal Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Cr 11	<p>LR Cr 11 Pleas And Plea Agreements</p> <p>Time and Form. In cases where a plea agreement is reached, the government shall notify the Court of the existence of the plea agreement as soon as possible and file a written plea agreement with the Court at least one (1) week <u>seven (7) days</u> prior to jury empanelment. The Court will consider the timeliness of the filing of a plea agreement when determining whether, in calculating the guideline sentence range, the defendant should receive a reduction for acceptance of responsibility. The Court will not accept any plea agreement that is not in writing.</p>	The Criminal Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

Rule	Change	Subcommittee Recommendation	Full Committee Action	Court Action
LR Cr 16	<p>LR Cr 16 Pretrial Disclosures</p> <p>Within five (5) <u>seven (7)</u> days after arraignment, the attorney for the government and the attorney for the defendant shall exchange written requests for disclosure of material and information pursuant to Fed. R. Crim. P. 16(a) and (b), unless within the five-day <u>seven-day</u> period, the party entitled to disclosure notifies the other in writing that it is waiving all or part of its discovery rights provided under Fed. R. Crim. P. 16(a) or (b).</p>	The Criminal Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Cr 23(b)(1)	<p>LR Cr 23 Opening Statements; Use Of Recorded Testimony; Time Limits</p> <p>(b) Recorded Conversations or Testimony.</p> <p>(1) At least two (2) weeks <u>fourteen (14) days</u> prior to empanelment, counsel for any party that proposes to offer a recorded conversation or any portion thereof as evidence shall furnish the Court and counsel with:</p> <p>(A) a chronologically arranged list showing the date of, participants in, and approximate playing time of each such recording; and</p> <p>(B) a transcript of each such conversation.</p>	The Criminal Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Cr 24(b) LR Cr 24(c)	<p>LR Cr 24 Empanelment of and Communication with Jurors</p> <p>(b) Objection to Empanelment by Magistrate Judge. A defendant who objects to jury empanelment by a magistrate judge must communicate such objection to the Court at least five (5) <u>seven (7)</u> days prior to empanelment. A defendant who signs a consent to jury empanelment by a magistrate judge waives any right to object to such empanelment.</p> <p>(c) Voir Dire Questions. If and when directed by the Court, counsel shall submit a list of any questions that counsel requests the Court to ask prospective jurors during voir dire examination. Proposed questions for the jury voir dire shall be served and submitted to the Court at least three (3) <u>five (5)</u> days prior to empanelment.</p>	The Criminal Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

Rule	Change	Subcommittee Recommendation	Full Committee Action	Court Action
LR Cr 47(b)(1)	<p>LR Cr 47 Motions, Objections and Supporting Documents</p> <p>(b) Objections and Replies.</p> <p>(1) Any party opposing a motion shall file and serve an objection not later than ten (10) <u>fourteen (14)</u> days after service of the motion. Every objection shall be accompanied by a memorandum setting forth the reasons for the objection and any applicable points and authorities supporting the objection.</p>	The Criminal Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Cr 57.1(b)	<p>LR Cr 57.1 Applications for Post-Conviction Relief</p> <p>(b) Non-conforming Filing. If the petition is not filed on the form referred to in subsection (a) of this rule, or on a substantially similar form, or if it is not properly completed, the Clerk shall promptly notify the petitioner in writing of the deficiency. If the petitioner fails to file a corrected petition within twenty (20) <u>twenty-one (21)</u> days after such notification, the Clerk shall present the petition to a judicial officer to determine whether the petition should be dismissed.</p>	The Criminal Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Cr 57.2(c)(1) LR Cr 57.2(c)(3) LR Cr 57.2(d)(1) LR Cr 57.2(d)(3)	<p>LR Cr 57.2 Authority of Magistrate Judges in Criminal Cases</p> <p>(c) Appeals from Rulings On Nondispositive Matters.</p> <p>(1) Time for Appeal. Any appeal from an order or other ruling by a magistrate judge in a nondispositive matter shall be filed and served within ten (10) <u>fourteen (14)</u> days after such order or ruling is served on the appellant.</p> <p>(3) Responses and Replies. A response to an appeal shall be served and filed within ten (10) <u>fourteen (14)</u> days after the notice of appeal is served. The appellant may serve and file a reply to the response within ten (10) <u>fourteen (14)</u> days thereafter. Unless otherwise permitted or required by the Court, nothing further shall be filed in support of or in opposition to an appeal of a magistrate judge's order or ruling. Any response and/or reply shall comply with LR Cr 47.</p>	The Criminal Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

Rule	Change	Subcommittee Recommendation	Full Committee Action	Court Action
	<p>*****</p> <p>(d) Objections to Reports and Recommendations.</p> <p>(1) Time for Objections. Any objection to a Report and Recommendation by a magistrate judge shall be filed and served within ten (10) <u>fourteen (14)</u> days after such Report and Recommendation is served on the objecting party.</p> <p>(3) Responses and Replies. A response to an objection shall be served and filed within ten (10) <u>fourteen (14)</u> days after the objections is served. The objecting party may serve and file a reply to the response within ten (10) <u>fourteen (14)</u> days thereafter. Unless otherwise permitted or required by the Court, nothing further shall be filed in support of or in opposition to an objection to a magistrate judge's Report and Recommendation. Any response and/or reply shall comply with LR Cr 47.</p>			