

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

**LOCAL RULES REVIEW COMMITTEE
May 18, 2016**

The Local Rules Review Committee (“LRRC”) met on May 18, 2016, at 4:00 PM in the Jury Assembly Room of the United States Courthouse. Matthew Oliverio and Michael Daly co-chaired the meeting. The following LRRC members were present: Russell Bengtson, CharCretia DiBartolo, Robert Fine, Dana Horton, Stacey Nakasian, Steven Richard, Ray Ripple, Tamera Rocha, Kathryn Sabatini, and Justin Shay. The following Court personnel were present: David DiMarzio and Michael Simoncelli (LRRC Reporter).

Co-chair Matthew Oliverio called the meeting to order at 4:05 PM, and explained that the purpose of the meeting was to hear the reports of the various subcommittees of the LRRC. He asked Justin Shay, co-chair of the General Rules Subcommittee, to provide his subcommittee’s report first. Mr. Shay said that the General Rules Subcommittee recommended approval of the proposed amendments to LR Gen 103 (Courtroom Practice), LR Gen 303 (Special Filing Requirements), and LR Gen 309 (Service of Documents by Electronic Means). Mr. Shay asked if the Clerk’s Office was aware of any effect that the “sensitive exhibit” provision of LR Gen 103 could have on bankruptcy appeals to the district court. Michael Simoncelli said that he would look into the question, and report back to the LRRC.

The General Rules Subcommittee also recommended approval of an edited version of the proposed amendment to LR Gen 102 (Sealed Documents). The edited version of LR Gen 102 approved by the subcommittee made minor wording changes to (b)(1) and (b)(3). In addition, LRRC members Michael Daly and Stacey Nakasian each raised questions about the Clerk’s Office procedures for handling electronically filed sealed documents when the Court denies the underlying motion to seal. Michael Simoncelli explained that LR Gen 102 only provides the basics for filing sealed documents, and that specific filing procedures would be covered in the instructional materials that the Clerk’s Office would make available to attorneys. David DiMarzio added that the Clerk’s Office would report back to the LRRC on the specific questions raised on sealed document filing procedures.

The General Rules Subcommittee also recommended approval of the proposed amendment to LR Gen 202 (Eligibility and Procedure for Admission) recognizing federal law clerk experience as “federal court practice” for the purpose of bar admission without taking the Court’s bar lecture series. After discussion, the full LRRC recommended edits to clarify the amendment.

Mr. Oliverio added that the proposal to change the local rules reporting cycle from one year to two years was reviewed and rejected by the General Rules Subcommittee.

The LRRC approved the proposed amendments to LR Gen 102, LR Gen 103, LR Gen 303, LR Gen 309 as recommended by the General Rules Subcommittee, and the version of LR Gen 202 modified by the full Committee.

Mr. Oliverio next asked Russell Bengtson to give the report of the Civil Rules Subcommittee. Mr. Bengtson explained that the Civil Rules Subcommittee approved two proposed changes to the Local Rules. First, they approved an edited version of the Court-proposed amendment to LR Cv 54 regarding taxation of costs by the Clerk. The Subcommittee's edited version of the proposed amendment simply points the practitioner to the applicable provision of the Federal Rules of Civil Procedure, Fed. R. Civ. P. 54(d)(1).

Mr. Bengtson added that the Civil Rules Subcommittee also approved a proposed amendment to LR Cv 55 regarding motions for entry of default and default judgment. Michael Daly explained that this proposal was originally made in 2011 and approved by the LRRC, but was rejected by the Court. The proposal would remove the requirement that motion for entry of default be served by certified and regular mail. During the LRRC's discussion of the proposal, edits were made by Robert Fine and Kathryn Sabatini to clarify language in the proposal.

The LRRC approved the proposed amendment to LR Cv 54 as recommended by the Civil Rules Subcommittee, and the version of LR Cv 55 modified by the full Committee.

Co-Chair Michael Daly explained that the Criminal Rules Subcommittee Chair George West was unable to attend the meeting, and that he would provide the subcommittee's report in his place. The Criminal Rules Subcommittee had one proposal to consider, a minor amendment to LR Cr 44, and they recommended approval of the amendment. The LRRC approved the proposed amendment to LR Cr 44 as recommended by the Criminal Rules Subcommittee.

Next, Mr. Oliverio turned to Steven Richard to give an update on the ESI subcommittee. Mr. Richard explained that the ESI subcommittee was in the process of preparing a survey of ESI rules, protocols, and guidance in other federal district courts to present to the Judges through the Federal Bench-Bar Committee, which could potentially result in a proposed change or changes to the Local Rules. He reported, for example, that many districts require parties to file a 26(f) report before the Rule 16 conference, and that our local rules do not have such a requirement.

Mr. Oliverio closed the meeting by thanking the LRRC for its work on the proposed amendment to the Local Rules, and explained that a final report reflecting the LRRC's actions would be circulated by email for approval in advance of the June 30th report deadline.

The meeting adjourned at 4:55 PM