

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ADMINISTRATIVE ORDER
RE: LOCAL RULES REVIEW COMMITTEE

No. 2006-04

Pursuant to L.R. Gen. 113, the following individuals are appointed to the Local Rules Review Committee for terms expiring on the dates indicated next to their respective names.

<u>Name</u>	<u>Term Expires</u>
Stephanie Browne, AUSA	June 30, 2007
John P. Boyajian, Esq.	June 30, 2007
Rebecca Tedford Partington, Esq.	June 30, 2007
Jeffrey C. Schreck, Esq.	June 30, 2007
Craig M. Scott, Esq.	June 30, 2007
Max Wistow, Esq.	June 30, 2007
Robin Feder, AUSA	June 30, 2008
James McCormick, Esq.	June 30, 2008
Anthony Muri, Esq.	June 30, 2008
James T. Murphy, Esq.	June 30, 2008
R. Daniel Prentiss, Esq.	June 30, 2008
Gerard B. Sullivan, AUSA	June 30, 2008
Marc DeSisto, Esq.	June 30, 2009
Christopher Little, Esq.	June 30, 2009
Brooks R. Magratten, Esq.	June 30, 2009
James E. O'Neil, Esq.	June 30, 2009
Edward Roy, Federal Defender	June 30, 2009
Patricia Sullivan, Esq.	June 30, 2009
David Wollin, Esq.	June 30, 2009
Paul Goodale, ex officio reporter	n/a

By Order,


Deputy Clerk

ENTER:


Ernest C. Torres
Chief Judge

Date: Sept. 21, 2006

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ADMINISTRATIVE ORDER
RE: LOCAL RULES REVIEW COMMITTEE

No. 2007-01

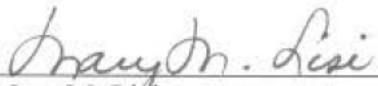
On September 21, 2006, Administrative Order 2006-04 was entered appointing a Local Rules Review Committee pursuant to L.R. Gen. 113. Committee member Robin Feder can no longer serve, as she has been appointed an Administrative Law Judge in Boston, Massachusetts.

I hereby appoint Sara Rapport, Esq. to replace Ms. Feder as a member of the Local Rules Review Committee. Ms. Rapport's term will expire June 30, 2008. All other appointments stand as reflected in Administrative Order 2006-04.

By Order:


Chief Deputy Clerk

Enter:


Mary M. Lisi
Chief Judge
February 5, 2007

UNITED STATES DISTRICT COURT
LOCAL RULES REVIEW COMMITTEE

Minutes of September 14, 2006 Meeting

On September 14, 2006, the Local Rules Review Committee ("Committee") met for the first time. In attendance were the Committee Co-chairs, Pat Sullivan and James O'Neil, and the following members:

Stephanie Browne
Mark DeSisto
Chris Little
Tony Muri
Rebecca Partington
Dan Prentiss
Ed Roy
Craig Scott
Gerard Sullivan
David Wollin

Paul Goodale, the Committee's Reporter, and David DiMarzio, ex officio, also attended.

1. Member Terms. The Committee discussed the term of service provided for by L.R. Gen. 113(b)(3). David DiMarzio will ask Judge Torres whether the Committee should arbitrarily assign staggered three (3) year terms so that the terms of one-third (1/3) of the members expire each year.
2. Obligation to Report to the Court Annually. After discussion it was concluded that the Committee should treat the dates of the letters of appointment [July 14, 2006] as the anniversary of appointment. Therefore, the Committee should attempt to provide its annual report to the Court on or before June 1, 2007. The Committee also agreed to consult with Judge Torres on the "year."
3. Work Plan and Subcommittees. It was agreed that the Committee will set up quarterly meetings, which will be cancelled in the event there is no business to bring before the Committee. In between the quarterly Committee meetings, the working subcommittees will meet and consider and discuss any suggestions regarding changes to the Rules. Each working subcommittee will report to the full Committee at the next regularly scheduled meeting.
4. The Committee's Report to the Court. It was discussed and proposed that the Committee will consider any suggestions pertaining to the rules as they arise from any source, including without limitation, the bar, the bench, the clerk of the court or the public. Each working subcommittee will examine the ideas and suggestions and prepare recommendations only as to suggested changes that the subcommittee deems worthy. The subcommittee will report its recommendations to the full Committee. If the full Committee agrees that a particular recommendation is appropriate to be made to the Court, it will be included either in the Committee's annual report or in an interim report as may be appropriate.

In making its report to the Court, the Committee will include the actual suggestions in an appendix, including those rejected by the Committee, subject to further input from the Court.

5. Court Liaison. It was agreed that the Committee should have a liaison to the Judges who will be assigned responsibility of meeting individually with each Judge to receive suggestions regarding the rules. After discussion it was concluded that the Co-chairs should assume this responsibility.
6. Working Subcommittees. After discussion, the Committee determined that it will create four (4) working subcommittees:
 - a. *The Criminal Rules Subcommittee.* The Criminal Subcommittee will be chaired by Gerard Sullivan and will have responsibility for examining suggestions for changes to the criminal rules.
 - b. *The General Rules Subcommittee.* David Wollin will be the chairman of the committee to study the general local rules.
 - c. *The Civil Rules Subcommittee.* Dan Prentiss will be the chair of the Civil Subcommittee.
 - d. *ECF Subcommittee.* A special subcommittee was established to consider modifications to the local rules pertaining to the Court's ECF procedures, chaired by Christopher Little. Other members are: Jim O'Neil, Ed Roy and Paul Goodale.
7. Overarching Issues. There was a brief discussion of how the Committee will deal with rule changes which have overarching impact on more than one group of rules. It was determined that each subcommittee should bring to the attention of the other subcommittees instances where they are considering a rule change which suggests an analogous rule change in a different set of rules.
8. Committee Assignments. It was agreed that the Committee Co-chairs will assign Committee members to each working subcommittee. The assignments are attached to these minutes. Any subcommittee member who believes that he or she would have more to contribute to a different subcommittee is free to change subcommittees, with notice to the Co-chairs and to the respective subcommittee chairs.
9. Next Meeting of the Committee. It was determined that the Committee will invite Judge Lisi to its next meeting, to be scheduled in December 2006. Rather than set a date at this time, Paul Goodale will speak with Judge Lisi about convenient dates, after which a meeting date will be scheduled accordingly.

Meeting adjourned.

Respectfully submitted by:

Paul Goodale,
Reporter for Local Rules Review Committee

UNITED STATES DISTRICT COURT
LOCAL RULES REVIEW COMMITTEE

Minutes of January 4, 2007 Meeting

A further meeting of the Local Rules Review Committee ("Committee") was held on January 4, 2007 at the Courthouse. Co-chairs Patricia Sullivan and James O'Neill presided. The following Committee members were present:

Patricia Sullivan and James O'Neil, Co-chairs

Stephanie Browne	Gerard Sullivan
David Wollin	Marc DeSisto
Craig Scott	John Boyajian
Jeffrey Schreck	Brooks Magratten
Tony Muri	Edward Roy
Paul Goodale, Reporter	

Also present were Chief Judge Mary Lisi, Clerk of Court David DiMarzio and Chief Deputy Clerk Paulette Dube. The Committee addressed the following matters:

1. Member Terms. Pat Sullivan reminded members of their respective staggered terms and urged each member to make note of the expiration of his or her term of service. Pat noted that Committee member Robin Feder's appointment as an immigration judge serving in Boston raises an issue as to her ability to continue to serve on the Committee. Chief Judge Lisi will contact Robin on this and will advise the co-chairs of their discussion.
2. Staffing of Subcommittees. The co-chairs noted that the subcommittees created at the last meeting (for civil local rules, criminal local rules, general local rules and electronic case filing ("ECF") procedures, respectively) have been fully staffed, with some last-minute membership changes. Pat Sullivan will distribute a contact listing of all subcommittees.
3. Solicitation of Additional Comments. Because very few rules comments had been received to date, the Committee addressed ways to solicit additional comments from the bar and public during the remaining comment period (ending February 28, 2007). Chief Judge Lisi confirmed the Court's interest in receiving comments on the bar's experience with the updated Local Rules. The Committee discussed various means of encouraging comments, utilizing the Rhode Island Bar Association (RIBA) and Federal Bar Association. These included publication at the upcoming RIBA Federal Bench-Bar Committee meeting, a "blast e-mail" from the RIBA president and/or a reminder link on RIBA's website.

Separately, the Committee will send a reminder memorandum directly to attorneys who practice frequently in the U.S. District Court. The Court will assist in identifying those practitioners. Also, David DiMarzio will check into the possibility of an interview by the co-chairs and Chief Judge Lisi with Lawyer's Weekly as a way to encourage rules comments.

4. Initial Clearinghouse for Comments. All comments will be initially channeled through the Committee's Reporter, Paul Goodale, who will direct each comment to the appropriate subcommittee for review. It was noted that several comments have been, or would be, received from within the Court and will be forwarded with other comments for consideration.
5. Subcommittee Reports. Each subcommittee will issue a report on comments considered to the full Committee. The full Committee will in turn issue a combined report on all rules comments to the Judges of the Court. The combined report will include both suggestions adopted and those suggestions and comments on which no action was taken. Appropriate deadlines will be established to achieve the Committee's goal of presenting its report to the Court no later than June of 2007.
6. CLE Outreach. Ed Roy noted that CLE training for attorneys on the Court's CJA panel might include a segment on the Court's updated Local Rules.
7. Open Format for Comments. While the Committee would encourage attorneys to submit their comments to the e-mailbox created at the Court, it determined to accept rules comments in any format, verbal or written, formal or informal. Verbal comments should be transmitted to the Committee via e-mail or the Court website by the Committee member receiving such comments. In addition, the Court will place links on its website to permit comments to be provided anonymously.
8. Subcommittees To Meet Promptly. The Committee's four subcommittees were directed to meet as soon as possible, preferably by February 15, 2007, in order to (1) develop ways of outreach to the bar in connection with the rules in their field; and (2) plan the review and processing of comments, once received. All subcommittee meetings should be completed prior to the next meeting of the full Committee. As part of its review, each subcommittee should also review any cross-references to the local rules being reviewed, for accuracy and supplementation. To the extent possible, Paul Goodale or other Court representative will attend each of the subcommittee meetings. The Court will make its facilities available for subcommittee meetings, as needed.
9. Record-Keeping. Finally, the Committee addressed the matter of record-keeping. In accordance with the Court's goal of keeping the Committee's proceedings open, written records will be kept of every rules comment received, regardless of the action taken thereon. Paul Goodale, with assistance from Pat Sullivan's office as necessary, will prepare an overview chart of all comments received, broken down by rule, including any proposed new or modified provisions, together with the action taken thereon.
10. Next Committee Meeting. The next meeting of the full Committee was tentatively scheduled for Thursday, March 8, 2005 at 4:00 p.m. at the Courthouse. The co-chairs will send confirmation shortly before that date.

Meeting Adjourned.

Respectfully submitted by:

Paul Goodale,
Reporter for Local Rules Review Committee

UNITED STATES DISTRICT COURT
LOCAL RULES REVIEW COMMITTEE

Minutes of March 8, 2007 Meeting

A further meeting of the Local Rules Committee ("Committee") was held on March 8, 2007, at the Courthouse. Co-Chair Patricia Sullivan presided. The following Committee members were present:

Patricia Sullivan
Paul Grodale
Christopher Little
Anthony Muri
Jeff Schreck
Brooks Magratten
James Murphy
Tom Shaffer
David Wollin
Craig Scott
Edward Roy
Sara Rapport

Also present were Chief Judge Mary Lisi, Clerk of Court David DiMarzio.

The Committee addressed the following matters:

1. The minutes of the meeting of January 4, 2007 were accepted.
2. Paul Grodale circulated a summary of comments received by the Committee (copy attached). There was discussion of the need to pass world change proposals, explanations for same, and reasons for non-recommendation to Paul Grodale for entry into a data system that will be used to prepare the Annual Report of the Committee.

Comments received late

The Committee discussed how to treat comments received after the comment deadline of February 28, 2007. After discussion it was determined that such comments will be accepted and considered. To the extent that they can be substantively considered without interfering with the rest of the work of the Committee, they will be considered. To the extent that they cannot, they will be referred to the following year.

Reports from the Subcommittees of the Committee

Criminal Rules

Ed Roy presented for Jerry Sullivan on the meeting held by the criminal subcommittee, which had met and is already actively working on comments.

General Rules

David Wollin presented on the meeting held by the general subcommittee, which had met and is already actively working on comments.

Civil Rules

Jeff Schreck presented on the meeting held by the civil subcommittee, which had met and is already actively working on comments.

ECF Rules

Chris Little presented on the meeting held by the ECF subcommittee, which had met and is already actively working on comments.

Timeline for Completion of Analysis of Comments

The Committee reviewed and discussed a draft timeline for work. Several amendments to the draft were discussed and the Committee approved the work plan in the form attached to these minutes.

Pursuant to the work plan, the Full Committee will meet as follows:

April 12, 2007

May 10, 2007

June 13, 2007

UNITED STATES DISTRICT COURT
LOCAL RULES REVIEW COMMITTEE

Minutes of April 12, 2007 Meeting

A further meeting of the Local Rules Committee ("Committee") was held on April 12, 2007, at 12:00 p.m. at the Courthouse. Co-Chair Patricia Sullivan presided. The following Committee members were present:

Patricia Sullivan

Mark DeSisto
Paul Goodale
Christopher Little
Brooks Magratten
Anthony Muri
Rebecca Partington
Edward Roy
Craig Scott
Jeff Schreck
Tom Shaffer
David Wollin

Also present was Paulette Dube representing Clerk of Court David DiMarzio.

The Committee addressed the following matters:

1. The minutes of the meeting of March 8, 2007, were accepted.
2. Patricia Sullivan noted that, pursuant to the work plan for the Committee, the purpose of the meeting is to "review the status of review and classification of Comments."

Reports from the Subcommittees of the Committee

ECF Rules Subcommittee

Chris Little reported on the draft report which has been completed by the ECF Subcommittee. He mentioned the instances where the ECF Subcommittee has recommended change to Rules that may also be commented upon by other Subcommittees. Chris informed the Committee that the draft report will not be materially changed so that each of the other Subcommittees should review it to ensure that their recommended reports are consistent.

General Rules Subcommittee

David Wollin presented the report on the General Rules Subcommittee, which also has essentially completed its draft report. David indicated that his Subcommittee is aware of the proposals by the ECF Subcommittee and is focusing on coordination with those recommendations, particularly with respect to the recommendation that electronically filed documents must be electronically signed by local counsel, so that they cannot be electronically filed from a remote location.

Criminal Rules Subcommittee

Ed Roy presented the report of the Criminal Rules Subcommittee, which has substantially completed its analysis of the comments and is in the process of preparing its draft report. The Criminal Rules Subcommittee is also coordinating with the ECF Rule Subcommittee, particularly with regard to methods for filing confidential material in pre-sentencing reports.

Civil Rules Subcommittee

Pat Sullivan, Jeff Schreck and Rebecca Partington reported on the work of the Civil Rules Subcommittee. The Subcommittee still has additional analysis to do regarding the comments received, which were voluminous. A draft is in the process of being prepared. The Civil Rules Subcommittee also needs to review the ECF proposal to ensure that its recommendations will be in harmony with the recommendations of the ECF Subcommittee. The Subcommittee will be recommending a new Local Rules provision for expedited treatment of certain motions.

Tasks to be Completed by the Next Full Meeting of the Committee

Pat Sullivan reminded all members of the Committee that the work plan calls for completion of initial drafts by each Subcommittee by April 30, 2007. At the next meeting of the full Committee, scheduled for **May 10, 2007, at 3:00 p.m.**, the Committee will review each of the recommendations in the initial drafts and discuss harmonization of the proposed Rule changes among the sections of the Rules, as well as begin the process of finalizing its report to the Court. Pat asked all members to plan on a working session at that meeting.

The meeting adjourned at 12:40 p.m.

UNITED STATES DISTRICT COURT
LOCAL RULES REVIEW COMMITTEE

Minutes of May 17, 2007 Meeting

A further meeting of the Local Rules Committee ("Committee") was held on May 17, 2007, at 3:00 p.m. at the Courthouse. Co-Chair Patricia Sullivan presided. The following Committee members were present:

Stephanie Browne
Marc DeSisto
Paul Goodale
Anthony Muri
James Murphy
Rebecca Partington
Dan Prentiss
Sara Rapport
Edward Roy
Jeff Schreck
Craig Scott
Gerard Sullivan
Patricia Sullivan

Also present were Chief Judge Lisi, Clerk of Court David DiMarzio, Paulette Dube and Tom Shaffer.

The Committee addressed the following matters:

1. The minutes of the meeting of April 12, 2007, were accepted as presented.
2. Chief Judge Lisi thanked the Committee for its hard work to date. She urged that the members have an open and frank discussion of the issues presented by the drafts prepared by each Subcommittee. She then left the meeting.
3. The Reports from the Subcommittees of the Committee were reviewed in the sequence of the Rules, beginning with the General Rules, and continuing with the Criminal Rules. Each recommendation was approved as presented, rejected or modified by vote of the members present. Attached to these minutes are the draft Reports edited to reflect the decisions of the Committee as follows:
 - a. ECF Rules Subcommittee

b. General Rules Subcommittee

c. Criminal Rules Subcommittee

At 5:30 pm the meeting adjourned. The Committee had not completed review of all of the recommendations of the ECF Subcommittee or the Criminal Subcommittee. The Committee had not begun work on the recommendations of the Civil Subcommittee.

The Committee agreed to continue the meeting on **Thursday, May 24, 2007 from noon to 2 pm.**

UNITED STATES DISTRICT COURT
LOCAL RULES REVIEW COMMITTEE

**Minutes of May 17, 2007 Meeting
Continued on May 24, 2007 and Concluded**

The meeting begun on May 17, 2007, was continued by the Local Rules Committee ("Committee") on May 24, 2007, commencing at noon at the courthouse. Co-chair Patricia Sullivan presided. The following Committee members were present:

Marc DeSisto
Paul Goodale
Anthony Muri
Christopher Little
Brooks Magratten
Dan Prentiss
Sara Rapport
Edward Roy
Jeffrey Schreck
Craig Scott
Gerard Sullivan
Patricia Sullivan

Also present were Clerk of Court David DiMarzio, Paulette Dube and Tom Shaffer.

The Committee continued discussion of the reports of the Subcommittees, completing review and discussion of the recommendations regarding the General Rules, Criminal Rules, and from the ECF Subcommittee. The Committee then discussed and acted upon the recommendations of the Civil Subcommittee. Attached to these minutes are the draft Reports edited to reflect the decisions of the Committee.

The meeting adjourned at 2:00 p.m.

The next meeting of the Committee for approval of its Report will be on ~~Wednesday, June 13, 2007 at noon at the courthouse.~~

UNITED STATES DISTRICT COURT
LOCAL RULES REVIEW COMMITTEE

Minutes of June 13, 2007 Meeting

The final meeting of the Local Rules Review Committee ("Committee") was held on June 13, 2007, at noon at the Courthouse. Co-Chair Patricia Sullivan presided. The following Committee members were present:

Paul Goodale
Brooks Magratten
James McCormick
Anthony Muri
James O'Neil
Jeff Schreck
Gerard Sullivan
Patricia Sullivan
David Wollin

Also present were Clerk of Court David DiMarzio, Paulette Dube and Tom Shaffer.

The Committee addressed the following matters:

1. The minutes of the meeting of May 17, 2007, continued on May 24, 2007, were approved as presented.
2. After discussion it was determined that it would be confusing to post the minutes of the meetings of May 17, May 24 and June 13, 2007, on the website in light of the Committee's adoption of the Final Report. All of these minutes will be included in the publicly available complete copy of the Final Report with attached materials, available for inspection by any member of the public who requests access. Instead, it was agreed that the Final Report itself should be posted as soon as it has been delivered to the Court by the Local Rules Committee.
3. The Committee discussed and voted upon final changes to the draft report presented for discussion at the meeting. A copy of the draft final report discussed is attached and made a part of these minutes.
4. On motion duly made and seconded, the Local Rules Committee approved the Report for presentation to the Court on or before June 29, 2007.
5. The Committee agreed that a transmittal letter to the Court will be prepared, describing the deliberations and decision-making process

employed by the Local Rules Review Committee. In addition, the fully assembled Report should include the transmittal letter, the Report, the comments and copies of all of the minutes reflecting the deliberations of the Committee. The transmittal letter and the Report itself will be posted to the Court's website after the Report has been presented to the Court and the Clerk will send an email to all members of federal bar informing them of the availability of the Report on the website and the availability of the fully assembled Report (including comments and minutes) in the Clerk's office.

The meeting ended at 1:00 pm.

**LOCAL RULES REVIEW COMMITTEE
OF THE DISTRICT OF RHODE ISLAND**

**FINAL REPORT CONCERNING
PROPOSED AMENDMENTS TO LOCAL RULES**

September 3, 2008

General/Attorney Local Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action*</u>
LR Gen 101(b)	<p>Technical change to acknowledge amendments.</p> <p>Proposal:</p> <p>“Effective Date. These Local Rules shall become effective on January 1, 2006, and shall apply to all cases then pending and thereafter filed, <u>subject to any amendments adopted thereafter.</u></p> <p style="text-align: right;"><i>District Court Staff</i></p>	After review of this provision, the General Rules subcommittee had no comments concerning this proposed change.	PROPOSED CHANGE ACCEPTED
LR Gen 101(g)	<p>The term “conventionally filed,” when referring to documents, appears three (3) times in the local rules, but it is not defined. It is defined in the CM/ECF Administrative Procedures, and until those procedures are incorporated into the local rules, it would be cleaner to define the term by adding a new subsection (g) to LR Gen 101 and to add a cross reference to the CM/ECF Administrative Procedures.</p> <p>Proposal:</p> <p>“(g) Conventionally filed.” <u>As used in these Rules, the term “conventionally filed” refers to documents presented to the Court in paper or other non-electronic format.</u></p> <p>CROSS-REFERENCES</p> <p><u>See LR Gen 113(e) . . .</u></p> <p><u>See also Administrative Procedures for Electronic Case Filing, ¶ 1(f).”</u></p> <p style="text-align: right;"><i>District Court Staff</i></p>	After review of this provision, the General Rules subcommittee had no comments concerning this proposed change.	PROPOSED CHANGE ACCEPTED
LR Gen 106(c) LR Gen 106(d)	<p>Since our Court is given access to the CM/ECF dockets of the referring court, our deputy clerks are able to run pending motion reports. Therefore, this provision no longer seems necessary.</p> <p>Proposal: Strike all of current subsection (c), and renumber (d) as follows:</p> <p>“(e) 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.</p> <p>(c d) Trials and Other Proceedings. . . .”</p> <p style="text-align: right;"><i>District Court Staff</i></p>	After review of this provision, the General Rules subcommittee had no comments concerning this proposed change.	PROPOSED CHANGE ACCEPTED

* Refers to Full Committee's action on the proposed change, not necessarily on Subcommittee's recommendation.

General/Attorney Local Rules (cont'd)

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>
LR Gen 109(f)(6)	<p>This subsection should be modified to reflect the electronic transmission by the Bankruptcy Court of the bankruptcy record on appeal.</p> <p>Proposal:</p> <p>Record on Appeal. In addition to any other applicable requirements, an appellant, including a party whose motion for leave to appeal has been granted <u>the Bankruptcy Court clerk</u> shall ensure that the record <u>electronically transmitted by the bankruptcy clerk</u> to the District Court clerk includes:</p> <ul style="list-style-type: none"> (A) <i>[no change]</i> (B) <i>[no change]</i> (C) the record on appeal, as to which the appellant shall be responsible for seeing that each document is tabbed and <u>provide the Bankruptcy Court clerk with documents</u> arranged in reverse chronological order so that the documents appear in the same order as shown on the docket sheet; (D) <i>[no change]</i> (E) a certified copy of the docket sheet. <p style="text-align: right;"><i>District Court Staff</i></p>	After review of this provision, the General Rules subcommittee had no comments concerning this proposed change.	PROPOSED CHANGE ACCEPTED
LR Gen 202(a)(1)	<p>Minor edit in phrasing.</p> <p>Proposal:</p> <p>(1) "Be a member of <u>in</u> good standing . . ."</p> <p style="text-align: right;"><i>District Court Staff</i></p>	After review of this provision, the General Rules subcommittee had no comments concerning this proposed change.	PROPOSED CHANGE ACCEPTED
LR Gen 203(a)(1) LR Gen 203(a)(2)	<p>The current language seems to require members of our bar to maintain memberships in <u>all</u> bars to which they were admitted at the time of their application for admission to our bar. However, the only bar that is absolutely required for admission to our bar is the R.I. state bar. This language prevents our bar members from dropping their membership in other bars and should be changed.</p> <p>Also, add the word 'suspended' in para. (a)(2).</p> <p>Proposals:</p> <p>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:</p> <ul style="list-style-type: none"> "(1) remain a member in good standing of the Court(s) that provided the certificate(s) referred to in LR Gen 202(b)(1) <u>Bar of the Supreme Court of the State of Rhode Island and all other bars in which the member maintains an active status</u>; and (2) not be <u>suspended</u>, disbarred or found unfit, for any reason, to continue practicing law . . ." 	After review of these provisions, the General Rules subcommittee had no comments concerning this proposed change.	PROPOSED CHANGE ACCEPTED

	<i>District Court Staff</i>		
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General/Attorney Local Rules (cont'd)

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>
LR Gen 203(d)(3)(A)	<p>The phrase, "subjected to any disciplinary action," in the 5th line seems vague and raises questions about pending disciplinary investigations that may not result in any disciplinary action. It is recommended that the phrase be changed to, "been disciplined."</p> <p>Proposal:</p> <p>(3) Method of Registration. A member shall register by:</p> <p>(A) Completing and filing the registration form provided by the Clerk, which form shall include: . . .</p> <p>(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 <u>been disciplined</u> by any other court or body having disciplinary authority over attorneys; and . . ."</p> <p style="text-align: right;"><i>District Court Staff</i></p>	After review of this provision, the General Rules subcommittee had no comments concerning this proposed change.	PROPOSED CHANGE ACCEPTED
LR Gen 204(d)	<p>The Clerk's Office has implemented a new procedure that separates the "motion" for pro hac vice admission from the "application" form. Therefore, the language of this subsection should be changed to reflect this new procedure.</p> <p>Proposal:</p> <p>"Application. An application for pro hac vice admission shall be made by completing a form of motion provided by the Clerk..."</p> <p style="text-align: right;"><i>District Court Staff</i></p>	After review of this provision, the General Rules subcommittee had no comments concerning this proposed change.	PROPOSED CHANGE ACCEPTED

Civil Local Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>
LR Cv 5	<p>Since the issue of incorporating the “Administrative Procedures for Electronic Case Filing” into the local rules won’t be formally presented to the L.R. Review Comm. until its next cycle, a “cross reference” should be added to this rule (and to LR Cr 57) alerting practitioners to the existence of those procedures.</p> <p>Proposal:</p> <p>“CROSS REFERENCES <u>See generally Administrative Procedures for Electronic Case Filing.”</u></p> <p><i>District Court Staff</i></p>	The Civil Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED
LR Cv 5(a)(3)	<p>LR Cv 7(d)(1) contains a provision concerning minimum font sizes for memoranda. This should be the minimum for all documents filed with the Court, and similar language should be added to this subsection (and to LR Cr 57(a)(3)).</p> <p>Proposal:</p> <p>“Format; Page Numbering. Unless otherwise provided or ordered by the Court, all documents shall be double-spaced <u>and typed in at least 12-point font. Footnotes shall be in at least 10-point font and may be single-spaced.</u> Where a document is more than ...”</p> <p><i>District Court Staff</i></p> <p><i>NOTE: This action renders the language in LR Cv 7(d)(1) repetitive and unnecessary. See conforming amendment to that provision below.</i></p>	The Civil Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED
LR Cv 5.1(b)(2)	<p>With respect to the appointment or reappointment of private process servers, our current procedure does not require an “application form,” but merely an affidavit, as the affidavit contains all of the information we require for appointment or reappointment (the latter is most often the case). Therefore, the requirement of an application form should be removed from this subsection.</p> <p>Proposal:</p> <p>“To be considered for appointment, an applicant shall file an application on a form provided by the Clerk, together with an affidavit setting forth...”</p> <p><i>District Court Staff</i></p>	The Civil Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED

Civil Local Rules (cont'd)

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>
LR Cv 7	A more complete, descriptive title to this rule (and to LR Cr 47) would be: "Motions, Objections & Supporting Documents." Proposal: "LR Cv 7 MOTIONS, <u>OBJECTIONS & SUPPORTING DOCUMENTS</u> " <i>District Court Staff</i>	The Civil Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED
LR Cv 7(d)(1)	If the proposed amendment to LR Cv 5(a)(3) is adopted (noted above), the first two sentences of LR Cv 7(d)(1) become superfluous. So, amend this provision as follows: Proposal: (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, <u>All memoranda of law, as well as all motions, objections and replies,</u> shall conform with the requirements of LR Cv 5(a) of these Rules. . . . <i>District Court Staff</i>	The Civil Rules subcommittee HAS NOT REVIEWED this proposed change, but it has endorsed the broader change to LR Cv 5(a)(3) from which this change flows.	PROPOSED CHANGE ACCEPTED
LR Cr 7.1	There should be a general cross-reference to the "Administrative Procedures for Electronic Case Filing." Proposal: " CROSS REFERENCES . . . <u>See generally Administrative Procedures for Electronic Case Filing.</u> " <i>District Court Staff</i>	The Civil Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED
LR Cv 33	As in the current LR Cv 34 and 36, there should be a separate subsection (c) that addresses "Objections." Proposal: " (c) Objections. <u>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.</u> " <i>District Court Staff</i>	The Civil Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED

Civil Local Rules (cont'd)

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>
LR Cv 56(a)(1)	<p>Pursuant to the Court's Order dated April 10, 2008, insert the word "separate" when referring to the moving party's Statement of Undisputed Facts.</p> <p>Proposal:</p> <p>"In addition to the memorandum of law required by LR Cv. 7, a motion for summary judgment shall be accompanied by a <u>separate</u> Statement of Undisputed Facts that concisely sets forth..."</p> <p><i>District Court Staff</i></p>	The Civil Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED
LR Cv 56(a)(2)	<p>Additional language should be added to the beginning of this subsection to emphasize the need to file the Statement of Undisputed Facts as a separate document.</p> <p>Proposal:</p> <p>"<u>The Statement of Undisputed Facts shall be filed as a separate document with the motion and memorandum.</u> Each "fact" in a Statement of Undisputed Facts shall be set forth. ..."</p> <p><i>District Court Staff</i></p>	The Civil Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED
LR Cv 56(a)(4)**	<p>The latest proposed amendment to this provision entails revising para. (a)(4) and adding a new (a)(5), as follows:</p> <p>"(4) <u>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</u> An objecting party shall also file a <u>separate</u> Statement of Undisputed Facts setting forth such additional undisputed facts. Such statement shall be prepared in accordance with the requirements of paragraph (a)(2), <u>except that the additional undisputed facts shall be numbered consecutively to the moving party's undisputed facts.</u></p> <p>(5) <u>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).</u>"</p> <p><i>District Court Staff</i></p>	The Civil Rules subcommittee endorses the proposed changes and recommends their adoption by the Court.	<p>PROPOSED CHANGE ACCEPTED AS MODIFIED:</p> <p>The word "separate" was added in para. (5), lines 1 and 2 (as shown in <i>italics</i>)</p>
LR Cv 56(a)(4)	<p>"There may be an error in the language of LR Cv 5[6](a)(4). Wouldn't the opposing party be filing a statement of "disputed" facts?"</p> <p><i>Attorney Marion McKettrick</i></p> <p><i>NOTE: This concern may be alleviated by the current proposed amendment to LR Cv 56(a)(4).</i></p>	The Civil Rules subcommittee had no specific response to this comment.	<p>COMMENT NOTED</p> <p>and deemed addressed by proposed amendments to this provision</p>

**** See attachment A for a further explanation of this amendment.**

Criminal Local Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>
LR Cr 44(a)(2)	<p>Under the Court's CJA Plan and current procedure, no written request to the Chief Judge is required when the Federal Defender is unable to represent a defendant due to a conflict of interest, and the language contained in this subsection to that effect should be removed.</p> <p>Proposal:</p> <p>"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."</p> <p><i>District Court Staff</i></p>	After review of this provision, the Criminal Rules subcommittee expressed no opposition to this proposed change.	PROPOSED CHANGE ACCEPTED
LR Cr 46(a)(2)	<p>Since the Court does not, as a matter of practice, accept bail bondsmen, this subsection should be removed, and subsection (3) should be renumbered "(2)."</p> <p>Proposal:</p> <p>"(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; . . .</p> <p>"(3 <u>2</u>) the guaranty of an individual resident . . ."</p> <p><i>District Court Staff</i></p>	After review of this provision, the Criminal Rules subcommittee expressed no opposition to this proposed change.	PROPOSED CHANGE ACCEPTED
LR Cr 47	<p>As with LR Cv 7, a more complete, descriptive title to this rule would be, "Motions, Objections & Supporting Documents."</p> <p>Proposal:</p> <p>"LR Cr 47 <u>MOTIONS, OBJECTIONS & SUPPORTING DOCUMENTS</u>"</p> <p><i>District Court Staff</i></p>	After review of this provision, the Criminal Rules subcommittee expressed no opposition to this proposed change.	PROPOSED CHANGE ACCEPTED
LR Cr 47(b)(2)	<p><u>LR Cr 47(b)(2)</u> Since, unlike civil practice, a reply memorandum in a criminal case may only be filed with prior leave of the Court, it would helpful to emphasize this rule in the language of this subsection.</p> <p>Proposal:</p> <p>"No memorandum Other than a memorandum in support of a motion and a memorandum in opposition, <u>no memorandum (including a reply memorandum)</u> may be filed without prior leave of the Court."</p> <p><i>District Court Staff</i></p>	After review of this provision, the Criminal Rules subcommittee expressed no opposition to this proposed change.	PROPOSED CHANGE ACCEPTED

Criminal Local Rules (cont'd)

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>
LR Cr 47(d)(1)	<p>If the proposed amendment to LR Cr 57(a)(3) is adopted (see below), the first two sentences of this subsection become superfluous. So, amend as follows: Proposal: (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. . . . <i>District Court Staff</i></p>	The Criminal Rules subcommittee HAS NOT REVIEWED this proposed change, but it has endorsed the broader change to LR Cr 57(a)(3) from which this change flows.	PROPOSED CHANGE ACCEPTED
LR Cr 47.1	<p>There should be a general cross-reference to the "Administrative Procedures for Electronic Case Filing." Proposal: <u>"CROSS REFERENCES</u> <u>See generally Administrative Procedures for Electronic Case Filing."</u> <i>District Court Staff</i></p>	After review of this provision, the Criminal Rules subcommittee expressed no opposition to this proposed change.	PROPOSED CHANGE ACCEPTED
LR Cr 57	<p>Since the issue of incorporating the "Administrative Procedures for Electronic Case Filing" into the local rules won't be formally presented to the L.R. Review Comm. until its next cycle, a "cross reference" should be added to this rule (and LR Cv 5) alerting practitioners to the existence of those procedures. Proposal: <u>"CROSS REFERENCES</u> <u>See generally Administrative Procedures for Electronic Case Filing."</u> <i>District Court Staff</i></p>	After review of this provision, the Criminal Rules subcommittee expressed no opposition to this proposed change.	PROPOSED CHANGE ACCEPTED
LR Cr 57(a)(3)	<p>LR Cr 47(d)(1) contains a provision concerning minimum font sizes for memoranda. This should be the minimum for all documents filed with the Court, and similar language should be added to this subsection. Proposal: <u>"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..."</u> <i>District Court Staff</i> NOTE: This amendment renders the language in LR Cr 47(d)(1) repetitive and unnecessary. Similar language is proposed for LR Cv 5(a)(3). <i>District Court Staff</i></p>	After review of this provision, the Criminal Rules subcommittee expressed no opposition to this proposed change.	PROPOSED CHANGE ACCEPTED

In General

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>
In General	<p>The Civil Rules subcommittee recommends that the Local Rules Review Committee submit to the Court a request that the Court meet with designees of the Committee following the submission of the Committee's annual report to the Court, and before the Court acts, particularly to the extent that the Court is considering either rejection of any proposed changes recommended to the Court by the Committee or alteration of an existing rule. The purpose of the meeting would be to permit a dialogue between the Court and the Committee to clarify the Committee's analysis and intentions regarding any recommended amendments to the Local Rules, as well as to make the Court aware of the impact of a proposed change on local practice.</p> <p style="text-align: right;"><i>-- Civil Rules Subcommittee</i></p>		PROPOSED CHANGE ACCEPTED