

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

IN RE: LOCAL RULES COMMITTEE

Misc. 06-102

ORDER

Pursuant to L.R. Gen 113 and by agreement of the Judges of this Court, Marc DeSisto, Christopher Little, Brooks R. Magratten, James E. O'Neil, Edward Roy, Patricia Sullivan, and David Wollin are hereby reappointed to an additional term on the Local Rules Review Committee effective July 1, 2009. Jeffrey C. Schreck and James T. Murphy are hereby appointed as Co-Chairs of the Committee effective July 1, 2009.

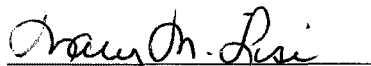
Therefore, the Local Rules Review Committee shall be composed of the following individuals, whose terms expire on the dates indicated next to their respective names.

<u>Name</u>	<u>Term Expires</u>
Edward J. Bertozzi, Jr., Esq.	June 30, 2010
Stephanie S. Browne, AUSA	June 30, 2010
Rebecca Tedford Partington, Esq.	June 30, 2010
Jeffrey C. Schreck, Esq.	June 30, 2010
Craig M. Scott, Esq.	June 30, 2010
Max Wistow, Esq.	June 30, 2010
James T. McCormick, Esq.	June 30, 2011
Anthony F. Muri, Esq.	June 30, 2011
James T. Murphy, Esq.	June 30, 2011
R. Daniel Prentiss, Esq.	June 30, 2011
Sara A. Rapport, Esq.	June 30, 2011
Gerard B. Sullivan, AUSA	June 30, 2011
Marc DeSisto, Esq.	June 30, 2012
Christopher Little, Esq.	June 30, 2012
Brooks R. Magratten, Esq.	June 30, 2012
James E. O'Neil, Esq.	June 30, 2012
Edward C. Roy, Jr., Esq.	June 30, 2012
Patricia A. Sullivan, Esq.	June 30, 2012
David A. Wollin, Esq.	June 30, 2012
Paul Goodale, <i>ex officio</i> reporter	n/a

By Order,


Chief Deputy Clerk

Enter:


Mary M. Lisi
Chief Judge
Date: May 26, 2009

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

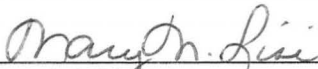
In re: Local Rules Review Committee

Misc. 06-102

ORDER

Pursuant to LR Gen 113, Mary McElroy, Esq. is hereby appointed as a member of the Local Rules Review Committee. Ms. McElroy will serve the remainder of Gerard Sullivan's term, which expires on June 30, 2011. All other appointments stand as reflected in the May 26, 2009 Order.

SO ORDERED:



Mary M. Lisi

Chief Judge

February 11, 2010

LOCAL RULES REVIEW COMMITTEE
MINUTES OF THE OCTOBER 5, 2009 MEETING

A meeting of the Local Rules Review Committee was held on October 5, 2009 in the Jury Assembly Room of the United States District Court.

Committee Co-Chair Jeff Schreck called the meeting to order, and after some introductory remarks, introduced Chief Judge Lisi.

Chief Judge Lisi thanked the Committee for its service, and following her introductory remarks, left the meeting.

Jeff Schreck provided an overview: the rule amendments proposed by the Court for the second phase of the 2009-2010 cycle would focus on synchronizing the time requirements of the Local Rules with changes to the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure, effective on December 1, 2009. Jeff explained that the relevant subcommittees were tasked, before today's meeting, with evaluating the Court's proposed rule changes.

David DiMarzio and Paul Goodale gave a brief summary of the federal rule changes regarding time computation, and how they were applied to our Local Rules. They highlighted three significant changes: (1) All weekends and holidays will now be counted when calculating time, regardless of the length of the time period; (2) shorter time periods (30 days or less) will be modified to become multiples of seven days (e.g., 5 day periods will become 7 day periods; 10 or 11 day periods will become 14 day periods; 20 day periods will become 21 day periods, etc.); and (3) all references to "business days" and "court days" will be removed from the rules, since all days will now be counted in time calculations. David and Paul explained that the Court applied this new method of time calculation to the Local Rules, with three exceptions:

(1) LR Cr 32(a) was not modified by the Court. The current rule requires that requests for sentences outside of the guideline range be filed at least eleven (11) days before a sentencing hearing. Since that time frame was specifically set by the Judges at eleven (11) days in March 2008, after the Committee had proposed ten (10) days, the Court elected to not change the time period.

(2) LR Cv 47(b) and LR Cr 24(c) currently requires that voir dire questions be submitted three (3) "business" days before jury empanelment. The Court has modified this rule so that voir dire questions will now be due five (5) days before empanelment. As long as the Court continues to empanel primarily on Tuesdays or Wednesdays, the calculation of the deadline for filing is the same as under the old rule (i.e., the preceding Thursday or Friday, respectively).

The proposed time amendments to the Local Rules were then formally introduced, and the Committee agreed to endorse those amendments as proposed by the Court.* Jeff Schreck and Jim Murphy stated that they would prepare the Committee's report to the Court in the coming week, so that the public comment period could begin and the new rules could be implemented on December 1, 2009, when the new federal rules are scheduled to take effect.

[NOTE: The Committee's Report to the Court, dated October 19, 2010, provides a full list of the Local Rule amendments that were adopted for recommendation by the Committee at this meeting].

Jeff Schreck closed the meeting by briefly describing the third phase of the 2009-2010 Rule amendment cycle. He mentioned that the bulk of the Committee's work would center on the Court's proposed incorporation of the Administrative Procedures for Electronic Case Filing into the Local Rules, in addition to any rule changes proposed by the Bar or members of the LRRC.

Jeff advised that notice of the next meeting date would be provided to all Committee members in early 2010. The meeting was then adjourned.

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

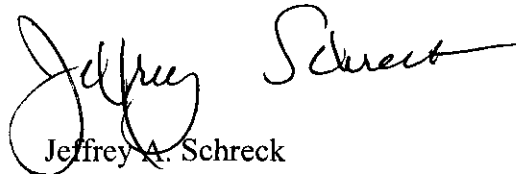
Re: Report of the Local Rules Review Committee


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 <u>fourteen (14) days</u>, 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>	The General Rules subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
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>	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 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 style="padding-left: 40px;">(A) a chronologically arranged list showing the date of, participants in, and approximate playing time of each such recording; and</p> <p style="padding-left: 40px;">(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> <p>(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</p> <p>(2) No costs should be assessed because all parties made a reasonable good faith effort to settle the case earlier.</p>	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) fourteen (14) 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) fourteen (14) 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) fourteen (14) days after the notice of appeal is served. The appellant may serve and file a reply to the response within ten (10) fourteen (14) 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) fourteen (14) 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> <p>(1) the docket sheet(s); and</p> <p>(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.</p>	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>			

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

**LOCAL RULES REVIEW COMMITTEE
Minutes of March 10, 2010 Meeting**

- I.) On March 10, 2010, the Local Rules Review Committee of the United States District Court for the District of Rhode Island met in the jury assembly room at 4:00 p.m. Jeffrey Schreck and James Murphy were Committee Co-Chairs. Sara Rapport served as Chair pro-tem of the Civil Subcommittee for Dan Prentiss. The following members and court personnel were present: Stephanie Browne, Mary McElroy, Marc DeSisto, James Murphy, David Wollin, Edward Bertozzi, Jr., Sara Rapport, Jeffrey Schreck, Patricia Sullivan, Tony Muri, Paul Goodale, David DiMarzio, Paulette Dube and Michael Simoncelli. Co-Chair Jeff Schreck called the meeting to order.
- II.) Jeffrey Schreck initiated the meeting with a discussion of the March 5, 2010 letter sent by Paul Goodale to the committee members. The letter addressed a number of proposed amendments to the Local Rules. David DiMarzio and Paul Goodale discussed the various proposed amendments. These included changes concerning electronic filing in the new “300 Series” section of the rules. The discussion included reference to a chart of the rule changes prepared by Michael Simoncelli. The consensus was that the ECF Subcommittee should handle the new administrative procedures, as most of the ECF is operational and not procedural in nature.
- III.) Paul Goodale addressed proposed changes to the Local Rules of general application, including L.R. Gen. 107.1 regarding electronic transcripts; L.R. Gen. 109(f)(6) relating to records on appeal from the bankruptcy court; and L.R. Gen. 111 relating to transmission of court proceedings electronically.
- IV.) David DiMarzio addressed the proposed Local Rules changes regarding attorney admissions, appearances and discipline. He explained L.R. Gen. 201 relating to attorneys from other districts when their cases are transferred here pursuant to MDL process. He also discussed changes to L.R. Gen. 202, removing references to the bar examination and including language relating to “good moral character” adopted from the Supreme Court rules. Similar changes would be reflected in L.R. Gen. 203 and L.R. Gen. 204 and L.R. Gen. 215. Consensus with respect to L.R. Gen. 204 was there may be further discussion and consideration as to whether the rule should be modified so that certificates of good standing be required of pro hac vice attorneys.
- V.) Paul Goodale directed a discussion with respect to Local Rules applicable to civil proceedings, including Rules 5.1 (time changes); 54 (bills of costs) and 69 (writs of execution).
- VI.) Other items discussed with reference to the letter of March 5, 2010 included public comments received from Mary McElroy of the Federal Defender’s Office. Stephanie

Brown will look at the submission. Also correspondence was received from two representatives of CompuLaw LLC, a firm that assists subscribing counsel with deadline information assistance. The Civil Rules Committee will look at CompuLaw's questions especially as they relate to Rules 7 and 56.

- VII.) Jeff Schreck led a discussion of other items that were not listed in the 3/05/10 letter. These items initially were brought up during a recent conference with Chief Judge Lisi and District Judge Smith relating to standardizing Rule 16 conference notices and pre-trial orders. Included in the discussion with respect to Rule 16 conference notices was the question of whether the term "claim" includes an affirmative defense. Also discussed was whether the term "discovery" as referenced in L.R Civ. 26(c) includes requests for admission. Also discussed was what the term "completed" means with respect to discovery deadlines. Also discussed was whether or not rebuttal experts should be addressed in the local rules with respect to expert disclosure.
- VIII.) Jim Murphy led a discussion with respect to court sponsored mediation and the scope of confidentiality as described in the ADR notice and the impact, if any, of the Rhode Island Mediation Confidentiality Statute.
- IX.) Pat Sullivan lead a discussion with respect to filing documents under seal and whether it might not be appropriate to develop a procedure addressing the filing of documents under seal and whether the filing attorney will have the option of withdrawing the document if the motion is denied. This discussion also addressed the handling of sealed documents in the ECF process.
- X.) There was a discussion relating to General Rule 204, particularly with respect to the requirement of a Certificate of Good Standing. If a Certificate of Good Standing is required to approve a pro hac vice application, it might delay the approval process. The countervailing consideration is the risk of a scam "attorney" obtaining pro hac vice approval.
- XI.) Jeffrey Schreck will send information out to the subcommittee chairs concerning their respective assignments on the matters addressed during the meeting. It was recommended that the subcommittees should meet in April and report to the Chair by late April, with draft proposals and reports. Therefore, there will be a full committee meeting in early May to address the subcommittee reports and proposals. The committee and subcommittee memberships are on the court's website.
- XII.) There was a motion to adjourn and it was seconded and unanimously approved.

James T. Murphy
Co-Chair

HANSON CURRAN LLP

COUNSELORS AT LAW

DAVID P. WHITMAN

SARA FONTES*

MICHAEL T. F. WALLOR

NICHOLAS R. MANCINI*

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THOMAS R. BENDER

* ALSO ADMITTED IN MASSACHUSETTS

MEGAN J. GOGUEN**+

* ALSO ADMITTED IN NEW YORK

* ALSO ADMITTED IN CONNECTICUT

KIRK HANSON 1948 - 1991

WILLIAM A. CURRAN 1957 - 2002

June 29, 2010

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

Re: Annual Report of the Local Rules Review Committee

Dear Chief Judge Lisi:

As the co-chairs of the Local Rules Review Committee, we hereby submit the enclosed Annual Report of the Local Rules Review Committee. Pursuant to LR Gen 113(b)(1), this report constitutes the Committee's Annual Report to the Court on the proposed amendments to the Local Rules. This Annual Report was adopted by vote of the Committee via email following the Committee's May 12, 2010 meeting.

This report is the Committee's second report of the 2009-2010 cycle. The first report, submitted on October 8, 2009, dealt exclusively with the Committee's work to bring the Local Rules into conformity with time changes in the Federal Rules effective December 1, 2009. This second report contains the balance of the Committee's work for the 2009-2010 cycle, including proposed amendments to the Local Rules from the Bar, the Court, and the Committee.

During the public comment period in February, the Committee received three comments/proposed amendments from the Bar. The Committee reviewed these submissions, along with amendments proposed by the Court and other matters referred to the Committee, at its March 10, 2010 meeting. In view of the volume of rules proposals, the Committee co-chairs referred the proposed amendments to the various subcommittees, and asked that the subcommittees confer during April on the comments/proposed amendments in their respective areas, and report to the co-chairs in advance of the May meeting.

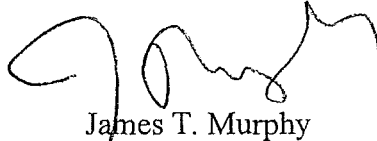
At the May meeting, the Committee reviewed the work of the subcommittees and proposed amendments to 17 existing rules and the creation of 15 new rules. The most significant proposed amendments accepted at that meeting were: (1) the incorporation of the Court's

Administrative Procedures for Electronic Case Filing into the Local Rules, in a new "300 series" of the General Rules; (2) the incorporation into the Local Rules of two Administrative Orders regarding privacy protections in electronically available documents; (3) proposed amendments regarding the filing of sealed documents; (4) proposed amendments regarding expedited nondispositive motion practice; (5) proposed amendments relating to the filing of bills of cost; and (6) two proposed amendments regarding discovery deadlines. In addition, the Committee also endorsed a number of minor and/or technical amendments to the General, Attorney, and Civil Rules.

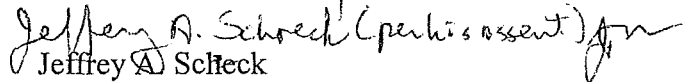
The enclosed Annual Report contains all comments/proposed amendments, together with the actions of the subcommittees and the recommendations of the full Committee. Copies of the original public comments/proposals received from the Bar and other interested parties are also included as Attachment A to the Report.

The Committee respectfully requests that the Court give consideration to its recommendations and wishes to express its appreciation for the opportunity to assist the Court in this matter.

Respectfully submitted,



James T. Murphy



Jeffrey A. Schreck
Jeffrey A. Schreck

Co-Chairs,
Local Rules Review Committee

cc: David DiMarzio
Paul Goodale
Michael Simoncelli

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

PROPOSED AMENDMENTS TO LOCAL RULES

June 30, 2010

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 101	<p>*****</p> <p>(f) “Court.” As used in these Rules, the term “Court” refers to the judge or judicial officer before whom a proceeding is pending, unless otherwise stated or unless the context in which the term is used plainly requires otherwise.</p> <p>(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.</p> <p><u>(f) Definitions.</u></p> <p><u>(1) “Court” refers to the judge or judicial officer before whom a proceeding is pending, unless otherwise stated or unless the context in which the term is used plainly requires otherwise.</u></p> <p><u>(2) “Conventionally Filed/Served” means documents presented to the Court or party in paper or other non-electronic format.</u></p> <p><u>(3) “Document” means any written matter filed by or with the Court, whether filed conventionally or electronically, including but not limited to motions, objections, pleadings, applications, petitions, notices, declarations, stipulations, affidavits, exhibits, briefs, memoranda of law and orders.</u></p> <p><u>(4) “ECF” means the Court’s Electronic Case Filing System, which is an automated system that receives and stores documents in electronic form.</u></p> <p><u>(5) “Electronic Filing” or “Electronically Filed” means the transmission of a document in Portable Document Format (“PDF”) for filing using the ECF system facilities.</u></p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 101 (con't)	<p>(6) <u>"Filing User" means those attorneys who have a court-issued login and password to file documents electronically in this judicial district.</u></p> <p>(7) <u>"Main Document" means motions, objections, replies, stipulations, waivers, notices and other pleadings, but does not include attachments or exhibits to such pleadings.</u></p> <p>(8) <u>"NEF" means Notice of Electronic Filing, which is the email notice automatically generated by ECF each time a document is electronically filed.</u></p> <p>(9) <u>"PDF" means Portable Document Format. This includes both "Electronically Converted PDF Documents," which are created from a word processing system (MS Word, WordPerfect, etc.) using PDF creation software and are text-searchable, and "Scanned PDF Documents," which are created from paper documents run through a scanner and can be made text-searchable.</u></p> <p>(10) <u>"Megabyte" (MB) is the amount of computer storage needed to store 1,048,576 characters, which is equivalent to approximately 260 pages of an "Electronically Converted PDF Document" or 20 pages of a "Scanned PDF Document".</u></p> <p>(11) <u>A "Page" from a PDF document for purposes of these rules must be the equivalent of a "page" from a conventionally filed (paper) document which was prepared to conform with the requirements of these Local Rules.</u></p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 102	<p>(a) <u>In-General Privacy Protections.</u></p> <p>(1) <u>In General.</u> In compliance with Fed. R. Civ. P. 5.2, Fed. R. Crim. P. 49.1, and the policy of the Judicial Conference of the United States, and in order to address the privacy concerns created by Internet access to court documents, parties or non-parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the Court:</p> <p>(a) <u>MINORS' NAMES: Use of the minors' initials only;</u></p> <p>(b) <u>SOCIAL SECURITY NUMBERS: Use of the last four numbers only;</u></p> <p>(c) <u>DATES OF BIRTH: Use of the year of birth only;</u></p> <p>(d) <u>FINANCIAL ACCOUNT NUMBERS: Identify the type of account and the financial institution, but use only the last four numbers of the account number; and</u></p> <p>(e) <u>HOME ADDRESSES: Use the city and state only (in criminal cases only).</u></p> <p>(2) <u>Responsibility for Removing Personal Information.</u> It is the responsibility of any party or non-party filing a document, not the Clerk's Office, to review each document to determine if pleadings must be modified and are in the proper form.</p> <p>(3) <u>Corrective Action.</u> In cases where the above personal information does appear on documents filed with the Court, the party or non-party responsible for the filing shall file a Motion to Redact, along with a redacted version of the document containing personal information in compliance with Fed. R. Civ. P. 5.2, Fed. R. Crim. P. 49.1 and Judicial Conference policy. Upon receipt of the Motion to Redact, the Clerk shall grant the motion by text order, restrict the document containing the above personal information from the docket, and replace it with the redacted version.</p>	<p>The General Rules Subcommittee endorses the Court's proposed changes: a new § (a), a revised § (b), and redesignated § (c), (d), and (e). The Subcommittee also recommends changes to § (c) and (d) to allow counsel to withdraw a motion to seal and the documents to be sealed when a motion to seal is denied.</p>	<p>PROPOSED CHANGES TO § (a), (b), AND (e) ACCEPTED, AND THE SUBCOMMITTEE'S PROPOSED CHANGES TO § (c) AND (d) WERE MODIFIED.</p>	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 102 (con't)	<p>(a)(b) <u>Sealed Documents Generally.</u></p> <p>(1) Documents filed with the Court may not be sealed unless ordered by the Court. If counsel or a party or non-party filing a document has a good faith basis for believing that a document should be sealed, the document shall be accompanied by a motion to seal, which explains why the document should be sealed.</p> <p>(2) Unless the Court otherwise permits, if counsel a party or a party non-party has good reason to believe that a document that such counsel party or party non-party proposes to file contains material that another party party or non-party would maintain is confidential, the document shall not be filed until such other party party or non-party has been notified and afforded an opportunity to file a motion to seal.</p> <p>(3) If only a portion of a document contains confidential information, the party or counsel non-party requesting sealing shall file both an unredacted version of the document and a redacted version that excises the confidential information.</p> <p>(4) The motion to seal shall not be filed electronically, but shall be filed by hand or by mail, together with the documents or materials which are the subject of the motion.</p> <p>*****</p>	<p>The General Rules Subcommittee endorses the Court's proposed changes: a new § (a), a revised § (b), and redesignated § (c), (d), and (e). The Subcommittee also recommends changes to § (c) and (d) to allow counsel to withdraw a motion to seal and the documents to be sealed when a motion to seal is denied.</p>	<p>PROPOSED CHANGES TO § (a), (b), AND (e) ACCEPTED, AND THE SUBCOMMITTEE'S PROPOSED CHANGES TO § (c) AND (d) WERE MODIFIED.</p>	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 102 (con't)	<p>(b)(c) Filing of Sealed Documents in Civil Cases.</p> <p>*****</p>	<p>The General Rules Subcommittee endorses the Court's proposed changes: a new § (a), a revised § (b), and redesignated § (c), (d), and (e). The Subcommittee also recommends changes to § (c) and (d) to allow counsel to withdraw a motion to seal and the documents to be sealed when a motion to seal is denied.</p> <p>(b)(c) Filing of Sealed Documents in Civil Cases. Upon receipt of a motion to seal in a civil case, the clerk shall docket the motion but not the documents which are the subject of the motion and shall immediately transmit the motion and documents to the chambers of the judge to whom the case has been assigned. If the Court grants the motion to seal and unless otherwise ordered by the Court, the sealed envelope shall be retained by the clerk in a secure location until further order of the Court. If the Court denies the motion to seal, the motion and the documents accompanying the motion shall be docketed and filed in accordance with these Local Rules returned to the filer, unless otherwise ordered by the Court.</p>	<p>PROPOSED CHANGES TO § (a), (b), AND (e) ACCEPTED, AND THE SUBCOMMITTEE'S PROPOSED CHANGES TO § (c) AND (d) WERE MODIFIED.</p> <p>(b)(c) Filing of Sealed Documents in Civil Cases. Upon receipt of a motion to seal in a civil case, the clerk shall docket the motion but not the documents which are the subject of the motion and shall immediately transmit the motion and documents to the chambers of the judge to whom the case has been assigned. If the Court grants the motion to seal and unless otherwise ordered by the Court, the sealed envelope shall be retained by the clerk in a secure location until further order of the Court. If the Court denies the motion to seal, the motion and the documents accompanying the motion shall be docketed and filed in accordance with these Local Rules, and the memorandum and the documents accompanying the motion shall be returned to the filer, unless otherwise ordered by the Court.</p>	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 102 (con't)	<p>(ed) Filing of Sealed Documents in Criminal Cases.</p> <p>*****</p>	<p>The General Rules Subcommittee endorses the Court's proposed changes: a new § (a), a revised § (b), and redesignated § (c), (d), and (e). The Subcommittee also recommends changes to § (c) and (d) to allow counsel to withdraw a motion to seal and the documents to be sealed when a motion to seal is denied.</p> <p>(ed) Filing of Sealed Documents in Criminal Cases. Upon receipt of a motion to seal in a criminal case, the clerk shall immediately transmit the motion and the documents which are the subject of the motion to the chambers of the judge to whom the case has been assigned. If the Court grants the motion to seal, the motion to seal, the order granting the motion to seal, and the sealed documents shall be placed in an envelope which shall be sealed and to which a copy of the Court's order shall be affixed. The envelope shall then be retained by the clerk in a secure location until further order of the Court. If the Court denies the motion to seal, the motion and the documents accompanying the motion shall be docketed and filed in accordance with these Local Rules returned to the filer, unless otherwise ordered by the Court.</p>	<p>PROPOSED CHANGES TO § (a), (b), AND (e) ACCEPTED, AND THE SUBCOMMITTEE'S PROPOSED CHANGES TO § (c) AND (d) WERE MODIFIED.</p> <p>(ed) Filing of Sealed Documents in Criminal Cases. Upon receipt of a motion to seal in a criminal case, the clerk shall immediately transmit the motion and the documents which are the subject of the motion to the chambers of the judge to whom the case has been assigned. If the Court grants the motion to seal, the motion to seal, the order granting the motion to seal, and the sealed documents shall be placed in an envelope which shall be sealed and to which a copy of the Court's order shall be affixed. The envelope shall then be retained by the clerk in a secure location until further order of the Court. If the Court denies the motion to seal, the motion and the documents accompanying the motion shall be docketed and filed in accordance with these Local Rules, and the memorandum and the documents accompanying the motion shall be returned to the filer, unless otherwise ordered by the Court.</p>	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p>(de) Unsealing of Documents.</p> <p>*****</p>	<p>The General Rules Subcommittee endorses the Court's proposed changes: a new § (a), a revised § (b), and redesignated § (c), (d), and (e). The Subcommittee also recommends changes to § (c) and (d) to allow counsel to withdraw a motion to seal and the documents to be sealed when a motion to seal is denied.</p>	<p>PROPOSED CHANGES TO § (a), (b), AND (e) ACCEPTED, AND THE SUBCOMMITTEE'S PROPOSED CHANGES TO § (c) AND (d) WERE MODIFIED.</p>	
LR Gen 107.1	<p><u>LR Gen 107.1 ELECTRONIC AVAILABILITY AND REDACTION OF TRANSCRIPTS OF COURT PROCEEDINGS</u></p> <p><u>(a) Applicability.</u> The 90-day restriction policy and the redaction procedures for transcripts listed below apply only to transcripts of federal court proceedings. Other transcripts, except those exempt under Fed. R. Civ. P. 5.2(b) and Fed. R. Crim. P. 49.1(b), will be subject to the redaction requirements contained in these rules if they are filed with this Court.</p> <p><u>(b) Restricted Availability of Transcripts for First 90 Days after Filing.</u> Transcripts will be e-filed by the court reporter or transcriber through CM/ECF, and they will be available at the Clerk's Office, for viewing only, for a period of 90 days after filing.</p> <p><u>(c) Review of Transcripts.</u> Once a transcript is filed, counsel of record (and unrepresented parties) must review the transcript and request redaction of any personal identifiers listed in Fed. R. Civ. P. 5.2, Fed. R. Crim. P. 49.1, and LR Gen 102. Unless otherwise ordered by the court, the following portions of the transcript must be reviewed: opening and closing statements made on the party's behalf; statements of the party; the testimony of any witnesses called by the party; sentencing proceedings (both the government and the defendant must review the transcript); and any other portion of the transcript as ordered by the court.</p>	<p>The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.</p>	<p>PROPOSED CHANGE ACCEPTED</p>	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 107.1 (con't)	<p>(1) <u>“Standby” Counsel and CJA Attorneys.</u> <u>An attorney who is serving as appointed “standby” counsel for a <i>pro se</i> litigant must review the transcript as if the <i>pro se</i> party were his/her client. If an attorney represents a client pursuant to the Criminal Justice Act (CJA), including serving as standby counsel, the attorney conducting the review of the transcript is entitled to compensation under the CJA for functions reasonably performed to fulfill this obligation and for reimbursement of related reasonable expenses.</u></p> <p>(d) <u>Redaction Requests.</u></p> <p>(1) <u>Procedure.</u> <u>If counsel of record (or an unrepresented party) seeks a redaction of personal identifiers, a document entitled “Redaction Request” must be electronically filed within 21 days, or longer if the Court so orders, from the filing of the original transcript, indicating where the personal identifiers appear in the transcript by page and line and how they are to be redacted.</u></p> <p>(2) <u>Time Limits.</u> <u>If a Redaction Request or a Motion to Extend Time is not timely filed, no redactions will be made, and the original transcript will be remotely publicly available after 90 days.</u></p> <p>(3) <u>Additional Redactions.</u> <u>If a party wishes to request redactions in addition to personal identifiers, a separate Motion for Redaction of Transcript must be filed within 21 days from the filing of the original transcript. Until the Court has ruled on any such motion, the transcript will not be electronically available, even if the 90-day restriction period has ended.</u></p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 107.1 (con't)	<p>(4) <u>Filing of Redacted Transcripts.</u> If a Redaction Request is filed, the court reporter or transcriber must perform the requested redactions and file a redacted version of the transcript within 31 days, or longer if the Court so orders, from the filing of the original transcript. Unless the Court orders the original unredacted electronic transcript to be sealed, it will be retained by the Clerk and will be available, for viewing only, at the public terminal at the Courthouse and remotely electronically available to any attorney of record who has purchased a copy from the court reporter.</p> <p>(e) <u>Purchase of Transcripts.</u> During the 90-day period, a copy of the transcript, in paper or electronic form, may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference. The transcript will be available, for viewing only, at the public terminal at the Courthouse and remotely electronically available to any attorney of record who has purchased a copy from the court reporter.</p> <p>(f) <u>Availability of Transcripts after 90 days.</u> After the 90-day period has ended, the transcript will be available remotely to view, download or print through PACER, and to view and print at the Clerk's Office.</p> <p>(1) <u>Redacted Transcripts.</u> If a redacted transcript is filed with the Court, the redacted transcript will be remotely electronically available to the public through PACER after 90 days from the date of filing of the original transcript. Remote access to the original unredacted transcript will remain restricted, but both the original transcript and the redacted transcript will be available for viewing at the Clerk's Office unless the Court orders the original transcript to be sealed.</p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 107.1 (con't)	<p><u>(g) Transcripts of Petit Jury Empanelments.</u></p> <p><u>(1) Whenever a court reporter receives a request for a transcript of a petit jury empanelment, the reporter will prepare two (2) versions of the transcript: one complete, unredacted version and one redacted version. The redacted version will have the juror names and any sidebars redacted.</u></p> <p><u>(2) Redaction of juror names means that only the first full name and last initial of the juror will be used by the court reporter in preparing the transcript. Redaction of a sidebar will result in a complete elimination of the sidebar from the transcript.</u></p> <p><u>(3) The redacted transcript will be e-filed by the court reporter in accordance with, and be subject to, the provisions of this Rule.</u></p> <p><u>(4) The complete, unredacted transcript will be e-filed by the court reporter for "restricted" viewing only by the Court and the parties. The "restricted" availability of the transcript to the parties will also be governed by the availability provisions of this Rule during the first 90 days after filing.</u></p> <p><u>(5) If a non-party requests a complete, unredacted copy of a petit jury empanelment transcript, the request will be sent to the presiding judge in that case, and the presiding judge will make a determination as to whether or not the complete, unredacted copy should be provided to the non-party.</u></p> <p><i>*Note: As an editorial matter, "calendar days" was changed to "days" to achieve consistency with other rules.</i></p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 109	<p>*****</p> <p>(f) Appeals to District Court.</p> <p>*****</p> <p>(6) Record on Appeal.</p> <p>*****</p> <p>(C) the record on appeal, as to which the appellant shall 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;</p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Gen 111	<p>(a) General Prohibition. Except to the extent expressly authorized by the Court, no person shall photograph, record, or broadcast, or otherwise transmit any proceeding, event or activity in or from any interior portion of the United States Courthouse or that portion of the John O. Pastore Building that is occupied by the Court. The Court may permit photographing, tape recording or broadcasting of ceremonial proceedings upon such terms and conditions as the Court may specify.</p>	<p>The General Rules Subcommittee endorses the proposed change and further suggests the removal of the word "tape" from the last sentence so that the rule covers both digital and "tape" recording.</p> <p>(a) General Prohibition. Except to the extent expressly authorized by the Court, no person shall photograph, record, or broadcast, or otherwise transmit any proceeding, event or activity in or from any interior portion of the United States Courthouse or that portion of the John O. Pastore Building that is occupied by the Court. The Court may permit photographing, tape recording or broadcasting of ceremonial proceedings upon such terms and conditions as the Court may specify.</p>	PROPOSED CHANGE ACCEPTED AS MODIFIED BY THE SUBCOMMITTEE.	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 201	<p>*****</p> <p>(b) Exceptions to Requirement of Membership.</p> <p>*****</p> <p>(5) <u>Attorneys in Transferred Cases. An attorney who is a member in good standing of the bar of another federal district court, and who represents a party in a case transferred to the District of Rhode Island from another district, may appear and practice in this Court in that case.</u></p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Gen 202	<p>(a) Requirements for Admission.</p> <p>*****</p> <p>(2) Either:</p> <p>(A) Have completed the course of instruction and have passed the examination* on Federal Practice and Procedure given by this Court's Board of Bar Admissions, or</p> <p>(B) Have at least five years of experience in practicing before federal courts and certify that he or she has read and understands these Local Rules;</p> <p>and</p> <p>(3) Establish to the satisfaction of this Court, that he or she is <u>of good moral character</u> and otherwise qualified and fit to be admitted to the Bar of this Court.</p> <p><i>* The bar examination requirement has been suspended. See Administrative Order 2007-05.</i></p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 202 (con't)	<p>*****</p> <p>(b) Procedure for Admission.</p> <p>*****</p> <p>(3) Review of Application. In the case of an application pursuant to LR Gen 202(a)(2)(A), the Clerk shall examine the application, the court certificate and the records indicating that the applicant has completed the course of instruction and passed the examination* given by the Board of Bar Admissions. If the Clerk finds that those documents and records indicate that the applicant satisfies the prerequisite for admission, the Clerk shall notify the applicant and the Chairman of the Board of Bar Admissions and place the applicant on the list for admission. If the Clerk finds that the documents and records indicate that the applicant does not satisfy the prerequisites for admission, the Clerk shall notify the applicant and the Chief Judge of this Court. Said notification shall specify the reasons for this determination.</p> <p>In the case of an application pursuant to LR Gen 202(a)(2)(B) the application shall be reviewed by the Chair of the Board of Bar Admissions who shall recommend to the Chief Judge whether the application should be approved or rejected. The final decision shall be made by the Chief Judge who shall direct the Clerk to notify the applicant of the decision.</p> <p>*****</p> <p><i>* The bar examination requirement has been suspended. See Administrative Order 2007-05.</i></p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 202 (con't)	<p>(c) Board of Bar Admissions and Course of Instruction.</p> <p>*****</p> <p>(3) — Bar Examination.*</p> <p>(A) — Subjects of Examination. The Bar examination shall be a written examination consisting of sections corresponding to the subjects covered in the course of instruction.</p> <p>(B) — Grading. The Board of Bar Admissions shall be responsible for preparing and grading the Bar examination and for notifying the Clerk of the results.</p> <p>(C) — Passing Grade. In order to pass the examination, an applicant must achieve a passing grade on at least all but one section of the examination.</p> <p>(4) — Procedure for Review of Examination Results.*</p> <p>(A) — Any applicant who has been notified that he or she has failed the examination may request a review of the exam results by sending a letter to the Chair of the Board of Bar Admissions in care of the Clerk, United States District Court. The letter requesting review shall be sent within thirty (30) days of the date of notification.</p> <p>(B) — Each Board member who has given the applicant a failing grade shall review the applicant's answers and shall either confirm that the applicant failed; or, if warranted, change the grade to a passing grade.</p> <p><i>* The bar examination requirement has been suspended. See Administrative Order 2007-05.</i></p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 202 (con't)	<p>(C) — If two or more Board members confirm that the applicant failed the exam, the applicant shall be offered the opportunity to meet with each such Board member to review the examination questions, answers and grade.</p> <p>(D) — After any such meeting, if two or more Board members still confirm that the applicant failed, the applicant may, by letter addressed to the Chairman request that the Board of Bar Admissions, <i>en banc</i>, review his or her exam and, either:</p> <p>(i) — Overrule any or all of the failing grades; or</p> <p>(ii) — Allow the applicant to retake the examination without waiting an additional year; or</p> <p>(iii) — Allow any other relief that the Board deems fair and just.</p> <p>(E) — If the Board denies the requested relief, the applicant may file a petition for review with the Chief Judge within 30 days after being notified of the denial.</p> <p><i>* The bar examination requirement has been suspended. See Administrative Order 2007-05.</i></p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 203	<p>*****</p> <p>(e) — Registration Requirement. Every member of the bar of this Court shall register as a member at the times and in the manner provided in this subsection and subsection (d).</p> <p>(1) — Current Members. Every attorney who is a member of the bar of this Court as of January 1, 2006, must register no later than March 31, 2006.</p> <p>(2) — Future Members. Every attorney admitted to the bar of this Court after January 1, 2006, must register no later than March 31, 2010.</p> <p>(d) — (c) Periodic Registration Procedure.</p> <p>*****</p> <p>(3) Method of Registration. A member shall register by:</p> <p>*****</p> <p>(B) Paying the applicable registration fee established by the Court, except that the fee need not be paid by attorneys employed on a full-time basis by the United States and/or the State of Rhode Island.*</p> <p>*****</p> <p>(e) — (d) Effect of Failure to Register.</p> <p>*****</p> <p>(f) — (e) Use of Registration Fees</p> <p>*****</p> <p><u>*The bar membership renewal fee was suspended by an order dated January 5, 2010.</u></p> <p>(Footnote added to the existing rule.)</p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 204	<p>*****</p> <p>(b) Eligibility for <i>Pro Hac Vice</i> Admission.</p> <p>*****</p> <p>(2) Establish, to the satisfaction of this Court, that he or she is <u>of good moral character and otherwise qualified</u> and fit to be admitted to practice <i>pro hac vice</i> before this Court.</p> <p>*****</p> <p>(e) Local Counsel.</p> <p>(1) In order to be admitted and/or remain as <i>pro hac vice</i> counsel, an attorney shall be affiliated with local counsel who is a member of the Bar of this Court, <u>maintains an office within the District of Rhode Island</u>, and has entered an appearance as co-counsel.</p> <p>*****</p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Gen 215	<p>*****</p> <p>(c) Conduct of Hearing. At the hearing, the applicant shall have the burden of demonstrating by clear and convincing evidence that he or she is <u>of good moral character and otherwise qualified</u> and fit to practice law before this Court, and that the applicant's resumption of the practice of law before this Court will not adversely affect the interests of potential clients, public confidence in the integrity of the Bar of this Court or the proper administration of justice.</p> <p>*****</p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 301	<p><u>LR Gen 301 GENERAL</u></p> <p>(a) <u>Applicability.</u> These rules govern electronic case filing in the United States District Court for the District of Rhode Island and establish procedures for the signing, filing, service, maintenance and verification of documents by electronic means.</p> <p>(b) <u>Scope of Electronic Filing.</u> Except as provided in LR Gen 302 and LR Gen 303, all documents submitted for filing in civil and criminal cases by an attorney who has been admitted to the bar of this Court or allowed to practice before this Court, regardless of the commencement date of the action, shall be Electronically Filed in PDF format using ECF. Documents filed electronically constitute filing with the Court as defined in Fed. R. Civ. P. 5(e) and Fed. R. Crim. P. 49(d).</p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Gen 302	<p><u>LR Gen 302 EXEMPTIONS; EXCEPTIONS; PRO SE LITIGANTS</u></p> <p>(a) <u>Attorney Exemption/Exceptions.</u> If filing electronically would create an undue hardship for an attorney, the attorney may request an exemption from the Clerk of Court and permission to file documents conventionally. The request must be made in writing, and must contain a detailed explanation of the reason(s) for the request. The Clerk may grant an exemption on such terms and conditions as are appropriate and reasonable.* [see <u>Comment, end of Rule</u>]</p> <p>(b) <u>One-Time Exemption.</u> An attorney who is not a Filing User may conventionally file documents on behalf of a client in an ECF case without leave of the Court for 21 days from the filing of the first document by the attorney. However, within that 21-day period, the attorney must register as a Filing User, or seek an exemption under § (a) above.</p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 302 (con't)	<p><u>(c) Attorneys in Removal Cases.</u> An attorney who is not a member of the bar of this Court but who is permitted to appear and practice in this Court pursuant to the provisions of LR Gen 201(b)(3) may, but is not required to, register as a Filing User and file documents electronically using ECF.</p> <p><u>(d) Pro Se Litigants.</u> All <i>pro se</i> litigants shall conventionally file and serve all documents in accordance with the provisions of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and the Local Rules of this Court.</p> <p><u>*Comment</u></p> <p>Prior to requesting an exemption, attorneys should seek assistance from the Clerk's Office. The Court offers ECF training sessions as well as computer-based training modules for attorneys and their staff. Also, the Clerk's Office has a workstation available at the Courthouse for any Filing User who needs assistance with electronic filing. ECF training and support information can be obtained from the Clerk's Office and found on the Court's web site at: www.rid.uscourts.gov</p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 303	<p><u>LR Gen 303 SPECIAL FILING REQUIREMENTS AND EXCEPTIONS</u></p> <p><u>(a) Civil and Miscellaneous Case Opening Documents.</u></p> <p><u>(1) Civil case opening documents, such as a complaint, petition and notice of removal, together with a summons and civil cover sheet, shall be filed conventionally. Also, documents seeking emergency relief under LR Cv 9, such as a request for a temporary restraining order, shall be filed conventionally. The case will be assigned and opened electronically by the Clerk's Office, and the documents submitted will be incorporated into the electronic case file.</u></p> <p><u>(2) The Clerk's Office will return the signed and sealed summonses to counsel for the plaintiff for service of process. A party may not electronically serve a civil complaint, but shall effect service in accordance with Fed.R.Civ.P. 4.</u></p> <p><u>(3) Miscellaneous case opening documents shall be filed conventionally along with the prescribed filing fee.</u></p> <p><u>(b) Limit on Size of Documents.</u> <u>No documents shall be filed that are larger than 2.5 megabytes (MB). In cases where a single document is larger than 2.5 MB, the filer shall break the document into files smaller than 2.5 MB before filing.</u></p> <p><u>(c) Other Documents</u></p> <p><u>(1) The following documents must be conventionally filed and will not appear in the electronic case file:</u></p> <p><u>(A) Motions to file documents under seal and documents filed under seal in criminal cases as set forth in LR Gen 102(d);</u></p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 303 (con't)	<p>(B) <u>Administrative records in social security cases, IDEA cases and in other administrative review proceedings;</u></p> <p>(C) <u>The state court record and other Rule 5 materials in habeas corpus cases filed in 28 U.S.C. §2254 proceedings;</u></p> <p>(D) <u>The state court record in Notice of Removal actions;</u></p> <p>(E) <u>Ex parte motions and applications; and</u></p> <p>(F) <u>Consent to Proceed Before a Magistrate Judge.</u></p> <p>(2) <u>The following documents must be conventionally filed, but will be scanned into the electronic case file by the Clerk's Office:</u></p> <p>(A) <u>Motions to file documents under seal in civil cases as set forth in LR Gen 102(c);</u></p> <p>(B) <u>All pleadings and documents filed by prisoner and non-prisoner pro se litigants;</u></p> <p>(C) <u>The charging document in a criminal case, such as the complaint, indictment and information;</u></p> <p>(D) <u>Affidavits for search and arrest warrants and related papers;</u></p> <p>(E) <u>Fed. R. Crim. P. 20 and Fed. R. Crim. P. 5 papers received from another court;</u></p> <p>(F) <u>Any pleading or document in a criminal case containing the signature of a defendant, such as a waiver of indictment or plea agreement;</u></p> <p>(G) <u>Petitions for violations of supervised release; and</u></p> <p>(H) <u>Appearance Bonds.</u></p> <p>(3) <u>The following documents must be filed in a Scanned PDF format using ECF and may not be filed in an Electronically Converted PDF format:</u></p> <p>(A) <u>Rule 4 executed service of process documents; and</u></p> <p>(B) <u>Affidavits in support of motions or objections with original signatures.</u></p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 303 (con't)	(4) <u>No document should be placed in the public case file that does not comply with Fed. R. Civ. P. 5.2, Fed. R. Crim. P. 49.1, and LR Gen 102 and the Judicial Conference Policy on Privacy & Public Access to Electronic Case Files.</u>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Gen 304	<p><u>LR Gen 304 ELIGIBILITY; REGISTRATION; PASSWORDS</u></p> <p>(a) <u>Registration.</u> <u>Attorneys admitted to the bar of this Court pursuant to LR Gen 201 must register as Filing Users of this Court's ECF system prior to filing any documents electronically. Registration will be on an ECF Registration Form provided by the Clerk.</u></p> <p>(b) <u>Confidentiality of Login and Password.</u> <u>Once ECF registration is completed, the Filing User will receive notification from the Court of the user login and password. Filing Users agree to protect the security of their passwords and immediately notify the Clerk's Office if they learn that their password has been compromised.*[see Comment, end of Rule]</u></p> <p>(c) <u>Consent to Electronic Service.</u> <u>ECF registration as a Filing User constitutes consent to electronic service of all documents as provided in these Local Rules and in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.</u></p> <p>(d) <u>ECF Registration Separate from Bar Registration.</u> <u>ECF registration is separate and distinct from the periodic registration requirements and procedures contained in LR Gen 203 (c). Even though an attorney is a registered member of the bar in good standing under LR Gen 203, the attorney must register as a Filing User using the ECF Registration Form prior to filing documents electronically.</u></p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 304 (con't)	<p>* Comment</p> <p><u>Since failure to comply with this provision could cause serious harm to the administration of justice, attorneys are reminded that, as officers of the Court, they are responsible for ensuring full compliance with this provision.</u></p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Gen 305	<p><u>LR Gen 305 CONSEQUENCES OF ELECTRONIC FILING</u></p> <p>(a) Filing Defined. <u>The electronic filing of a document through ECF consistent with these Local Rules, together with the transmission of a NEF from the Court's ECF system, constitutes filing for all purposes of the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure and the Local Rules of this Court, and constitutes entry of the document on the docket maintained by the Clerk pursuant to Fed. R. Civ. P. 58 and 79 and Fed. R. Crim. P. 55.</u></p> <p>(b) Confirmation of Court Filing. <u>A document electronically filed through the Court's ECF transmission facilities shall be deemed filed on the date and time stated on the NEF received from the Court.</u></p> <p>(c) Official Record. <u>When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the document as filed. Before filing a document with the Court, the Filing User must verify the accuracy and/or legibility of the document.</u></p> <p>(d) Filing Deadlines. <u>Electronic filing does not alter the filing deadline for that document. All electronic filings must be completed before midnight local time in order to be considered timely filed that day unless a different time is established by court order.</u></p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 306	<p><u>LR Gen 306 ENTRY OF COURT-ISSUED DOCUMENTS</u></p> <p>(a) <u>Entry; Force and Effect.</u> All orders, decrees and judgments of the Court will be filed electronically, and the minutes of proceedings will be entered electronically, in accordance with these Local Rules, which will constitute entry on the docket kept by the Clerk under Fed. R. Civ. P. 58 and 79 and Fed. R. Crim. P. 55. Any order or other court-issued document filed electronically which contains a “/s/” in place of an original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner.</p> <p>(b) <u>Text Orders.</u> A judge or authorized member of the court staff may issue orders by a text-only entry on the Court’s docket without an attached document. The text-only entry shall constitute the only Court order on the matter and such orders are official and binding. The parties will receive notice of such an order through the NEF.</p> <p>(c) <u>Proposed Orders.</u> Proposed orders shall not be filed unless requested by the Court. When so requested, the Filing User shall submit a copy of the proposed order to the Clerk’s Office by e-mail in word processing format.</p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Gen 307	<p><u>LR Gen 307 DOCUMENT RETENTION REQUIREMENTS</u></p> <p><u>Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until two years after a final decision has been rendered which disposes of all aspects of the case.</u></p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 308	<p><u>LR Gen 308 SIGNATURES</u></p> <p>(a) <u>ECF Login and Password as Signature; Format of Signature Block.</u> The user login and password required to submit documents to the ECF system shall serve as that user's signature for purposes of Fed. R. Civ. P. 11 and for all other purposes under the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and these Local Rules. All electronically filed documents must include a signature block and must set forth the attorney's name, bar registration number, address, telephone number, fax number and e-mail address. The name of the ECF user under whose login and password the document is submitted must be preceded by a "/s/" and typed in the space where the signature would otherwise appear.</p> <p>(b) <u>Restrictions on Use of ECF Login and Password.</u> No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.</p> <p>(c) <u>Documents Requiring Multiple Signatures.</u> The filer of any document requiring more than one signature (e.g., pleadings filed by <i>pro hac vice</i> lawyers, stipulations, joint status reports) must list thereon all the names of other signatories by means of a "/s/" for each. By submitting such a document, the filing attorney certifies that each of the other signatories has expressly agreed to the form and substance of the document and that the filing attorney has their actual authority to submit the document electronically. A signatory or party who disputes the authenticity of an electronically filed document containing such "signatures" must file an objection to the document within 10 days of service of the NEF. The filing attorney shall retain any records evidencing this concurrence for future production, if necessary, in accordance with the Document Retention Requirements stated in LR Gen 307.</p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 309	<p><u>LR Gen 309 SERVICE OF DOCUMENTS BY ELECTRONIC MEANS</u></p> <p><u>(a) Notice of Electronic Filing (NEF).</u> Whenever a pleading or other document is filed electronically, the ECF system will automatically generate and send a NEF to the <u>Filing User and registered users of record. The user filing the document should retain a paper or digital copy of the NEF, which shall serve as the Court's date-stamp and proof of filing.</u></p> <p><u>(b) NEF as Service.</u> Transmission of the NEF shall constitute service of the filed document and shall be deemed to satisfy the requirements of Fed. R. Civ. P. 5(b)(2)(E), Fed. R. Civ. P. 77(d) and Fed. R. Crim. P. 49(b).</p> <p><u>(c) Certificates of Service on Electronically Filed Documents.</u> All documents filed using the ECF system shall include a certificate of service stating that the <u>document has been filed electronically and that it is available for viewing and downloading from the ECF system. The certificate of service must identify the manner in which the service on each party was accomplished.</u></p> <p><u>(d) Exemptions.</u> Attorneys and <i>pro se</i> litigants who are not Filing Users must be conventionally served with any electronically filed documents in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.</p> <p><u>(e) Time.</u> Service by electronic means shall be treated the same as service by mail for the purpose of adding three days to the prescribed period to respond.</p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 310	<p><u>LR Gen 310 NOTICE OF COURT ORDERS AND JUDGMENTS</u></p> <p><u>The electronic transmission to a Filing User of an order or judgment through a NEF constitutes notice as required by Fed. R. Civ. P. 77(d) and Fed. R. Crim. P. 49(c). When mailing paper copies of an electronically filed order to a party who is not a Filing User, the Clerk's Office will include the NEF.</u></p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Gen 311	<p><u>LR Gen 311 TECHNICAL FAILURE; FILING USER SYSTEM FAILURE</u></p> <p><u>(a) Definition. A technical failure is deemed to have occurred when the Court's ECF site cannot accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 p.m. (noon) on a given day. Known system outages will be posted on the Court's website, if possible.</u></p> <p><u>(b) Filing Options. A Filing User experiencing a technical failure may conventionally file the document or send the PDF document to an email address set up by the Court, if it is accompanied by a declaration attesting to the Filing User's attempts to timely file the document using ECF.</u></p> <p><u>(c) Relief. A Filing User whose filing is made untimely as the result of a technical failure of the Court's ECF site may seek appropriate relief from the Court.</u></p> <p><u>(d) Filing User System Failure. Problems on the Filing User's end, such as connection problems, problems with the Filing User's Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical failure under LR Gen 311(a) nor excuse an untimely filing. However, the Filing User may conventionally file the document or send the PDF document to an email address set up by the Court, if it is accompanied by a declaration attesting to the Filing User's attempts to timely file the document using ECF.</u></p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 312	<p><u>LR Gen 312 CORRECTING DOCKET ENTRIES</u></p> <p><u>Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's Office. The CM/ECF system will not permit a Filing User to make changes to the document(s) or docket entry filed in error once the transaction has been accepted. The Filing User must notify the Clerk's Office immediately upon learning of an error in the electronic filing or docketing of a document.</u></p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Gen 313	<p><u>LR Gen 313 PUBLIC ACCESS TO ELECTRONIC DOCKETS AND FILES</u></p> <p><u>(a) Public Access at Clerk's Office. The public may obtain at the Clerk's Office during regular business hours electronic access to the electronic docket and documents that have been electronically filed. If a printed copy is requested, a copy fee for an electronic reproduction will be assessed in accordance with 28 U.S.C. §1914.</u></p> <p><u>(b) Remote Electronic Access. The public may use a PACER login and password to obtain remote electronic access to the electronic docket and documents at the Court's Internet site (www.rid.uscourts.gov). A user fee for accessing court information through PACER will be assessed in accordance with 28 U.S.C. §1914.</u></p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

Civil Local Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cv 5.1	<p>(a) Proof of Service.</p> <p>(1) Proof of service of any document, except those listed in LR Cv 5(d) and (e) above, required to be served on a party or non-party shall be filed with the Court within threeseven (37) days after service is made. In the case of documents required to be served personally, proof of service shall include a certification by the person making service that the documents were served, the date of service, and a description of the manner in which service was made.</p> <p>*****</p>	The Civil Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Cv 7	<p>*****</p> <p>(f) <u>Expedited Nondispositive Motion Practice.</u> Expedited nondispositive motions filed under LR Cv 7.1 shall be governed by the specific procedures set forth in that rule concerning the form and content of such motions and supporting materials and the form and timing of objections thereto.</p> <p><i>(Note: This amendment was proposed by the Court following the Civil Subcommittee's resubmission, and the full committee's adoption, of the proposed LR Cv 7.1 on Expedited Nondispositive Motion Practice. Adoption of this amendment is contingent upon the Court's acceptance of the proposed LR Cv 7.1)</i></p>	N/A	PROPOSED CHANGE ACCEPTED CONTINGENT UPON ACCEPTANCE OF LR CV 7.1 BY THE COURT	

Civil Local Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cv 7.1	<p>Original 2007 Proposal [submitted by Attorney Craig Scott].</p> <p><u>Expedited Nondispositive Motion Practice</u></p> <p>(a) <u>In General.</u> Parties in civil actions may seek nondispositive relief by expedited motion. The motion must be designated as a “Rule 7.2 Expedited Nondispositive Motion.” The Court may schedule the motion for hearing or may decide the motion without hearing. The Court may designate that the hearing be conducted by telephone conference call. The Court may order an expedited briefing schedule. Counsel must serve the motion on all other parties and promptly file the motion with the Court.</p> <p>(b) <u>Contents; Supporting Affidavit.</u> The motion must contain the material facts, argument, and, if necessary, counsel’s certification pursuant to Fed. R. Civ. P. 37(a)(2). The motion, including argument, must not exceed three (3) pages. The movant must not file a separate memorandum with the motion. The movant may file with the motion an affidavit for purposes of (1) attesting to facts pertinent to the motion and/or (2) authenticating documents relevant to the issue(s) raised in the motion. The movant’s affidavit may not exceed two (2) pages.</p> <p>(c) <u>Opposition.</u> The party opposing the motion may file a memorandum in opposition to the motion within five (5) days of the filing of the motion, unless otherwise ordered by the Court. The opposing party’s memorandum must not exceed three (3) pages. The opposing party may file with its memorandum an affidavit for purposes of (1) attesting to facts pertinent to the respondent’s memorandum and/or (2)</p>	<p>The Civil Rules Subcommittee resubmitted the 2007 proposed amendment, in slightly altered form.</p> <p><u>Expedited Nondispositive Motion Practice</u></p> <p>(a) <u>In General.</u> Parties in civil actions may seek nondispositive relief by expedited motion. The motion must be designated as a “Rule 7.2 Expedited Nondispositive Motion.” The Court may schedule the motion for hearing or may decide the motion without hearing. The Court may designate that the hearing be conducted by telephone conference call. The Court may order an expedited briefing schedule. Counsel must serve the motion on all other parties and promptly file the motion with the Court.</p> <p>(b) <u>Contents; Supporting Affidavit.</u> The motion must contain the material facts, argument, and, if necessary, counsel’s certification pursuant to Fed. R. Civ. P. 37(a)(2)(1). The motion must not exceed (three) (3) pages. The movant must not file a separate memorandum with the motion. The movant may file with the motion an affidavit for purposes of (1) attesting to facts pertinent to the motion, and/or (2) authenticating documents relevant to the issue(s) raised in the motion. The movant’s affidavit may not exceed two (2) pages. (c) <u>Opposition.</u> The party opposing the motion respondent may must file a memorandum in opposition to the motion within five (5) 7 days of the filing of service of the motion, unless otherwise ordered by the Court. The opposing party’s respondent’s memorandum must not exceed three (3) pages. The opposing party respondent may file with its memorandum an affidavit for purposes of (1) attesting to facts pertinent to the respondent’s</p>	<p>The Full Committee elected to recommend its own modified version of the 2007 proposal.</p> <p><u>Expedited Nondispositive Motion Practice</u></p> <p>(a) <u>In General.</u> Parties in civil actions may seek nondispositive relief by expedited motion. The motion must be designated as a “Rule 7.1 7.2 Expedited Nondispositive Motion.” The Court may schedule the motion for hearing or may decide the motion without hearing. The Court may designate that the hearing be conducted by telephone conference call. The Court may order an expedited briefing schedule. Counsel must serve the motion on all other parties and promptly file the motion with the Court.</p> <p>(b) <u>Contents; Supporting Affidavit.</u> The motion must contain the material facts, argument, and, if necessary, counsel’s certification pursuant to Fed. R. Civ. P. 37(a)(2)(1). The motion, including argument, must not exceed three (3) pages. The movant must not file a separate memorandum with the motion. The movant may file with the motion an affidavit for purposes of (1) attesting to facts pertinent to the motion and/or (2) authenticating documents relevant to the issue(s) raised in the motion. The movant’s affidavit may not exceed two (2) pages.</p> <p>(c) <u>Opposition.</u> The party opposing the motion may file a memorandum in opposition an objection to the motion, including argument, within five (5) days seven (7) days of the filing of the motion, unless otherwise ordered by the Court. The opposing party’s memorandum objection</p>	

Civil Local Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cv 7.1 (Con't)	<p><u>authenticating documents relevant to the issue(s) raised in the motion. The opposing party's affidavit may not exceed two (2) pages. No reply brief is permitted absent leave of Court.</u></p> <p><u>(d) Exceptions. The provisions of this rule shall not apply to actions in which parties are not authorized to file documents electronically.</u></p>	<p>memorandum, and/or (2) authenticating documents relevant to the issue(s) raised in the motion. The respondent's affidavit may not exceed two (2) pages. No reply brief is permitted absent leave of Court.</p> <p><u>(c) Exceptions.—The provisions of this rule shall not apply to actions in which parties are not authorized to file documents electronically brought by incarcerated persons under 42 U.S.C. § 1983 in which the incarcerated person is proceeding pro se.</u></p>	<p>must not exceed three (3) pages. <u>The opposing party must not file a separate memorandum with the objection.</u> The opposing party may file with its memorandum objection an affidavit for purposes of (1) attesting to facts pertinent to the respondent's memorandum objection and/or (2) authenticating documents relevant to the issue(s) raised in the motion. The opposing party's affidavit may not exceed two (2) pages. No reply brief is permitted absent leave of Court.</p> <p><u>(d) Exceptions. The provisions of this rule shall not apply to actions in which parties are not authorized to file documents electronically.</u></p> <p>The Full Committee made minor changes to sections (a) and (b) of the original 2007 proposal. In section (c), the Committee replaced the word "memorandum" with "objection," and inserted language prohibiting the filing of memorandum to mirror the language in section (b).</p> <p><u>Dissent:</u> Brooks Magratten expressed concern that attorneys may employ this rule to file motions that opposing counsel could not effectively respond to under the time and page limitations set forth in this Rule.</p>	

Civil Local Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cv 7.2	<i>Note: It was decided that if the Court accepts the above rule as LR Cv 7.1 regarding expedited non-dispositive motion practice, the existing LR Cv 7.1 on Orders would be renumbered as LR Cv 7.2</i>	N/A	PROPOSED CHANGE ACCEPTED CONTINGENT UPON ACCEPTANCE OF LR CV 7.1 BY THE COURT	
LR Cv 16(b)	<i>Note: During the March 10, 2010 LRRC meeting, the Committee discussed whether LR Cv 16(b) should be modified so as to conform with the Court's recently issued <u>Standard Rule 16 Conference Notice</u>. The matter was referred to the Civil Rules Subcommittee.</i>	<p>The Civil Rules Subcommittee proposed this change during their meetings:</p> <p>*****</p> <p>(b) Statement of Claims. At least seven (7) days before the conference, counsel for each party asserting a claim (including a counterclaim, <u>and/or</u> 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, <u>or</u> counterclaim or defense.</p> <p>*****</p>	PROPOSED CHANGE ACCEPTED	

Civil Local Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cv 26	<i>Note: During the March 10, 2010 LRRC meeting, the Committee discussed two issues regarding discovery: (1) Whether the term "discovery" under LR Cv 26 includes requests for admissions; and (2) the meaning of the term "completed" in the rule with respect of discovery deadlines. These issues were referred to the Civil Rules Subcommittee.</i>	<p>The Civil Rules Subcommittee proposed two changes during their meeting.</p> <p>*****</p> <p>(c) Close of Discovery. Unless the Court otherwise orders, pretrial discovery must be completed by the discovery closure date. <u>The parties may agree that specified discovery which has been initiated before the discovery closure date may be completed subsequent to that date, so long as such completion does not affect the pretrial schedule or any trial date established by the Court.</u></p> <p>(d) Requests for Admissions. <u>Except as otherwise ordered by the Court, requests for admission may be filed at any time prior to trial.</u></p> <p>COMMENTARY</p> <p>The Civil Rules Subcommittee believes that the proposed amendments to LR Cv 26 (c) and 26(d) will enhance discovery practice before the Court. Specific explanations follow:</p> <p><u>LR Cv 26(c):</u> Upon agreement, and only as necessary, the amendment would permit parties to complete discovery after the discovery</p>	<p>THE FULL COMMITTEE ACCEPTED THE SUBCOMMITTEE PROPOSAL WITH MODIFICATIONS: (1) "HOWEVER" ADDED TO THE SECOND SENTENCE OF (C); (2) "SERVED" PUT IN THE PLACE OF "FILED" IN (D); AND (3) THE PHRASE "EXCEPT AS OTHERWISE ORDERED BY THE COURT" HAS BEEN CHANGED TO "UNLESS OTHERWISE ORDERED BY THE COURT."</p> <p>*****</p> <p>(c) Close of Discovery. Unless the Court otherwise orders, pretrial discovery must be completed by the discovery closure date. <u>However, the parties may agree that specified discovery which has been initiated before the discovery closure date may be completed subsequent to that date, so long as such completion does not affect the pretrial schedule or any trial date established by the Court.</u></p> <p>(d) Requests for Admissions. <u>Except as otherwise ordered by the Court, Unless the Court otherwise orders, requests for admission may be filed served at any time prior to trial.</u></p> <p>COMMENTARY</p> <p>The Civil Rules Subcommittee believes that the proposed amendments to LR Cv 26 (c) and 26(d) will enhance discovery practice before the Court. Specific explanations follow:</p> <p><u>LR Cv 26(c):</u> Upon agreement, and only as necessary, the amendment would permit parties to complete discovery after the</p>	

Civil Local Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cv 26 (con't)		<p>closure date. It reflects common practice among federal practitioners, particularly in cases involving numerous depositions or those presenting scheduling conflicts and the need for postponements because of a deponent's impaired health, or other factors beyond the parties' control. The proposed amendment makes plain that the arrangement shall not affect the pretrial schedule or trial date established by the Court, and that the Court retains the power to prohibit or modify such arrangement in any given case. The Subcommittee believes that the proposed amendment will promote civility and collegiality among opposing counsel and the Bar while enabling the case to proceed more smoothly.</p> <p><u>LR CV 26(d)</u>: The proposed addition to LR Cv 26 reflects the reality that requests for admissions are tools for narrowing the factual issues at trial, best used after the parties have completed most discovery. Permitting attorneys to file such requests either before or after the discovery closure date would assist the Court in clarifying the matters for trial, and help to eliminate a party's need to prove commonplace and obvious facts not in dispute. Because the opposing parties have up to thirty (30) days to respond under the FRCP 36, a party seeking admission has an incentive to propound such requests at least thirty days prior to trial at the risk of not receiving a timely response. The Court will continue to have control over discovery in individual cases because requests for admissions may be so propounded "unless otherwise ordered by the Court."</p>	<p>discovery closure date. It reflects common practice among federal practitioners, particularly in cases involving numerous depositions or those presenting scheduling conflicts and the need for postponements because of a deponent's impaired health, or other factors beyond the parties' control. The proposed amendment makes plain that the arrangement shall not affect the pretrial schedule or trial date established by the Court, and that the Court retains the power to prohibit or modify such arrangement in any given case. The Subcommittee believes that the proposed amendment will promote civility and collegiality among opposing counsel and the Bar while enabling the case to proceed more smoothly.</p> <p><u>LR CV 26(d)</u>: The proposed addition to LR Cv 26 reflects the reality that requests for admissions are tools for narrowing the factual issues at trial, best used after the parties have completed most discovery. Permitting attorneys to file such requests either before or after the discovery closure date would assist the Court in clarifying the matters for trial, and help to eliminate a party's need to prove commonplace and obvious facts not in dispute. Because the opposing parties have up to 30 days to respond under the FRCP 36, a party seeking admission has an incentive to propound such requests at least thirty days prior to trial at the risk of not receiving a timely response. The Court will continue to have control over discovery in individual cases because requests for admissions may be so propounded "unless otherwise ordered by the Court."</p>	

Civil Local Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cv 54	<p>This proposal was tabled during the 2008-2009 cycle, and resubmitted to the Committee with one change: the time periods in the proposal were modified to reflect the changes of 12/1/09.</p> <p>(a) Timing of Request. Within fourteen (14) 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>(b) Form of Request.</p> <p>(1) A bill of costs shall be prepared on forms provided by the Clerk's Office and shall specify each item of costs claimed.</p> <p>(2) A motion for an award bill of costs shall be supported by a memorandum of law and an affidavit that:</p> <p>(A) the amounts listed in the proposed bill of costs are correct; and</p> <p>(B) all services reflected in the bill of costs were actually performed and were necessary to the presentation of the movant's case; and</p> <p>(C) all disbursements reflected in the bill of costs represent obligations actually incurred and necessary to the presentation of the movant's case.</p>	<p>The Civil Rules Subcommittee revised the Court's proposal.</p> <p>(a) Timing of Request. Within fourteen (14) days after entry of judgment, a party seeking an award of costs shall file and serve on all other parties a motion for 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>(b) Form of Request.</p> <p>(1) A bill of costs shall be prepared on forms provided by the Clerk's Office and shall specify each item of costs claimed.</p> <p>(2) A motion for an award bill of costs shall be supported by a memorandum of law and an affidavit that:</p> <p>(A) the amounts listed in the proposed bill of costs are correct; and</p> <p>(B) all services reflected in the bill of costs were actually performed and were necessary to the presentation of the movant's <u>applicant's</u> case; and</p> <p>(C) all disbursements reflected in the bill of costs represent obligations actually incurred and necessary to the presentation of the movant's applicant's case; <u>and</u></p> <p>(D) <u>all costs are properly claimed and allowable.</u></p>	<p>The Full Committee accepted the Subcommittee recommendation for § (a), (b), and (c), and modified § (d) and (e).</p> <p>(a) Timing of Request. Within fourteen (14) days after entry of judgment, a party seeking an award of costs shall file and serve on all other parties a motion for 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>(b) Form of Request.</p> <p>(1) A bill of costs shall be prepared on forms provided by the Clerk's Office and shall specify each item of costs claimed.</p> <p>(2) A motion for an award bill of costs shall be supported by a memorandum of law and an affidavit that:</p> <p>(A) the amounts listed in the proposed bill of costs are correct; and</p> <p>(B) all services reflected in the bill of costs were actually performed and were necessary to the presentation of the movant's <u>applicant's</u> case; and</p> <p>(C) all disbursements reflected in the bill of costs represent obligations actually incurred and necessary to the presentation of the movant's- applicant's case; <u>and</u></p> <p>(D) <u>all costs are properly claimed and allowable.</u></p>	

Civil Local Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cv 54 (con't)	<p>(c) Taxation by Clerk. Upon receipt of a proposed bill of costs, the Clerk shall tax those costs which appear to be properly claimed and shall notify all parties of the costs allowed.</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 in the form of a motion, shall be served and filed within seven (7) 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 fourteen (14) 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. <u>If all objections have been resolved, the parties shall submit a proposed order.</u> If all objections have not been resolved, the Court will make a final determination with respect to the taxation of costs.</p> <p><i>Note All versions of LR Cv 54 in this chart, are redline versions of the current rule.</i></p>	<p>(c) Taxation by Clerk. <u>On or after fourteen (14) days following the filing</u> Upon receipt of a proposed bill of costs, the Clerk shall tax those costs which appear to be properly claimed and shall notify all parties of the costs allowed.</p> <p>(d) <u>Objections to Motion Opposing Costs and Response.</u> The taxation of costs by the Clerk shall be final unless modified by the Court. Any objection <u>motion opposing</u> to the costs taxed by the Clerk shall be served and filed within seven (7) days after notification, and shall be supported by a memorandum of law stating the reasons for the objection <u>opposition</u> and the authorities upon which the objector <u>moving party</u> relies. <u>Within seven (7) days of filing of the motion, any party objecting to the motion may file a response.</u></p> <p>(e) Resolution of Objections. Within fourteen (14) days after an objection <u>motion opposing costs</u> is filed, all interested parties shall meet and confer in an effort to resolve the objections <u>motion</u>. The meeting shall be initiated by the objecting <u>moving</u> party, who shall notify the Court promptly as to whether the objections <u>issues</u> have been resolved. <u>If all issues have been resolved, the parties shall promptly submit a proposed order.</u> If all objections <u>issues</u> have not been resolved, the Court will make a final determination with respect to the taxation of costs.</p>	<p>(c) Taxation by Clerk. <u>On or after fourteen (14) days following the filing</u> Upon receipt of a proposed bill of costs, the Clerk shall tax those costs which appear to be properly claimed and shall notify all parties of the costs allowed.</p> <p>(d) <u>Objections to Costs Motion To Review the Clerk's Action.</u> The taxation of costs by the Clerk shall be final unless modified by the Court. Any challenge <u>objection</u> to the costs taxed by the Clerk shall be in the form of a motion, which motion shall be served and filed within seven (7) days after notification, and shall be supported by a memorandum of law stating the reason for the objection <u>opposition</u> and the authorities upon which the objector <u>moving party</u> relies. <u>Within seven (7) days of filing of the motion, any party objecting to the motion may file a response.</u></p> <p>(e) Resolution of Objections. <u>Motion.</u> Within fourteen (14) days after an objection <u>a motion to review the Clerk's action</u> is filed, all interested parties shall meet and confer in an effort to resolve the objections <u>motion</u>. The meeting shall be initiated by the objecting <u>moving</u> party, who shall notify the Court promptly as to whether the objections <u>issues</u> have been resolved. <u>If all issues have been resolved, the parties shall promptly submit a proposed order.</u> If all objections <u>issues</u> have not been resolved, the Court will make a final determination with respect to the taxation of costs.</p>	

Civil Local Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cv 56	CompuLaw, LLC asked the LRRRC to clarify whether the times to file an opposition to a motion for summary judgment, and any reply to that opposition, shall be governed by LR 7(b)(1) or Fed. R. Civ. P. 56(c)(1).	The Civil Rules Subcommittee recommends the following amendment to LR Cv 56: (d) <u>Objections and Replies. The timing and filing of objections and replies in connection with motions for summary judgment shall be governed by LR Cv 7(b), unless otherwise directed by the Court.</u>	PROPOSED CHANGE ACCEPTED	
LR Cv 69	(a) <u>Execution.</u> Except when stayed by statute, rule or order of the Court, a party in whose favor judgment has been entered may execute on the judgment fourteen (14) days after judgment has been entered <u>on a form provided by the Clerk's Office.</u>	The Civil Subcommittee endorses the proposed change and recommends adoption by the Court.	During discussion of this amendment, the Committee noted that there were special statutory requirements that the Government must satisfy before obtaining a writ of execution, and the proposed amendment was modified as follows: (a) <u>Execution.</u> Except when stayed by statute, rule or order of the Court, a party, <u>other than the United States,</u> in whose favor judgment has been entered may execute on the judgment fourteen (14) days after judgment has been entered <u>on a form provided by the Clerk's Office.</u>	

Criminal Local Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cr 32	(a) Sentences Outside of the Guideline Range. <u>The Court's obligation to fashion a sentence consistent with 18 U.S.S.C. 3553(a) notwithstanding</u> , any request for a sentence outside of the applicable guideline range shall be made by a motion and shall be accompanied by a memorandum setting forth the factual and legal grounds for the request	The Criminal Subcommittee rejected the proposed change.	PROPOSED CHANGE REJECTED	

FEDERAL DEFENDER OFFICE
DISTRICT OF RHODE ISLAND
10 WEYBOSSET STREET, 3RD FLOOR
PROVIDENCE, RHODE ISLAND 02903

TELEPHONE: 401-528-4281
(FAX) 401-528-4285

January 21, 2010

AUSA Gerard Sullivan
Office of the United States Attorney
50 Kennedy Plaza, 8th Floor
Providence, RI 02903

Re: Local Rule Cr. 32.

Dear Mr. Sullivan:

I am writing to you in your capacity as chairman of the local rules criminal subcommittee. Local Rule Cr 32 addresses sentencing and presentence reports. 32(a) states that "Any request for a sentence outside of the applicable guideline range shall be made by a motion filed and served at least eleven (11) days prior to the date scheduled for sentencing..." As you know, in the Federal Defender's Office we file sentencing motions and memoranda in the vast majority of cases. It has recently come to my attention that the Court interprets this local rule as a bar on its power to consider a sentence outside of the advisory guideline range if there is no sentencing motion and accompanying memorandum.

It is our concern that the Court is interpreting this rule as mandating a motion as a prerequisite to it performing its constitutionally and statutorily required role at sentencing. Clearly a local rule cannot make an advisory guideline range mandatory and in fact the Rule seems to indicate that the Court must view the guideline sentence as reasonable without such a motion. This is of course in direct conflict with caselaw including *Rita v. United States*, 551 U.S. 338 (2009).

I would appreciate it if your committee would consider amending this rule. I would ask that the rule be changed to require a party to provide information that is not already before the

Court prior to sentencing but not that a motion be required for the Court to consider a non-guideline sentence. I believe this change is necessary in order to bring our local rule into compliance with the United States Constitution, 18 U.S.C. § 3553 and mandates of the United States Supreme Court.

Sincerely,

Mary S. McElroy
Assistant Federal Defender

cc: AUSA Stephanie Browne
James E. O'Neil
Edward Roy
James McCormick
David DiMarzio

Chambers of the Honorable
Mary. M. Lisi

FEB 2 2010

January 29, 2010

VIA FEDERAL EXPRESS

Honorable Mary M. Lisi
Chief U.S. District Judge
United States District Court, District of Rhode Island
Federal Building and Courthouse
One Exchange Terrace
Providence, RI 02903

Re: Summary Judgment Deadlines

Dear Judge Lisi:

We are writing to ask for clarification regarding the deadlines to oppose and reply to summary judgment motions before the USDC, District of Rhode Island. Although we have reviewed District of Rhode Island Local Rules ("LR") 7 and 56, as well as FRCP 56(c), it is unclear which rules govern these deadlines. This issue is causing uncertainty amongst litigants before the District of Rhode Island Court.

FRCP 56(c)(1), as amended effective 12/1/09, says that "unless a different time is set by local rule or the court orders otherwise...a party opposing the motion must file a response within 21 days after the motion is served."

LR 7(b)(1) provides, "Any party opposing a motion shall file and serve an objection not later than fourteen (14) days after service of the motion."

Although LR 56 contains specific information regarding summary judgment motions in the District of Rhode Island and includes references to other LR 7 requirements, it does not state clearly which response deadline to apply.


Because FRCP 56(c)(1) allows the local courts to set their own deadlines regarding summary judgment, and because the broad language of LR 7(b)(1) seems to indicate that it applies generally to all motions, including summary judgment motions, it would appear that the LR 7(b)(1) deadline would govern in place of the FRCP 56(c) deadline. Is this interpretation correct?

Honorable Mary M. Lisi
Chief U.S. District Judge
January 29, 2010
Page 2

CompuLaw is a software-based court rules publisher providing deadline information to firms practicing in the District of Rhode Island. Because this ambiguity between FRCP 56 and LR 7 and 56 is causing considerable confusion for our users, we would greatly appreciate any information you are able to provide us regarding this issue. We would request further that the Court also confirm whether FRCP 56(c)(1)(C) or LR 7(b)(2) governs replies to summary judgment motions, as a similar ambiguity exists in the application of the deadlines therein.

Thank you in advance for your time and consideration of this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Katz".

Victoria Katz, Esq.
CompuLaw LLC
vkatz@compulaw.com

David DiMarzio

From: Cheryl Phillips [cphillips@compulaw.com]
Sent: Wednesday, October 28, 2009 4:30 PM
To: Local Rules
Subject: Proposed amendments to local rules

Good afternoon,

I am writing on behalf of my employer, CompuLaw LLC, with regard to the proposed amendments to the local rules for the USDC of Rhode Island.

The last sentence of proposed Local Civil Rule 44 reads, "The authenticity of such documents shall be deemed admitted by the party served unless, within fourteen (14) days thereafter, that party serves and files an objection."

Our concern is not with the change from 10 days to 14 days but rather it is with the term "thereafter." In our opinion it is somewhat ambiguous as to what triggers the 14 day deadline to object. We presume the deadline is 14 days after service of the record or document intended to be offered into evidence. However, it would be extremely useful to clarify this to avoid any possible confusion. For example, Local Civil Rule 44 could be revised to state, "The authenticity of such documents shall be deemed admitted by the party served unless, within fourteen (14) days after such service, that party serves and files an objection."

The same concern arises with regard to proposed Local Civil Rule 72(c)(3) and (d)(1). Both of these sections set deadlines as "fourteen (14) days thereafter." Once again it would help to avoid any possible confusion if these sections were revised to state, "within fourteen (14) days after service of the response."

Thank you for your time and consideration.

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

**FINAL CHART REGARDING THE
PROPOSED AMENDMENTS TO LOCAL RULES**

JANUARY 3, 2011

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 101	<p>*****</p> <p>(f) — “Court.” As used in these Rules, the term “Court” refers to the judge or judicial officer before whom a proceeding is pending, unless otherwise stated or unless the context in which the term is used plainly requires otherwise.</p> <p>(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.</p> <p><u>(f) Definitions.</u></p> <p><u>(1) “Court” refers to the judge or judicial officer before whom a proceeding is pending, unless otherwise stated or unless the context in which the term is used plainly requires otherwise.</u></p> <p><u>(2) “Conventionally Filed/Served” means documents presented to the Court or party in paper or other non-electronic format.</u></p> <p><u>(3) “Document” means any written matter filed by or with the Court, whether filed conventionally or electronically, including but not limited to motions, objections, pleadings, applications, petitions, notices, declarations, stipulations, affidavits, exhibits, briefs, memoranda of law and orders.</u></p> <p><u>(4) “ECF” means the Court’s Electronic Case Filing System, which is an automated system that receives and stores documents in electronic form.</u></p> <p><u>(5) “Electronic Filing” or “Electronically Filed” means the transmission of a document in Portable Document Format (“PDF”) for filing using the ECF system facilities.</u></p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 101 (con't)	<p>(6) <u>“Filing User” means those attorneys who have a court-issued login and password to file documents electronically in this judicial district.</u></p> <p>(7) <u>“Main Document” means motions, objections, replies, stipulations, waivers, notices and other pleadings, but does not include attachments or exhibits to such pleadings.</u></p> <p>(8) <u>“NEF” means Notice of Electronic Filing, which is the email notice automatically generated by ECF each time a document is electronically filed.</u></p> <p>(9) <u>“PDF” means Portable Document Format. This includes both “Electronically Converted PDF Documents,” which are created from a word processing system (MS Word, WordPerfect, etc.) using PDF creation software and are text-searchable, and “Scanned PDF Documents,” which are created from paper documents run through a scanner and can be made text-searchable.</u></p> <p>(10) <u>“Megabyte” (MB) is the amount of computer storage needed to store 1,048,576 characters, which is equivalent to approximately 260 pages of an “Electronically Converted PDF Document” or 20 pages of a “Scanned PDF Document”.</u></p> <p>(11) <u>A “Page” from a PDF document for purposes of these rules must be the equivalent of a “page” from a conventionally filed (paper) document which was prepared to conform with the requirements of these Local Rules.</u></p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 102	<p>(a) <u>In General Privacy Protections.</u></p> <p>(1) <u>In General.</u> In compliance with Fed. R. Civ. P. 5.2, Fed. R. Crim. P. 49.1, and the policy of the Judicial Conference of the United States, and in order to address the <u>privacy concerns created by Internet access to court documents, parties or non-parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all documents filed with the Court:</u></p> <p>(a) <u>MINORS' NAMES: Use of the minors' initials only;</u></p> <p>(b) <u>SOCIAL SECURITY NUMBERS: Use of the last four numbers only;</u></p> <p>(c) <u>DATES OF BIRTH: Use of the year of birth only;</u></p> <p>(d) <u>FINANCIAL ACCOUNT NUMBERS: Identify the type of account and the financial institution, but use only the last four numbers of the account number; and</u></p> <p>(e) <u>HOME ADDRESSES: Use the city and state only (in criminal cases only).</u></p> <p>(2) <u>Responsibility for Removing Personal Information.</u> It is the responsibility of any party or non-party filing a document, not the Clerk's Office, to review each document to determine if pleadings must be modified and are in the proper form.</p> <p>(3) <u>Corrective Action.</u> In cases where the above personal information does appear on documents filed with the Court, the party or non-party responsible for the filing shall file a Motion to Redact, along with a redacted version of the document containing personal information in compliance with Fed. R. Civ. P. 5.2, Fed. R. Crim. P. 49.1 and Judicial Conference policy. Upon receipt of the Motion to Redact, the Clerk shall grant the motion by text order, restrict the document containing the above personal information from the docket, and replace it with the redacted version.</p>	<p>The General Rules Subcommittee endorses the Court's proposed changes: a new § (a), a revised § (b), and redesignated § (c), (d), and (e). The Subcommittee also recommends changes to § (c) and (d) to allow counsel to withdraw a motion to seal and the documents to be sealed when a motion to seal is denied.</p>	<p>PROPOSED CHANGES TO § (a), (b), AND (e) ACCEPTED, AND THE SUBCOMMITTEE'S PROPOSED CHANGES TO § (c) AND (d) WERE MODIFIED.</p>	<p>COURT APPROVED CHANGE</p>

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 102 (con't)	<p><u>(a)(b) Sealed Documents Generally.</u></p> <p>(1) Documents filed with the Court may not be sealed unless ordered by the Court. If counsel or a party or non-party filing a document has a good faith basis for believing that a document should be sealed, the document shall be accompanied by a motion to seal, which explains why the document should be sealed.</p> <p>(2) Unless the Court otherwise permits, if counsel a party or a party non-party has good reason to believe that a document that such counsel party or party non-party proposes to file contains material that another party party or non-party would maintain is confidential, the document shall not be filed until such other party party or non-party has been notified and afforded an opportunity to file a motion to seal.</p> <p>(3) If only a portion of a document contains confidential information, the party or counsel non-party requesting sealing shall file both an unredacted version of the document and a redacted version that excises the confidential information.</p> <p>(4) The motion to seal shall not be filed electronically, but shall be filed by hand or by mail, together with the documents or materials which are the subject of the motion.</p> <p>*****</p>	<p>The General Rules Subcommittee endorses the Court's proposed changes: a new § (a), a revised § (b), and redesignated § (c), (d), and (e). The Subcommittee also recommends changes to § (c) and (d) to allow counsel to withdraw a motion to seal and the documents to be sealed when a motion to seal is denied.</p>	<p>PROPOSED CHANGES TO § (a), (b), AND (e) ACCEPTED, AND THE SUBCOMMITTEE'S PROPOSED CHANGES TO § (c) AND (d) WERE MODIFIED.</p>	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 102 (con't)	<p>(b) Filing of Sealed Documents in Civil Cases.</p> <p>*****</p>	<p>The General Rules Subcommittee endorses the Court's proposed changes: a new § (a), a revised § (b), and redesignated § (c), (d), and (e). The Subcommittee also recommends changes to § (c) and (d) to allow counsel to withdraw a motion to seal and the documents to be sealed when a motion to seal is denied.</p> <p>(b) Filing of Sealed Documents in Civil Cases. Upon receipt of a motion to seal in a civil case, the clerk shall docket the motion but not the documents which are the subject of the motion and shall immediately transmit the motion and documents to the chambers of the judge to whom the case has been assigned. If the Court grants the motion to seal and unless otherwise ordered by the Court, the sealed envelope shall be retained by the clerk in a secure location until further order of the Court. If the Court denies the motion to seal, the motion and the documents accompanying the motion shall be docketed and filed in accordance with these Local Rules returned to the filer, unless otherwise ordered by the Court.</p>	<p>PROPOSED CHANGES TO § (a), (b), AND (e) ACCEPTED, AND THE SUBCOMMITTEE'S PROPOSED CHANGES TO § (c) AND (d) WERE MODIFIED.</p> <p>(b) Filing of Sealed Documents in Civil Cases. Upon receipt of a motion to seal in a civil case, the clerk shall docket the motion but not the documents which are the subject of the motion and shall immediately transmit the motion and documents to the chambers of the judge to whom the case has been assigned. If the Court grants the motion to seal and unless otherwise ordered by the Court, the sealed envelope shall be retained by the clerk in a secure location until further order of the Court. If the Court denies the motion to seal, the motion and the documents accompanying the motion shall be docketed and filed in accordance with these Local Rules, and the memorandum and the documents accompanying the motion shall be returned to the filer, unless otherwise ordered by the Court.</p>	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 102 (con't)	<p>(ed) Filing of Sealed Documents in Criminal Cases.</p> <p>*****</p>	<p>The General Rules Subcommittee endorses the Court's proposed changes: a new § (a), a revised § (b), and redesignated § (c), (d), and (e). The Subcommittee also recommends changes to § (c) and (d) to allow counsel to withdraw a motion to seal and the documents to be sealed when a motion to seal is denied.</p> <p>(ed) Filing of Sealed Documents in Criminal Cases. Upon receipt of a motion to seal in a criminal case, the clerk shall immediately transmit the motion and the documents which are the subject of the motion to the chambers of the judge to whom the case has been assigned. If the Court grants the motion to seal, the motion to seal, the order granting the motion to seal, and the sealed documents shall be placed in an envelope which shall be sealed and to which a copy of the Court's order shall be affixed. The envelope shall then be retained by the clerk in a secure location until further order of the Court. If the Court denies the motion to seal, the motion and the documents accompanying the motion shall be docketed and filed in accordance with these Local Rules returned to the filer, unless otherwise ordered by the Court.</p>	<p>PROPOSED CHANGES TO § (a), (b), AND (e) ACCEPTED, AND THE SUBCOMMITTEE'S PROPOSED CHANGES TO § (c) AND (d) WERE MODIFIED.</p> <p>(ed) Filing of Sealed Documents in Criminal Cases. Upon receipt of a motion to seal in a criminal case, the clerk shall immediately transmit the motion and the documents which are the subject of the motion to the chambers of the judge to whom the case has been assigned. If the Court grants the motion to seal, the motion to seal, the order granting the motion to seal, and the sealed documents shall be placed in an envelope which shall be sealed and to which a copy of the Court's order shall be affixed. The envelope shall then be retained by the clerk in a secure location until further order of the Court. If the Court denies the motion to seal, the motion and the documents accompanying the motion shall be docketed and filed in accordance with these Local Rules, and the <u>memorandum and the documents accompanying the motion shall be returned to the filer, unless otherwise ordered by the Court.</u></p>	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p>(e) Unsealing of Documents.</p> <p>*****</p>	<p>The General Rules Subcommittee endorses the Court's proposed changes: a new § (a), a revised § (b), and redesignated § (c), (d), and (e). The Subcommittee also recommends changes to § (c) and (d) to allow counsel to withdraw a motion to seal and the documents to be sealed when a motion to seal is denied.</p>	<p>PROPOSED CHANGES TO § (a), (b), AND (e) ACCEPTED, AND THE SUBCOMMITTEE'S PROPOSED CHANGES TO § (c) AND (d) WERE MODIFIED.</p>	
LR Gen 107.1	<p><u>LR Gen 107.1 ELECTRONIC AVAILABILITY AND REDACTION OF TRANSCRIPTS OF COURT PROCEEDINGS</u></p> <p><u>(a) Applicability.</u> The 90-day restriction policy and the redaction procedures for transcripts listed below apply only to transcripts of federal court proceedings. Other transcripts, except those exempt under Fed. R. Civ. P. 5.2(b) and Fed. R. Crim. P. 49.1(b), will be subject to the redaction requirements contained in these rules if they are filed with this Court.</p> <p><u>(b) Restricted Availability of Transcripts for First 90 Days after Filing.</u> Transcripts will be e-filed by the court reporter or transcriber through CM/ECF, and they will be available at the Clerk's Office, for viewing only, for a period of 90 days after filing.</p> <p><u>(c) Review of Transcripts.</u> Once a transcript is filed, counsel of record (and unrepresented parties) must review the transcript and request redaction of any personal identifiers listed in Fed. R. Civ. P. 5.2, Fed. R. Crim. P. 49.1, and LR Gen 102. Unless otherwise ordered by the court, the following portions of the transcript must be reviewed: opening and closing statements made on the party's behalf; statements of the party; the testimony of any witnesses called by the party; sentencing proceedings (both the government and the defendant must review the transcript); and any other portion of the transcript as ordered by the court.</p>	<p>The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.</p>	<p>PROPOSED CHANGE ACCEPTED</p>	<p>COURT APPROVED CHANGE</p>

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 107.1 (con't)	<p>(1) <u>“Standby” Counsel and CJA Attorneys.</u> <u>An attorney who is serving as appointed “standby” counsel for a <i>pro se</i> litigant must review the transcript as if the <i>pro se</i> party were his/her client. If an attorney represents a client pursuant to the Criminal Justice Act (CJA), including serving as standby counsel, the attorney conducting the review of the transcript is entitled to compensation under the CJA for functions reasonably performed to fulfill this obligation and for reimbursement of related reasonable expenses.</u></p> <p>(d) <u>Redaction Requests.</u></p> <p>(1) <u>Procedure.</u> <u>If counsel of record (or an unrepresented party) seeks a redaction of personal identifiers, a document entitled “Redaction Request” must be electronically filed within 21 days, or longer if the Court so orders, from the filing of the original transcript, indicating where the personal identifiers appear in the transcript by page and line and how they are to be redacted.</u></p> <p>(2) <u>Time Limits.</u> <u>If a Redaction Request or a Motion to Extend Time is not timely filed, no redactions will be made, and the original transcript will be remotely publicly available after 90 days.</u></p> <p>(3) <u>Additional Redactions.</u> <u>If a party wishes to request redactions in addition to personal identifiers, a separate Motion for Redaction of Transcript must be filed within 21 days from the filing of the original transcript. Until the Court has ruled on any such motion, the transcript will not be electronically available, even if the 90-day restriction period has ended.</u></p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 107.1 (con't)	<p>(4) Filing of Redacted Transcripts. If a Redaction Request is filed, the court reporter or transcriber must perform the requested redactions and file a redacted version of the transcript within 31 days, or longer if the Court so orders, from the filing of the original transcript. Unless the Court orders the original unredacted electronic transcript to be sealed, it will be retained by the Clerk and will be available, for viewing only, at the public terminal at the Courthouse and remotely electronically available to any attorney of record who has purchased a copy from the court reporter.</p> <p>(e) Purchase of Transcripts. During the 90-day period, a copy of the transcript, in paper or electronic form, may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference. The transcript will be available, for viewing only, at the public terminal at the Courthouse and remotely electronically available to any attorney of record who has purchased a copy from the court reporter.</p> <p>(f) Availability of Transcripts after 90 days. After the 90-day period has ended, the transcript will be available remotely to view, download or print through PACER, and to view and print at the Clerk's Office.</p> <p>(1) Redacted Transcripts. If a redacted transcript is filed with the Court, the redacted transcript will be remotely electronically available to the public through PACER after 90 days from the date of filing of the original transcript. Remote access to the original unredacted transcript will remain restricted, but both the original transcript and the redacted transcript will be available for viewing at the Clerk's Office unless the Court orders the original transcript to be sealed.</p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 107.1 (con't)	<p>(g) <u>Transcripts of Petit Jury Empanelments.</u></p> <p>(1) <u>Whenever a court reporter receives a request for a transcript of a petit jury empanelment, the reporter will prepare two (2) versions of the transcript: one complete, unredacted version and one redacted version. The redacted version will have the juror names and any sidebars redacted.</u></p> <p>(2) <u>Redaction of juror names means that only the first full name and last initial of the juror will be used by the court reporter in preparing the transcript. Redaction of a sidebar will result in a complete elimination of the sidebar from the transcript.</u></p> <p>(3) <u>The redacted transcript will be e-filed by the court reporter in accordance with, and be subject to, the provisions of this Rule.</u></p> <p>(4) <u>The complete, unredacted transcript will be e-filed by the court reporter for “restricted” viewing only by the Court and the parties. The “restricted” availability of the transcript to the parties will also be governed by the availability provisions of this Rule during the first 90 days after filing.</u></p> <p>(5) <u>If a non-party requests a complete, unredacted copy of a petit jury empanelment transcript, the request will be sent to the presiding judge in that case, and the presiding judge will make a determination as to whether or not the complete, unredacted copy should be provided to the non-party.</u></p> <p><i>*Note: As an editorial matter, “calendar days” was changed to “days” to achieve consistency with other rules.</i></p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 109	<p>*****</p> <p>(f) Appeals to District Court.</p> <p>*****</p> <p>(6) Record on Appeal.</p> <p>*****</p> <p>(C) the record on appeal, as to which the appellant shall 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;</p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE
LR Gen 111	<p>(a) General Prohibition. Except to the extent expressly authorized by the Court, no person shall photograph, record, or broadcast, or otherwise transmit any proceeding, event or activity in or from any interior portion of the United States Courthouse or that portion of the John O. Pastore Building that is occupied by the Court. The Court may permit photographing, tape recording or broadcasting of ceremonial proceedings upon such terms and conditions as the Court may specify.</p>	<p>The General Rules Subcommittee endorses the proposed change and further suggests the removal of the word “tape” from the last sentence so that the rule covers both digital and “tape” recording.</p> <p>(a) General Prohibition. Except to the extent expressly authorized by the Court, no person shall photograph, record, or broadcast, or otherwise transmit any proceeding, event or activity in or from any interior portion of the United States Courthouse or that portion of the John O. Pastore Building that is occupied by the Court. The Court may permit photographing, tape recording or broadcasting of ceremonial proceedings upon such terms and conditions as the Court may specify.</p>	PROPOSED CHANGE ACCEPTED AS MODIFIED BY THE SUBCOMMITTEE.	COURT APPROVED CHANGE

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 201	<p>*****</p> <p>(b) Exceptions to Requirement of Membership.</p> <p>*****</p> <p>(5) Attorneys in Transferred Cases. <u>An attorney who is a member in good standing of the bar of another federal district court, and who represents a party in a case transferred to the District of Rhode Island from another district, may appear and practice in this Court in that case.</u></p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE
LR Gen 202	<p>(a) Requirements for Admission.</p> <p>*****</p> <p>(2) Either:</p> <p>(A) Have completed the course of instruction and have passed the examination* on Federal Practice and Procedure given by this Court's Board of Bar Admissions, or</p> <p>(B) Have at least five years of experience in practicing before federal courts and certify that he or she has read and understands these Local Rules;</p> <p>and</p> <p>(3) Establish to the satisfaction of this Court, that he or she is <u>of good moral character and</u> otherwise qualified and fit to be admitted to the Bar of this Court.</p> <p>*****</p> <p>* The bar examination requirement has been suspended. See Administrative Order 2007-05.</p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 202 (con't)	<p>(b) Procedure for Admission.</p> <p>*****</p> <p>(3) Review of Application. In the case of an application pursuant to LR Gen 202(a)(2)(A), the Clerk shall examine the application, the court certificate and the records indicating that the applicant has completed the course of instruction and passed the examination*-given by the Board of Bar Admissions. If the Clerk finds that those documents and records indicate that the applicant satisfies the prerequisite for admission, the Clerk shall notify the applicant and the Chairman of the Board of Bar Admissions and place the applicant on the list for admission. If the Clerk finds that the documents and records indicate that the applicant does not satisfy the prerequisites for admission, the Clerk shall notify the applicant and the Chief Judge of this Court. Said notification shall specify the reasons for this determination.</p> <p>In the case of an application pursuant to LR Gen 202(a)(2)(B) the application shall be reviewed by the Chair of the Board of Bar Admissions who shall recommend to the Chief Judge whether the application should be approved or rejected. The final decision shall be made by the Chief Judge who shall direct the Clerk to notify the applicant of the decision.</p> <p>*****</p> <p>(c) Board of Bar Admissions and Course of Instruction.</p> <p>*****</p> <p>(1) Board of Bar Admissions.</p> <p>* The bar examination requirement has been suspended. See Administrative Order 2007-05.</p>	<p>The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.</p>	<p>PROPOSED CHANGE ACCEPTED</p>	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 202 (con't)	<p>Establishment of Board. There shall be a Board of Bar Admissions which shall administer a course of instruction and an examination on federal practice and practice before this Court, in particular.</p> <p>*****</p> <p>(3) — Bar Examination.*</p> <p>(A) — Subjects of Examination. The Bar examination shall be a written examination consisting of sections corresponding to the subjects covered in the course of instruction.</p> <p>(B) — Grading. The Board of Bar Admissions shall be responsible for preparing and grading the Bar examination and for notifying the Clerk of the results.</p> <p>(C) — Passing Grade. In order to pass the examination, an applicant must achieve a passing grade on at least all but one section of the examination.</p> <p>(4) — Procedure for Review of Examination Results.*</p> <p>(A) — Any applicant who has been notified that he or she has failed the examination may request a review of the exam results by sending a letter to the Chair of the Board of Bar Admissions in care of the Clerk, United States District Court. The letter requesting review shall be sent within thirty (30) days of the date of notification</p> <p>* The bar examination requirement has been suspended. See Administrative Order 2007-05.</p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 202 (con't)	<p>(B) — Each Board member who has given the applicant a failing grade shall review the applicant's answers and shall either confirm that the applicant failed; or, if warranted, change the grade to a passing grade.</p> <p>-(C) — If two or more Board members confirm that the applicant failed the exam, the applicant shall be offered the opportunity to meet with each such Board member to review the examination questions, answers and grade.</p> <p>(D) — After any such meeting, if two or more Board members still confirm that the applicant failed, the applicant may, by letter addressed to the Chairman request that the Board of Bar Admissions, <i>en banc</i>, review his or her exam and, either:</p> <p>(i) — Overrule any or all of the failing grades; or</p> <p>(ii) — Allow the applicant to retake the examination without waiting an additional year; or</p> <p>(iii) — Allow any other relief that the Board deems fair and just.</p> <p>(E) — If the Board denies the requested relief, the applicant may file a petition for review with the Chief Judge within 30 days after being notified of the denial.</p> <p>* <i>The bar examination requirement has been suspended. See Administrative Order 2007-05.</i></p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 203	<p>*****</p> <p>(e) — Registration Requirement. Every member of the bar of this Court shall register as a member at the times and in the manner provided in this subsection and subsection (d).</p> <p>(1) — Current Members. Every attorney who is a member of the bar of this Court as of January 1, 2006, must register no later than March 31, 2006.</p> <p>(2) — Future Members. Every attorney admitted to the bar of this Court after January 1, 2006, must register no later than March 31, 2010.</p> <p>(d) — (c) Periodic Registration Procedure.</p> <p>*****</p> <p>(3) Method of Registration. A member shall register by:</p> <p>*****</p> <p>(B) Paying the applicable registration fee established by the Court, except that the fee need not be paid by attorneys employed on a full-time basis by the United States and/or the State of Rhode Island.*</p> <p>*****</p> <p>(e) — (d) Effect of Failure to Register. An attorney's failure to register in accordance with the provisions of subsections (c) and (d) may be cured by filing the completed registration form no later than 60 days after the applicable deadline for registration and paying the registration fee and the late fee established by the Court except that the Court, for good cause shown, may permit the attorney to cure more than 60 days after the applicable deadline for registration.</p> <p>An attorney who does not cure a failure to register within the aforesaid 60-day period, or at any</p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p>extension permitted by the Court, must apply for reinstatement pursuant to LR Gen 215.</p> <p>*****</p> <p>(f)—<u>(e)</u> Use of Registration Fees</p> <p>*****</p> <p><u>*The bar membership renewal fee was suspended by an order dated January 5, 2010.</u> (Footnote added to the existing rule.)</p>			
LR Gen 204	<p>*****</p> <p>(b) Eligibility for <i>Pro Hac Vice</i> Admission.</p> <p>*****</p> <p>(2) Establish, to the satisfaction of this Court, that he or she is <u>of good moral character and</u> otherwise qualified and fit to be admitted to practice <i>pro hac vice</i> before this Court.</p> <p>*****</p> <p>(e) Local Counsel.</p> <p>(1) In order to be admitted and/or remain as <i>pro hac vice</i> counsel, an attorney shall be affiliated with local counsel who is a member of the Bar of this Court, <u>maintains an office within the District of Rhode Island</u>, and has entered an appearance as co-counsel.</p> <p>*****</p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE TO (b)(2), BUT WITHDREW CHANGE TO (e)(1) (SUBMITTED TO LRRC IN ERROR.)
LR Gen 215	<p>*****</p> <p>(c) Conduct of Hearing. At the hearing, the applicant shall have the burden of demonstrating by clear and convincing evidence that he or she is <u>of good moral character and otherwise</u> qualified and fit to practice law before this Court, and that the applicant's resumption of the practice of law before this Court will not adversely affect the interests of potential clients, public confidence in the integrity of the Bar of this Court or the proper administration of justice.</p> <p>*****</p>	The General Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 301	<p><u>LR Gen 301 GENERAL</u></p> <p><u>(a) Applicability.</u> These rules govern electronic case filing in the United States District Court for the District of Rhode Island and establish procedures for the signing, filing, service, maintenance and verification of documents by electronic means.</p> <p><u>(b) Scope of Electronic Filing.</u> Except as provided in LR Gen 302 and LR Gen 303, all documents submitted for filing in civil and criminal cases by an attorney who has been admitted to the bar of this Court or allowed to practice before this Court, regardless of the commencement date of the action, shall be Electronically Filed in PDF format using ECF. Documents filed electronically constitute filing with the Court as defined in Fed. R. Civ. P. 5(e) and Fed. R. Crim. P. 49(d).</p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE
LR Gen 302	<p><u>LR Gen 302 EXEMPTIONS; EXCEPTIONS; PRO SE LITIGANTS</u></p> <p><u>(a) Attorney Exemption/Exceptions.</u> If filing electronically would create an undue hardship for an attorney, the attorney may request an exemption from the Clerk of Court and permission to file documents conventionally. The request must be made in writing, and must contain a detailed explanation of the reason(s) for the request. The Clerk may grant an exemption on such terms and conditions as are appropriate and reasonable.* [see <u>Comment, end of Rule</u>]</p> <p><u>(b) One-Time Exemption.</u> An attorney who is not a Filing User may conventionally file documents on behalf of a client in an ECF case without leave of the Court for 21 days from the filing of the first document by the attorney. However, within that 21-day period, the attorney must register as a Filing User, or seek an exemption under § (a) above.</p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 302 (con't)	<p>(c) Attorneys in Removal Cases. An attorney who is not a member of the bar of this Court but who is permitted to appear and practice in this Court pursuant to the provisions of LR Gen 201(b)(3) may, but is not required to, register as a Filing User and file documents electronically using ECF.</p> <p>(d) Pro Se Litigants. All <i>pro se</i> litigants shall conventionally file and serve all documents in accordance with the provisions of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and the Local Rules of this Court.</p> <p>*Comment</p> <p>Prior to requesting an exemption, attorneys should seek assistance from the Clerk's Office. The Court offers ECF training sessions as well as computer-based training modules for attorneys and their staff. Also, the Clerk's Office has a workstation available at the Courthouse for any Filing User who needs assistance with electronic filing. ECF training and support information can be obtained from the Clerk's Office and found on the Court's web site at: www.rid.uscourts.gov</p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 303	<p><u>LR Gen 303 SPECIAL FILING REQUIREMENTS AND EXCEPTIONS</u></p> <p><u>(a) Civil and Miscellaneous Case Opening Documents.</u></p> <p><u>(1) Civil case opening documents, such as a complaint, petition and notice of removal, together with a summons and civil cover sheet, shall be filed conventionally. Also, documents seeking emergency relief under LR Cv 9, such as a request for a temporary restraining order, shall be filed conventionally. The case will be assigned and opened electronically by the Clerk's Office, and the documents submitted will be incorporated into the electronic case file.</u></p> <p><u>(2) The Clerk's Office will return the signed and sealed summonses to counsel for the plaintiff for service of process. A party may not electronically serve a civil complaint, but shall effect service in accordance with Fed.R.Civ.P. 4.</u></p> <p><u>(3) Miscellaneous case opening documents shall be filed conventionally along with the prescribed filing fee.</u></p> <p><u>(b) Limit on Size of Documents.</u> No documents shall be filed that are larger than 2.5 megabytes (MB). In cases where a single document is larger than 2.5 MB, the filer shall break the document into files smaller than 2.5 MB before filing.</p> <p><u>(c) Other Documents</u></p> <p><u>(1) The following documents must be conventionally filed and will not appear in the electronic case file:</u></p> <p><u>(A) Motions to file documents under seal and documents filed under seal in criminal cases as set forth in LR Gen 102(d);</u></p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 303 (con't)	<p><u>(B) Administrative records in social security cases, IDEA cases and in other administrative review proceedings;</u></p> <p><u>(C) The state court record and other Rule 5 materials in habeas corpus cases filed in 28 U.S.C. §2254 proceedings;</u></p> <p><u>(D) The state court record in Notice of Removal actions;</u></p> <p><u>(E) Ex parte motions and applications; and</u></p> <p><u>(F) Consent to Proceed Before a Magistrate Judge.</u></p> <p><u>(2) The following documents must be conventionally filed, but will be scanned into the electronic case file by the Clerk's Office:</u></p> <p><u>(A) Motions to file documents under seal in civil cases as set forth in LR Gen 102(c);</u></p> <p><u>(B) All pleadings and documents filed by prisoner and non-prisoner pro se litigants;</u></p> <p><u>(C) The charging document in a criminal case, such as the complaint, indictment and information;</u></p> <p><u>(D) Affidavits for search and arrest warrants and related papers;</u></p> <p><u>(E) Fed. R. Crim. P. 20 and Fed. R. Crim. P. 5 papers received from another court;</u></p> <p><u>(F) Any pleading or document in a criminal case containing the signature of a defendant, such as a waiver of indictment or plea agreement;</u></p> <p><u>(G) Petitions for violations of supervised release; and</u></p> <p><u>(H) Appearance Bonds.</u></p> <p><u>(3) The following documents must be filed in a Scanned PDF format using ECF and may not be filed in an Electronically Converted PDF format:</u></p> <p><u>(A) Rule 4 executed service of process documents; and</u></p> <p><u>(B) Affidavits in support of motions or objections with original signatures.</u></p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 303 (con't)	(4) No document should be placed in the public case file that does not comply with Fed. R. Civ. P. 5.2, Fed. R. Crim. P. 49.1, and LR Gen 102 and the Judicial Conference Policy on Privacy & Public Access to Electronic Case Files.	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Gen 304	<p><u>LR Gen 304 ELIGIBILITY; REGISTRATION; PASSWORDS</u></p> <p><u>(a) Registration.</u> Attorneys admitted to the bar of this Court pursuant to LR Gen 201 must register as Filing Users of this Court's ECF system prior to filing any documents electronically. Registration will be on an ECF Registration Form provided by the Clerk.</p> <p><u>(b) Confidentiality of Login and Password.</u> Once ECF registration is completed, the Filing User will receive notification from the Court of the user login and password. Filing Users agree to protect the security of their passwords and immediately notify the Clerk's Office if they learn that their password has been compromised.*[see Comment, end of Rule]</p> <p><u>(c) Consent to Electronic Service.</u> ECF registration as a Filing User constitutes consent to electronic service of all documents as provided in these Local Rules and in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.</p> <p><u>(d) ECF Registration Separate from Bar Registration.</u> ECF registration is separate and distinct from the periodic registration requirements and procedures contained in LR Gen 203 (c). Even though an attorney is a registered member of the bar in good standing under LR Gen 203, the attorney must register as a Filing User using the ECF Registration Form prior to filing documents electronically.</p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 304 (con't)	<p>* Comment</p> <p><u>Since failure to comply with this provision could cause serious harm to the administration of justice, attorneys are reminded that, as officers of the Court, they are responsible for ensuring full compliance with this provision.</u></p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	
LR Gen 305	<p><u>LR Gen 305 CONSEQUENCES OF ELECTRONIC FILING</u></p> <p>(a) Filing Defined. <u>The electronic filing of a document through ECF consistent with these Local Rules, together with the transmission of a NEF from the Court's ECF system, constitutes filing for all purposes of the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure and the Local Rules of this Court, and constitutes entry of the document on the docket maintained by the Clerk pursuant to Fed. R. Civ. P. 58 and 79 and Fed. R. Crim. P. 55.</u></p> <p>(b) Confirmation of Court Filing. <u>A document electronically filed through the Court's ECF transmission facilities shall be deemed filed on the date and time stated on the NEF received from the Court.</u></p> <p>(c) Official Record. <u>When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the document as filed. Before filing a document with the Court, the Filing User must verify the accuracy and/or legibility of the document.</u></p> <p>(d) Filing Deadlines. <u>Electronic filing does not alter the filing deadline for that document. All electronic filings must be completed before midnight local time in order to be considered timely filed that day unless a different time is established by court order.</u></p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 306	<p><u>LR Gen 306 ENTRY OF COURT-ISSUED DOCUMENTS</u></p> <p><u>(a) Entry; Force and Effect.</u> All orders, decrees and judgments of the Court will be filed electronically, and the minutes of proceedings will be entered electronically, in accordance with these Local Rules, which will constitute entry on the docket kept by the Clerk under Fed. R. Civ. P. 58 and 79 and Fed. R. Crim. P. 55. Any order or other court-issued document filed electronically which contains a “/s/” in place of an original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner.</p> <p><u>(b) Text Orders.</u> A judge or authorized member of the court staff may issue orders by a text-only entry on the Court’s docket without an attached document. The text-only entry shall constitute the only Court order on the matter and such orders are official and binding. The parties will receive notice of such an order through the NEF.</p> <p><u>(c) Proposed Orders.</u> Proposed orders shall not be filed unless requested by the Court. When so requested, the Filing User shall submit a copy of the proposed order to the Clerk’s Office by e-mail in word processing format.</p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE
LR Gen 307	<p><u>LR Gen 307 DOCUMENT RETENTION REQUIREMENTS</u></p> <p>Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until two years after a final decision has been rendered which disposes of all aspects of the case.</p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 308	<p><u>LR Gen 308 SIGNATURES</u></p> <p><u>(a) ECF Login and Password as Signature; Format of Signature Block.</u> The user login and password required to submit documents to the ECF system shall serve as that user's signature for purposes of Fed. R. Civ. P. 11 and for all other purposes under the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure and these Local Rules. All electronically filed documents must include a signature block and must set forth the attorney's name, bar registration number, address, telephone number, fax number and e-mail address. The name of the ECF user under whose login and password the document is submitted must be preceded by a "/s/" and typed in the space where the signature would otherwise appear.</p> <p><u>(b) Restrictions on Use of ECF Login and Password.</u> No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.</p> <p><u>(c) Documents Requiring Multiple Signatures.</u> The filer of any document requiring more than one signature (e.g., pleadings filed by <i>pro hac vice</i> lawyers, stipulations, joint status reports) must list thereon all the names of other signatories by means of a "/s/" for each. By submitting such a document, the filing attorney certifies that each of the other signatories has expressly agreed to the form and substance of the document and that the filing attorney has their actual authority to submit the document electronically. A signatory or party who disputes the authenticity of an electronically filed document containing such "signatures" must file an objection to the document within 14 days of service of the NEF. The filing attorney shall retain any records evidencing this concurrence for future production, if necessary, in accordance with the Document Retention Requirements stated in LR Gen 307.</p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 309	<p><u>LR Gen 309 SERVICE OF DOCUMENTS BY ELECTRONIC MEANS</u></p> <p><u>(a) Notice of Electronic Filing (NEF).</u> Whenever a pleading or other document is filed electronically, the ECF system will automatically generate and send a NEF to the Filing User and registered users of record. The user filing the document should retain a paper or digital copy of the NEF, which shall serve as the Court's date-stamp and proof of filing.</p> <p><u>(b) NEF as Service.</u> Transmission of the NEF shall constitute service of the filed document and shall be deemed to satisfy the requirements of Fed. R. Civ. P. 5(b)(2)(E), Fed. R. Civ. P. 77(d) and Fed. R. Crim. P. 49(b).</p> <p><u>(c) Certificates of Service on Electronically Filed Documents.</u> All documents filed using the ECF system shall include a certificate of service stating that the document has been filed electronically and that it is available for viewing and downloading from the ECF system. The certificate of service must identify the manner in which the service on each party was accomplished.</p> <p><u>(d) Exemptions.</u> Attorneys and <i>pro se</i> litigants who are not Filing Users must be conventionally served with any electronically filed documents in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.</p> <p><u>(e) Time.</u> Service by electronic means shall be treated the same as service by mail for the purpose of adding three days to the prescribed period to respond.</p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 310	<p><u>LR Gen 310 NOTICE OF COURT ORDERS AND JUDGMENTS</u></p> <p><u>The electronic transmission to a Filing User of an order or judgment through a NEF constitutes notice as required by Fed. R. Civ. P. 77(d) and Fed. R. Crim. P. 49(c). When mailing paper copies of an electronically filed order to a party who is not a Filing User, the Clerk's Office will include the NEF.</u></p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE
LR Gen 311	<p><u>LR Gen 311 TECHNICAL FAILURE; FILING USER SYSTEM FAILURE</u></p> <p><u>(a) Definition.</u> A technical failure is deemed to have occurred when the Court's ECF site cannot accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 p.m. (noon) on a given day. Known system outages will be posted on the Court's website, if possible.</p> <p><u>(b) Filing Options.</u> A Filing User experiencing a technical failure may conventionally file the document or send the PDF document to an email address set up by the Court, if it is accompanied by a declaration attesting to the Filing User's attempts to timely file the document using ECF.</p> <p><u>(c) Relief.</u> A Filing User whose filing is made untimely as the result of a technical failure of the Court's ECF site may seek appropriate relief from the Court.</p> <p><u>(d) Filing User System Failure.</u> Problems on the Filing User's end, such as connection problems, problems with the Filing User's Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical failure under LR Gen 311(a) nor excuse an untimely filing. However, the Filing User may conventionally file the document or send the PDF document to an email address set up by the Court, if it is accompanied by a declaration attesting to the Filing User's attempts to timely file the document using ECF.</p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

General/Attorney Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 312	<p><u>LR Gen 312 CORRECTING DOCKET ENTRIES</u></p> <p><u>Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk's Office. The CM/ECF system will not permit a Filing User to make changes to the document(s) or docket entry filed in error once the transaction has been accepted. The Filing User must notify the Clerk's Office immediately upon learning of an error in the electronic filing or docketing of a document.</u></p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE
LR Gen 313	<p><u>LR Gen 313 PUBLIC ACCESS TO ELECTRONIC DOCKETS AND FILES</u></p> <p><u>(a) Public Access at Clerk's Office.</u> <u>The public may obtain at the Clerk's Office during regular business hours electronic access to the electronic docket and documents that have been electronically filed. If a printed copy is requested, a copy fee for an electronic reproduction will be assessed in accordance with 28 U.S.C. §1914.</u></p> <p><u>(b) Remote Electronic Access.</u> <u>The public may use a PACER login and password to obtain remote electronic access to the electronic docket and documents at the Court's Internet site (www.rid.uscourts.gov). A user fee for accessing court information through PACER will be assessed in accordance with 28 U.S.C. §1914.</u></p>	The ECF Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

Civil Local Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cv 5.1	<p>(a) Proof of Service.</p> <p>(1) Proof of service of any document, except those listed in LR Cv 5(d) and (e) above, required to be served on a party or non-party shall be filed with the Court within threeseven (37) days after service is made. In the case of documents required to be served personally, proof of service shall include a certification by the person making service that the documents were served, the date of service, and a description of the manner in which service was made.</p> <p>*****</p>	The Civil Rules Subcommittee endorses the proposed change and recommends adoption by the Court.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE
LR Cv 7	<p>*****</p> <p>(f) Expedited Nondispositive Motion Practice. Expedited nondispositive motions filed under LR Cv 7.1 shall be governed by the specific procedures set forth in that rule concerning the form and content of such motions and supporting materials and the form and timing of objections thereto.</p> <p><i>(Note: This amendment was proposed by the Court following the Civil Subcommittee's resubmission, and the full committee's adoption, of the proposed LR Cv 7.1 on Expedited Nondispositive Motion Practice. Adoption of this amendment is contingent upon the Court's acceptance of the proposed LR Cv 7.1)</i></p>	N/A	PROPOSED CHANGE ACCEPTED CONTINGENT UPON ACCEPTANCE OF LR CV 7.1 BY THE COURT	COURT TABLED AMENDMENT FOR CONSIDERATION WHEN COURT HAS A FULL COMPLEMENT OF JUDGES

Civil Local Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cv 7.1	<p>Original 2007 Proposal [submitted by Attorney Craig Scott].</p> <p><u>Expedited Nondispositive Motion Practice</u></p> <p>(a) In General. Parties in civil actions may seek nondispositive relief by expedited motion. The motion must be designated as a “Rule 7.2 Expedited Nondispositive Motion.” The Court may schedule the motion for hearing or may decide the motion without hearing. The Court may designate that the hearing be conducted by telephone conference call. The Court may order an expedited briefing schedule. Counsel must serve the motion on all other parties and promptly file the motion with the Court.</p> <p>(b) Contents; Supporting Affidavit. The motion must contain the material facts, argument, and, if necessary, counsel’s certification pursuant to Fed. R. Civ. P. 37(a)(2). The motion, including argument, must not exceed three (3) pages. The movant must not file a separate memorandum with the motion. The movant may file with the motion an affidavit for purposes of (1) attesting to facts pertinent to the motion and/or (2) authenticating documents relevant to the issue(s) raised in the motion. The movant’s affidavit may not exceed two (2) pages.</p> <p>(c) Opposition. The party opposing the motion may file a memorandum in opposition to the motion within five (5) days of the filing of the motion, unless otherwise ordered by the Court. The opposing party’s memorandum must not exceed three (3) pages. The opposing party may file with its memorandum an</p>	<p>The Civil Rules Subcommittee resubmitted the 2007 proposed amendment, in slightly altered form.</p> <p><u>Expedited Nondispositive Motion Practice</u></p> <p>(a) In General. Parties in civil actions may seek nondispositive relief by expedited motion. The motion must be designated as a “Rule 7.4 Expedited Nondispositive Motion.” The Court may schedule the motion for hearing or may decide the motion without hearing. The Court may designate that the hearing be conducted by telephone conference call. The Court may order an expedited briefing schedule. Counsel must serve the motion on all other parties and promptly file the motion with the Court.</p> <p>(b) Contents; Supporting Affidavit. The motion must contain the material facts, argument, and, if necessary, counsel’s certification pursuant to Fed. R. Civ. P. 37(a)(2)(1). The motion must not exceed (three) (3) pages. The movant must not file a separate memorandum with the motion. The movant may file with the motion an affidavit for purposes of (1) attesting to facts pertinent to the motion, and/or (2) authenticating documents relevant to the issue(s) raised in the motion. The movant’s affidavit may not exceed two (2) pages. (c) Opposition. The party opposing the motion respondent may must file a memorandum in opposition to the motion within five (5) 7 days of the filing of service of the motion, unless otherwise ordered by the Court. The opposing party’s respondent’s memorandum must not exceed three (3) pages. The opposing party respondent may file with its memorandum an affidavit for purposes of (1) attesting to facts</p>	<p>The Full Committee elected to recommend its own modified version of the 2007 proposal.</p> <p><u>Expedited Nondispositive Motion Practice</u></p> <p>(a) In General. Parties in civil actions may seek nondispositive relief by expedited motion. The motion must be designated as a “Rule 7.1 7.2 Expedited Nondispositive Motion.” The Court may schedule the motion for hearing or may decide the motion without hearing. The Court may designate that the hearing be conducted by telephone conference call. The Court may order an expedited briefing schedule. Counsel must serve the motion on all other parties and promptly file the motion with the Court.</p> <p>(b) Contents; Supporting Affidavit. The motion must contain the material facts, argument, and, if necessary, counsel’s certification pursuant to Fed. R. Civ. P. 37(a)(2)(1). The motion, including argument, must not exceed three (3) pages. The movant must not file a separate memorandum with the motion. The movant may file with the motion an affidavit for purposes of (1) attesting to facts pertinent to the motion and/or (2) authenticating documents relevant to the issue(s) raised in the motion. The movant’s affidavit may not exceed two (2) pages.</p> <p>(c) Opposition. The party opposing the motion may file a memorandum in opposition an objection to the motion, including argument, within five (5) days seven (7) days of the filing of the motion,</p>	<p>COURT TABLED AMENDMENT FOR CONSIDERATION WHEN COURT HAS A FULL COMPLEMENT OF JUDGES</p>

Civil Local Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cv 7.1 (Con't)	<p><u>affidavit for purposes of (1) attesting to facts pertinent to the respondent's memorandum and/or (2) authenticating documents relevant to the issue(s) raised in the motion. The opposing party's affidavit may not exceed two (2) pages. No reply brief is permitted absent leave of Court.</u></p> <p><u>(d) Exceptions. The provisions of this rule shall not apply to actions in which parties are not authorized to file documents electronically.</u></p>	<p>pertinent to the respondent's memorandum, and/or (2) authenticating documents relevant to the issue(s) raised in the motion. The respondent's affidavit may not exceed two (2) pages. No reply brief is permitted absent leave of Court.</p> <p>(c) Exceptions. The provisions of this rule shall must not apply to actions in which parties are not authorized to file documents electronically brought by incarcerated persons under 42 U.S.C. § 1983 in which the incarcerated person is proceeding pro se.</p>	<p>unless otherwise ordered by the Court. The opposing party's memorandum <u>objection</u> must not exceed three (3) pages. <u>The opposing party must not file a separate memorandum with the objection.</u> The opposing party may file with its memorandum <u>objection</u> an affidavit for purposes of (1) attesting to facts pertinent to the respondent's memorandum <u>objection</u> and/or (2) authenticating documents relevant to the issue(s) raised in the motion. The opposing party's affidavit may not exceed two (2) pages. No reply brief is permitted absent leave of Court.</p> <p>(d) Exceptions. The provisions of this rule shall not apply to actions in which parties are not authorized to file documents electronically.</p> <p>The Full Committee made minor changes to sections (a) and (b) of the original 2007 proposal. In section (c), the Committee replaced the word "memorandum" with "objection," and inserted language prohibiting the filing of memorandum to mirror the language in section (b).</p> <p>Dissent: Brooks Magratten expressed concern that attorneys may employ this rule to file motions that opposing counsel could not effectively respond to under the time and page limitations set forth in this Rule.</p>	

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LR Cv 7.2	<i>Note: It was decided that if the Court accepts the above rule as LR Cv 7.1 regarding expedited non-dispositive motion practice, the existing LR Cv 7.1 on Orders would be renumbered as LR Cv 7.2</i>	N/A	PROPOSED CHANGE ACCEPTED CONTINGENT UPON ACCEPTANCE OF LR CV 7.1 BY THE COURT	COURT TABLED AMENDMENT FOR CONSIDERATION WHEN COURT HAS A FULL COMPLEMENT OF JUDGES
LR Cv 16(b)	<i>Note: During the March 10, 2010 LRRC meeting, the Committee discussed whether LR Cv 16(b) should be modified so as to conform with the Court's recently issued <u>Standard Rule 16 Conference Notice</u>. The matter was referred to the Civil Rules Subcommittee.</i>	<p>The Civil Rules Subcommittee proposed this change during their meetings:</p> <p>*****</p> <p>(b) Statement of Claims. At least seven (7) days before the conference, counsel for each party asserting a claim (including a counterclaim, and/or 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; <u>or</u> counterclaim or defense.</p> <p>*****</p>	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

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<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cv 26	<i>Note: During the March 10, 2010 LRRC meeting, the Committee discussed two issues regarding discovery: (1) Whether the term “discovery” under LR Cv 26 includes requests for admissions; and (2) the meaning of the term “completed” in the rule with respect of discovery deadlines. These issues were referred to the Civil Rules Subcommittee.</i>	<p>The Civil Rules Subcommittee proposed two changes during their meeting.</p> <p>*****</p> <p>(c) Close of Discovery. Unless the Court otherwise orders, pretrial discovery must be completed by the discovery closure date. <u>The parties may agree that specified discovery which has been initiated before the discovery closure date may be completed subsequent to that date, so long as such completion does not affect the pretrial schedule or any trial date established by the Court.</u></p> <p>(d) Requests for Admissions. <u>Except as otherwise ordered by the Court, requests for admission may be filed at any time prior to trial.</u></p> <p>COMMENTARY</p> <p>The Civil Rules Subcommittee believes that the proposed amendments to LR Cv 26 (c) and 26(d) will enhance discovery practice before the Court. Specific explanations follow:</p> <p><u>LR Cv 26(c):</u> Upon agreement, and only as</p>	<p>THE FULL COMMITTEE ACCEPTED THE SUBCOMMITTEE PROPOSAL WITH MODIFICATIONS: (1) “HOWEVER” ADDED TO THE SECOND SENTENCE OF (C); (2) “SERVED” PUT IN THE PLACE OF “FILED” IN (D); AND (3) THE PHRASE “EXCEPT AS OTHERWISE ORDERED BY THE COURT” HAS BEEN CHANGED TO “UNLESS OTHERWISE ORDERED BY THE COURT.”</p> <p>*****</p> <p>(c) Close of Discovery. Unless the Court otherwise orders, pretrial discovery must be completed by the discovery closure date. <u>However, the parties may agree that specified discovery which has been initiated before the discovery closure date may be completed subsequent to that date, so long as such completion does not affect the pretrial schedule or any trial date established by the Court.</u></p> <p>(d) Requests for Admissions. <u>Except as otherwise ordered by the Court, Unless the Court otherwise orders, requests for admission may be filed served at any time prior to trial.</u></p> <p>COMMENTARY</p> <p>The Civil Rules Subcommittee believes that the proposed amendments to LR Cv 26 (c) and 26(d) will enhance discovery practice before the Court. Specific explanations follow:</p> <p><u>LR Cv 26(c):</u> Upon agreement, and only as necessary, the amendment would permit</p>	<p>COURT APPROVED CHANGE TO (c), BUT DECIDED TO TABLE (d) UNTIL A DEFINITE TIME PERIOD IS ADDED TO THE AMENDMENT.</p>

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LR Cv 26 (con't)		<p>necessary, the amendment would permit parties to complete discovery after the discovery closure date. It reflects common practice among federal practitioners, particularly in cases involving numerous depositions or those presenting scheduling conflicts and the need for postponements because of a deponent's impaired health, or other factors beyond the parties' control. The proposed amendment makes plain that the arrangement shall not affect the pretrial schedule or trial date established by the Court, and that the Court retains the power to prohibit or modify such arrangement in any given case. The Subcommittee believes that the proposed amendment will promote civility and collegiality among opposing counsel and the Bar while enabling the case to proceed more smoothly.</p> <p><u>LR CV 26(d)</u>: The proposed addition to LR Cv 26 reflects the reality that requests for admissions are tools for narrowing the factual issues at trial, best used after the parties have completed most discovery. Permitting attorneys to file such requests either before or after the discovery closure date would assist the Court in clarifying the matters for trial, and help to eliminate a party's need to prove commonplace and obvious facts not in dispute. Because the opposing parties have up to thirty (30) days to respond under the FRCP 36, a party seeking admission has an incentive to propound such requests at least thirty days prior to trial at the risk of not receiving a timely response. The Court will continue to have control over discovery in individual cases because requests for admissions may be so propounded "unless otherwise ordered by the Court."</p>	<p>parties to complete discovery after the discovery closure date. It reflects common practice among federal practitioners, particularly in cases involving numerous depositions or those presenting scheduling conflicts and the need for postponements because of a deponent's impaired health, or other factors beyond the parties' control. The proposed amendment makes plain that the arrangement shall not affect the pretrial schedule or trial date established by the Court, and that the Court retains the power to prohibit or modify such arrangement in any given case. The Subcommittee believes that the proposed amendment will promote civility and collegiality among opposing counsel and the Bar while enabling the case to proceed more smoothly.</p> <p><u>LR CV 26(d)</u>: The proposed addition to LR Cv 26 reflects the reality that requests for admissions are tools for narrowing the factual issues at trial, best used after the parties have completed most discovery. Permitting attorneys to file such requests either before or after the discovery closure date would assist the Court in clarifying the matters for trial, and help to eliminate a party's need to prove commonplace and obvious facts not in dispute. Because the opposing parties have up to 30 days to respond under the FRCP 36, a party seeking admission has an incentive to propound such requests at least thirty days prior to trial at the risk of not receiving a timely response. The Court will continue to have control over discovery in individual cases because requests for admissions may be so propounded "unless otherwise ordered by the Court."</p>	

Civil Local Rules

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LR Cv 54	<p>This proposal was tabled during the 2008-2009 cycle, and resubmitted to the Committee with one change: the time periods in the proposal were modified to reflect the changes of 12/1/09.</p> <p>(a) Timing of Request. Within fourteen (14) 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>(b) Form of Request.</p> <p>(1) A bill of costs shall be prepared on forms provided by the Clerk's Office and shall specify each item of costs claimed.</p> <p>(2) A motion for an award bill of costs shall be supported by a memorandum of law and an affidavit that:</p> <p>(A) the amounts listed in the proposed bill of costs are correct; and</p> <p>(B) all services reflected in the bill of costs were actually performed and were necessary to the presentation of the movant's case; and</p> <p>(C) all disbursements reflected in the bill of costs represent obligations actually incurred and necessary to the presentation of the movant's case.</p>	<p>The Civil Rules Subcommittee revised the Court's proposal.</p> <p>(a) Timing of Request. Within fourteen (14) 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>(b) Form of Request.</p> <p>(1) A bill of costs shall be prepared on forms provided by the Clerk's Office and shall specify each item of costs claimed.</p> <p>(2) A motion for an award bill of costs shall be supported by a memorandum of law and an affidavit that:</p> <p>(A) the amounts listed in the proposed bill of costs are correct; and</p> <p>(B) all services reflected in the bill of costs were actually performed and were necessary to the presentation of the movant's <u>applicant's</u> case; and</p> <p>(C) all disbursements reflected in the bill of costs represent obligations actually incurred and necessary to the presentation of the movant's <u>applicant's</u> case; <u>and</u></p> <p>(D) <u>all costs are properly claimed and allowable.</u></p>	<p>The Full Committee accepted the Subcommittee recommendation for § (a), (b), and (c), and modified § (d) and (e).</p> <p>(a) Timing of Request. Within fourteen (14) 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>(b) Form of Request.</p> <p>(1) A bill of costs shall be prepared on forms provided by the Clerk's Office and shall specify each item of costs claimed.</p> <p>(2) A motion for an award bill of costs shall be supported by a memorandum of law and an affidavit that:</p> <p>(A) the amounts listed in the proposed bill of costs are correct; and</p> <p>(B) all services reflected in the bill of costs were actually performed and were necessary to the presentation of the movant's <u>applicant's</u> case; and</p> <p>(C) all disbursements reflected in the bill of costs represent obligations actually incurred and necessary to the presentation of the movant's <u>applicant's</u> case; <u>and</u></p>	<p>COURT APPROVED CHANGE WITH FOLLOWING MODIFICATION TO 2ND SENTENCE OF (d): "Any challenge to the costs taxed by the Clerk shall be in the form of a motion, which motion shall be served and filed within seven (7) days after notification, <u>pursuant to subsection (c) of this Rule</u>, and shall be supported by a memorandum of law stating the reason for the opposition <u>challenge</u> and the authorities upon which the moving party relies."</p>

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LR Cv 54 (con't)	<p>(c) Taxation by Clerk. Upon receipt of a proposed bill of costs, the Clerk shall tax those costs which appear to be properly claimed and shall notify all parties of the costs allowed.</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 <u>shall be in the form of a motion</u>, shall be served and filed within seven (7) 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 fourteen (14) 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. <u>If all objections have been resolved, the parties shall submit a proposed order.</u> If all objections have not been resolved, the Court will make a final determination with respect to the taxation of costs.</p> <p><i>Note All versions of LR Cv 54 in this chart, are redline versions of the current rule.</i></p>	<p>(c) Taxation by Clerk. <u>On or after fourteen (14) days following the filing Upon receipt of a proposed bill of costs,</u> the Clerk shall tax those costs which appear to be properly claimed and shall notify all parties of the costs allowed.</p> <p>(d) <u>Objections to Motion Opposing Costs and Response.</u> The taxation of costs by the Clerk shall be final unless modified by the Court. Any objection <u>motion opposing to</u> the costs taxed by the Clerk shall be served and filed within seven (7) days after notification, and shall be supported by a memorandum of law stating the reasons for the objection <u>opposition</u> and the authorities upon which the objector <u>moving party</u> relies. <u>Within seven (7) days of filing of the motion, any party objecting to the motion may file a response.</u></p> <p>(e) Resolution of Objections. Within fourteen (14) days after an objection <u>motion opposing costs</u> is filed, all interested parties shall meet and confer in an effort to resolve the objections <u>motion</u>. The meeting shall be initiated by the objecting <u>moving party</u>, who shall notify the Court promptly as to whether the objections <u>issues</u> have been resolved. <u>If all issues have been resolved, the parties shall promptly submit a proposed order.</u> If all objections <u>issues</u> have not been resolved, the Court will make a final determination with respect to the taxation of costs.</p>	<p><u>(D) all costs are properly claimed and allowable.</u></p> <p>(c) Taxation by Clerk. <u>On or after fourteen (14) days following the filing Upon receipt of a proposed bill of costs,</u> the Clerk shall tax those costs which appear to be properly claimed and shall notify all parties of the costs allowed.</p> <p>(d) <u>Objections to Costs Motion To Review the Clerk's Action.</u> The taxation of costs by the Clerk shall be final unless modified by the Court. Any challenge <u>objection</u> to the costs taxed by the Clerk <u>shall be in the form of a motion, which motion</u> shall be served and filed within seven (7) days after notification, and shall be supported by a memorandum of law stating the reason for the objection <u>opposition</u> and the authorities upon which the objector <u>moving party</u> relies. <u>Within seven (7) days of filing of the motion, any party objecting to the motion may file a response.</u></p> <p>(e) <u>Resolution of Objections- Motion.</u> Within fourteen (14) days after an objection <u>a motion to review the Clerk's action</u> is filed, all interested parties shall meet and confer in an effort to resolve the objections <u>motion</u>. The meeting shall be initiated by the objecting <u>moving party</u>, who shall notify the Court promptly as to whether the objections <u>issues</u> have been resolved. <u>If all issues have been resolved, the parties shall promptly submit a proposed order.</u> If all objections <u>issues</u> have not been resolved, the Court will make a final determination with respect to the taxation of costs.</p>	<p>COURT APPROVED CHANGE WITH FOLLOWING MODIFICATION TO 2ND SENTENCE OF (d): "Any challenge to the costs taxed by the Clerk shall be in the form of a motion, which motion shall be served and filed within seven (7) days after notification, <u>pursuant to subsection (c) of this Rule,</u> and shall be supported by a memorandum of law stating the reason for the opposition <u>challenge</u> and the authorities upon which the moving party relies."</p>

Civil Local Rules

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LR Cv 56	CompuLaw, LLC asked the LRRC to clarify whether the times to file an opposition to a motion for summary judgment, and any reply to that opposition, shall be governed by LR 7(b)(1) or Fed. R. Civ. P. 56(c)(1).	<p>The Civil Rules Subcommittee recommends the following amendment to LR Cv 56:</p> <p><u>(d) Objections and Replies. The timing and filing of objections and replies in connection with motions for summary judgment shall be governed by LR Cv 7(b), unless otherwise directed by the Court.</u></p>	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE BUT MODIFIED REFERENCE IN (d) FROM LR CV 7(b) TO LR CV 7.
LR Cv 69	<p>(a) Execution. Except when stayed by statute, rule or order of the Court, a party in whose favor judgment has been entered may execute on the judgment fourteen (14) days after judgment has been entered <u>on a form provided by the Clerk's Office.</u></p>	The Civil Subcommittee endorses the proposed change and recommends adoption by the Court.	<p>During discussion of this amendment, the Committee noted that there were special statutory requirements that the Government must satisfy before obtaining a writ of execution, and the proposed amendment was modified as follows:</p> <p>(a) Execution. Except when stayed by statute, rule or order of the Court, a party, <u>other than the United States</u>, in whose favor judgment has been entered may execute on the judgment fourteen (14) days after judgment has been entered <u>on a form provided by the Clerk's Office.</u></p>	COURT MODIFIED CHANGE, AT THE REQUEST OF THE US ATTORNEY, AND REMOVED THE PHRASE "OTHER THAN THE UNITED STATES."

Other Local Rules

<u>Rule Number</u>	<u>Comment Received</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cr 32	(a) Sentences Outside of the Guideline Range. <u>The Court's obligation to fashion a sentence consistent with 18 U.S.S.C. 3553(a) notwithstanding</u> , any request for a sentence outside of the applicable guideline range shall be made by a motion and shall be accompanied by a memorandum setting forth the factual and legal grounds for the request	The Criminal Subcommittee rejected the proposed change.	PROPOSED CHANGE REJECTED	N/A

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Various Rules	Compulaw, LLC asked the LRRC to replace the word "thereafter" in various Local Rules with a more definite term.	The Various Subcommittees rejected the proposed changes.	PROPOSED CHANGES REJECTED	N/A



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COMMENTS ON PROPOSED AMENDMENTS TO LOCAL RULES OF THE U.S. DISTRICT COURT OF THE DISTRICT OF RHODE ISLAND November, 2010

The Rhode Island ACLU appreciates the opportunity to submit comments on the Court's Proposed Amendments to Local Rules. We specifically wish to offer comments on two of the proposed revisions. Our concerns are summarized below:

1. LR Gen 107.1: Electronic Availability and Redaction of Transcripts of Court Proceedings

This new section addresses procedures to ensure that personal identifier information that must be removed from court transcripts, such as social security numbers and home addresses, is redacted. Section (d)(3) expands this requirement by giving parties the ability to request redactions *beyond* the specified personal identifiers contained in the federal Rules. Specifically, this section provides:

(d)(3) Additional Redactions. If a party wishes to request redactions in addition to personal identifiers, a separate Motion for Redaction of Transcript must be filed within 21 days from the filing of the original transcript. Until the Court has ruled on any such motion, the transcript will not be electronically available, even if the 90-day restriction period has ended.

We are concerned about the potential ramifications of this rule for the public's access to court records. As proposed, a party could postpone the release of the entire transcript of a court proceeding based solely on his/her request to redact a portion, however small, of that transcript.

It is important to keep in mind that these are requests for redactions of information over and above the privacy-protected categories that have already been carved out by the Rules.

While we do not wish to rule out the possibility that there may, on occasion, be legitimate privacy interests in redacting additional information, we do not believe a Motion for Redaction of Transcript should serve to prevent the public's access to the entire document. Since the Rule provides that the "freeze" on release of the transcript continues until the Court has ruled on the motion, this will place an added burden on the Court to rule expeditiously on any such motions, since the public's right to view the rest of the transcript will remain in limbo until such time.

We therefore urge that the Rule be amended, at a minimum, to require (1) the motion to state with specificity the basis for the request, (2) that redaction of only the minimum amount of information necessary to protect any privacy interests is being requested, and (3) that an "interim" transcript, temporarily redacted with the proposed deletions sought by the party, will be available online at the usual timeframe until the Court rules on the motion and decides whether those requested redactions should remain redacted from the electronic version of the document.

2. LR Gen 111: PHOTOGRAPHING; RECORDING; BROADCASTING

The Rules propose an amendment to LR Gen 111, dealing with the broadcasting of court proceedings. Specifically, the proposal seeks to amend the Rule as follows:

(a) General Prohibition. Except to the extent expressly authorized by the Court, no person shall photograph, record, ~~or~~ broadcast, or otherwise transmit any proceeding, event or activity in or from any interior portion of the United States Courthouse or that portion of the John O. Pastore Building that is occupied by the Court. The Court may permit photographing, ~~tape~~ recording or broadcasting of ceremonial proceedings upon such terms and conditions as the Court may specify.

The Rule does not explain the intent behind this change or the types of "other transmissions" the amendment is designed to ban. We assume its purpose is to address newer types of technologies that might not comfortably fit within the definition of "broadcasting."

However, by failing to define the term, we believe the Rule may be prohibiting use of certain technologies that courts across the country are beginning to experiment with accepting.

The technology that immediately comes to mind is “tweeting.” In a handful of high-profile cases across the country, courts have begun allowing members of the media to tweet from the courtroom, subject to reasonable restrictions to prevent distractions. See, e.g., “Live-Blogging and Tweeting From Court: Experiences From the Field,” <http://www.citmedialaw.org/legal-guide/live-blogging-and-tweeting-from-court-experiences-from-field>. We are concerned that this proposed amendment may stop use of this technology in its tracks without the careful consideration it deserves on a case-by-case basis.

We recognize that the first sentence of LR Gen 111 suggests that broadcasting and “other transmissions” might still be allowed with the Court’s express authorization, but that sentence is in some tension with the second sentence, which seems only to authorize recording or broadcasting of “ceremonial proceedings” under court-specified conditions. Otherwise, the inclusion of the word “ceremonial” would be redundant.

For these reasons, we would urge the Court to consider further amending LR Gen 111, perhaps by adding a definition of “otherwise transmit,” by explicitly addressing the issue of tweeting, and/or by deleting the word “ceremonial” or otherwise harmonizing the two sentences to ensure a process whereby the Court can consider media requests for “tweeting” or similar “transmissions” on a case-by-case basis.

Thank you in advance for providing us an opportunity to comment on these Proposed Amendments, and for giving our comments your careful consideration.

Submitted by: Steven Brown, Executive Director
Rhode Island Affiliate, American Civil Liberties Union

UNITED STATES DISTRICT COURT

DISTRICT OF RHODE ISLAND
ONE EXCHANGE TERRACE
PROVIDENCE, RHODE ISLAND 02903-1779

MARY M. LISI
CHIEF JUDGE

December 17, 2010

Steven Brown
Executive Director
Rhode Island Affiliate,
American Civil Liberties Union
128 Dorrance Street, Suite 220
Providence, RI 02903

Dear Mr. Brown:

Thank you for your letter dated November 10, 2010, in which you submitted comments in response to the Court's Proposed Amendments to Local Rules. The Judges of this Court have carefully considered your comments, and we appreciate the thoughtful analysis that you provided in support of your recommendations. I offer the following for your information.

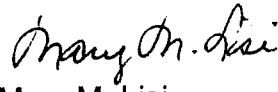
The language contained in proposed LR gen 107.1(d)(3) has been both national and local policy for over two and one-half (2½) years, even though it is only now being formally incorporated into our local rules. We consider such requests for additional redaction to be the exceptional situation, and during this period we have only received two such requests, neither of which delayed the online release of a transcript following the expiration of the 90-day waiting period established by the Judicial Conference of the United States. We take these requests very seriously and carefully consider the factors you mentioned before making any determination. While we don't feel that it is necessary to make the changes you requested at this time, we continue to review our local rules for refinements and improvements, and we will hold them for possible consideration in the future.

As you assumed, the language contained in proposed LR Gen 111(a) is designed to cover newer types of technologies that might not comfortably fit within the definition of "broadcasting." Since 1994, Judicial Conference policy does not allow courtroom proceedings in civil and criminal proceedings in the district courts to be broadcast, televised, recorded, or photographed for the purpose of public dissemination. Until that policy is changed, we will continue to prohibit any activity that might possibly fall within the scope of that prohibition. However, as I mentioned earlier, we continue to review these rules for refinements and improvements, and we will continue to consider suggestions as changes in circumstances and technology warrant.

Letter to Steven Brown
December 17, 2010
Page 2

I hope that you and your organization will continue to offer your comments and recommendations as part of our local rules review process.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mary M. Lisi". The signature is written in a cursive style with a large, stylized "M" and "L".

Mary M. Lisi
Chief Judge