

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

GENERAL ORDER
APPOINTMENT OF THE LOCAL RULES REVIEW COMMITTEE

Pursuant to LR Gen 113 and by agreement of the Judges of this Court, Katherine Hilton, Noah Kilroy, Jason Knight, Amy Moses, Anthony Traini, and Miriam Weizenbaum are appointed to the Local Rules Review Committee (LRRC). Kathryn Sabatini and Amy Moses are appointed as co-chairs of the LRRC.

Therefore, the Local Rules Review Committee shall be composed of the following individuals, whose terms expire on the dates indicated below.

<u>Name</u>	<u>Term Expires</u>
Michael Daly, Esq.	November 30, 2018
Dana Horton, Esq.	November 30, 2018
Eric Mack, Esq.	November 30, 2018
Matthew Oliverio, Esq.	November 30, 2018
Stanley Pupecki, Esq.	November 30, 2018
Tamera Rocha, Esq.	November 30, 2018
Kathryn Sabatini, Esq.	November 30, 2018
Timothy Baldwin, Esq.	November 30, 2019
Dulce Donovan, AUSA	November 30, 2019
Ryan Gainor, Esq.	November 30, 2019
Sandra Hebert, AUSA	November 30, 2019
Melissa Larsen, Esq.	November 30, 2019
Krystle Tadesse, Esq.	November 30, 2019
Kathleen Hilton, Esq.	November 30, 2020
Noah Kilroy, Esq.	November 30, 2020
Jason Knight, Esq.	November 30, 2020
Amy Moses, Esq.	November 30, 2020
Anthony Traini, Esq.	November 30, 2020
Miriam Weizenbaum, Esq.	November 30, 2020

Michael Simoncelli, *ex officio* reporter

n/a

IT IS SO ORDERED.

By the Court:

Date: December 1, 2017

/s/ William E. Smith, Chief Judge



February 5, 2018

Re: Request for Suggested Changes to the Local Rules of the United States District Court for the District of Rhode Island

Dear Federal Practitioners:

We write to you as the co-chairs of the Local Rules Review Committee created pursuant to LR Gen 113(b)(1) of the Local Rules of the United States District Court for the District of Rhode Island. Each year, the Committee must review the Local Rules, and recommend proposed amendments to the Court. The Committee is then required to report to the Court on any changes to the Local Rules, and this year's report is due on or before June 30, 2018.

The purpose of this letter is to request suggestions regarding the Local Rules. Specifically, we would like to know whether any new rules should be added, and whether any existing rules should be amended or deleted.

We ask that all suggestions be provided in writing to the Clerk of Court in the format described below by March 5, 2018. Suggestions may be submitted by email to Local_Rules@rid.uscourts.gov, or by mail to the United States District Court, Attn: Local Rules, One Exchange Terrace, Providence, RI 02903.

In order for the Committee to review your suggestions, we ask that any suggestions provide the following information:

- If you are suggesting that the Court amend a rule, please identify the rule, provide the text of the amendment, and state the reason(s) for the suggested change.
- If you are suggesting that a new rule be added to the Local Rules, provide the text of the new rule, describe where you believe the new rule should be inserted, and state the reason(s) for the new rule.
- If you are suggesting that the Court eliminate an existing rule, provide the text of the rule you are suggesting be eliminated, and state the reason(s) for the suggested change.

A list of the members of the Local Rules Review Committee and their terms has been posted on the Court's website. The Committee looks forward to hearing from members of the bar and other interested parties.

Best Regards,

Kathryn M. Sabatini, Esq.

Amy Moses, Esq.

Co-Chairs, Local Rules Review Committee

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

**LOCAL RULES REVIEW COMMITTEE
April 19, 2018**

The Local Rules Review Committee (“LRRC”) met on April 19, 2018, at 12:00 PM in the Jury Assembly Room of the United States Courthouse. Kathryn Sabatini and Amy Moses co-chaired the meeting. The following LRRC members were present: Tim Baldwin, Dulce Donovan, Ryan Gainor, Sandra Hebert, Kathleen Hilton, Melissa Larsen, Eric Mack, Matthew Oliverio, Stanley Pucecki, Tamera Rocha, Krystle Tadesse, and Anthony Traini. Nora Tyer-Witek, Frank Perry and Michael Simoncelli (LRRC Reporter) attended on behalf of the United States District Court. Co-chair Kathryn Sabatini called the meeting to order at 12:05 PM.

Ms. Sabatini introduced Chief Judge Smith. Judge Smith thanked the members of the LRRC for their service to the Court and the bar, and then left to let the LRRC begin its discussion of the Court-proposed amendments, holdovers from the previous session, and suggestions received from the bar.

The Co-chairs next explained the LRRC’s structure, schedule, and goals for the current cycle. Ms. Sabatini explained that the LRRC has three subcommittees that handle the initial review of any rule proposals from the Court and the bar, and make recommendations for the entire LRRC to consider at its next meeting in June. She also explained that the LRRC’s final report was due by June 30, 2018.

Ms. Sabatini then asked Michael Simoncelli, the LRRC Reporter, to summarize the proposed amendments for this cycle, any holdovers from the previous cycle, and suggestions received from the bar. Mr. Simoncelli started with the Court-proposed amendments:

LR Gen 107 (Daily Transcripts of Court Proceedings): The proposed amendment would delete LR Gen 107, as the Court rarely receives requests for daily transcripts in the manner described by the rule, and such requests are usually made during final pretrial conferences.

LR Gen 201 (Practice Before the Court): The proposed amendment to LR Gen 201 is a technical change related to the re-designation of sections (d)-(f) as (c)-(e) in LR Gen 206. (See, discussion of LR Gen 206 below.)

LR Gen 206 (Appearances and Withdrawals): There are three proposed amendments to LR Gen 206.

- (1) The first change removes section (c) from the rule. All attorneys who enter an appearance in a case receive Notices of Electronic Filing, and it is no longer necessary to

designate one attorney as the counsel to be noticed when more than one attorney from that firm has appeared in a case.

(2) The second change corrects the name of the statute referenced in (d)(2)(A). (This section was originally (e), but has been re-designated as (d) due to the proposed removal of (c).)

(3) The third change relates to the removal of LR Gen 206(c) discussed above. If the LRRC agrees to remove (c), sections (d)-(f) should be re-designated as (c)-(e).

LR Gen 207 (Conflict of Court Appearances & Excusals): The proposed amendment deletes LR Gen 207. This rule governs conflicting court appearances and requests to be excused from court appearances. Section (a), which relates to conflicting court appearances, does not reflect current practice before the Court. Scheduling conflicts are largely handled by a phone or email with the Judge's case manager, and not in the manner described by the rule.

The remainder of the rule details the procedures for filing requests to be excused from Court attendance. The Clerk's Office has found that the practice of submitting these excusal requests has limited value to the Court in terms of case management, and the filing of these requests imposes an administrative burden on the bar.

Melissa Larsen, and other members of the LRRC, commented that they thought that the rule had value in that it provided attorneys with security that they were excused from Court appearances during a particular period of time. Other members of the LRRC commented that they thought that the Court was flexible in terms of rescheduling events, and the rule was not necessary. The LRRC agreed that while this proposed amendment would be referred to the General Rules Subcommittee for review, all of the subcommittees would weigh in on the rule change since it had an impact on the bar as a whole.

LR Gen 209 (Basis for Disciplinary Action): LR Gen 209(a) confers jurisdiction on the Court for disciplinary proceedings for attorneys admitted pursuant to LR Gen 202 (regular admission) and LR Gen 204 (admission *pro hac vice*). The rule, as currently written, does not confer disciplinary jurisdiction over other attorneys permitted to practice pursuant to LR Gen 201(b), and the change to the rule extends this disciplinary jurisdiction over all attorneys who appear before the Court.

LR Gen 209-LR Gen 216 (Disciplinary Rules Generally): There are a number of technical amendments to LR Gen 209-216. Throughout these rules, there are generic references to "the Rule" or "these Rules" instead of specific rule references (e.g., LR Gen 209(a)(2)). The proposed amendments would change these generic references to specific rule references.

LR Gen 303 (Special Filing Requirements): The proposed amendment removes items from the list of filings that must be made conventionally pursuant to LR Gen 303(c). This purpose of (c) is to provide attorneys with a list of items that must be filed conventionally instead of electronically. The current list, however, includes items only filed Court staff (State Court

records, Rule 5 papers, and appearance bonds), and those should be removed from the list since they are not relevant to filings made by attorneys.

The other proposed change to this section would allow all administrative records to be filed electronically. When LR Gen 303 was originally adopted, the 2.5 MB limit for electronic filings in ECF made it difficult to file administrative records electronically. Since 2006, the Clerk's Office has increased the file size limit many times, and the current 50 MB limit would allow for the filing of administrative records electronically. (**Note:** The LRRC previously approved an amendment to allow for administrative records to be filed electronically in Social Security cases only in 2014.)

LR Cv 19 (Indispensable Parties): The proposed amendment deletes LR Cv 19. This local rule was a placeholder that referenced LR Cv 24. Since LR Cv 24 was previously removed from the Local Rules, this placeholder rule is no longer necessary.

2016-2017 Holdovers

Ghostwriting: During the 2011-12 cycle, Girard Visconti and Marc DeSisto proposed that the Court adopt a rule requiring *pro se* litigants to certify that an attorney has not drafted the documents that they filed with the Court. The General Rules Subcommittee tabled the suggestion in 2012, pending a Rhode Island Supreme Court decision addressing the issue. On June 8, 2015, the Rhode Island Supreme Court issued an order on "Limited-Scope Representation in Rhode Island, Drafting Assistance to *Pro Se* Litigants," which spelled out the Supreme Court's policy on the ghostwriting of pleadings by an attorney on behalf of a *pro se* litigant. The Supreme Court later amended the Rules of Professional Conduct to reflect this policy on May 23, 2017. Now that the Supreme Court has adopted this policy regarding ghostwriting/limited scope representation, the original suggestion can be reconsidered by the General Rules Subcommittee.

Suggestions from the Bar and Public

During the suggestion period, the Court received two attorney suggestions for proposed amendments to the Local Rules. The first suggestion came from John Cicilline, and contains proposals related to two criminal rules, LR Cr 6 and LR Cr 44.1:

1. The first suggestion is a proposed amendment to LR Cr 6(b). LR Cr 6(b) requires that a defendant be arraigned before a magistrate judge, and Mr. Cicilline requests an exception for situations where the defendant has signed a plea agreement as to an information.
2. The second suggestion from Mr. Cicilline is to remove LR Cr 44.1 regarding the representation of multiple defendants in criminal cases. Mr. Cicilline believes that the Rules of Professional Conduct and Court decisions already sufficiently regulate these situations, and that an additional local rule is not necessary.

The other suggestion was made by Bob Cavanaugh, and proposes a new local rule—LR Cv 34.1—pertaining to discovery requests made pursuant to Fed. R. Civ. P. 34. The proposed new

rule seeks: “(1) the proper allocation among the parties of the burdens of producing and sorting discovery information, and (2) the conservation of resources (party and judicial).”

In addition, Mr. Simoncelli noted that there were additional proposed amendments under consideration that would be forwarded to the LRRC in the next few weeks.

Mr. Simoncelli noted that in addition to the proposed amendments submitted by the Court and the suggestions from the bar, members of the LRRC were free to offer their own amendments during this session and the upcoming subcommittee meetings. Eric Mack, the Civil Rules subcommittee chair, mentioned that he received an inquiry regarding the creation of a set of local patent rules, and that his subcommittee would review this suggestion during their subcommittee meeting in May.

The co-chairs closed the meeting by asking the LRRC subcommittees to meet and confer on any proposed amendments during May, and submit their reports to the co-chairs one week in advance of the June meeting of the full LRRC. The next meeting of the full LRRC was scheduled for June 14, 2018 at 12:00.

The meeting adjourned at 12:45 PM

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

**LOCAL RULES REVIEW COMMITTEE
June 14, 2018**

The Local Rules Review Committee (“LRRC”) met on June 14, 2018, at 12:00 PM in the Jury Assembly Room of the United States Courthouse. Kathryn Sabatini and Amy Moses co-chaired the meeting. The following LRRC members were present: Tim Baldwin, Michael Daly, Ryan Gainor, Kathleen Hilton, Dana Horton, Jason Knight, Melissa Larsen, Eric Mack, Matthew Oliverio, Stanley Pupecki, Tamera Rocha, Krystle Tadesse, and Anthony Traini. Nora Tyer-Witek, Frank Perry and Michael Simoncelli (LRRC Reporter) attended on behalf of the United States District Court. Co-chair Kathryn Sabatini called the meeting to order at 12:05 PM.

Ms. Sabatini explained that the purpose of the meeting was to discuss the subcommittee reports on the proposed amendments to the Local Rules, and for the full committee to make recommendations to the Court on those proposed amendments. She added that the LRRC’s final report would be due by June 30th.

She asked Ryan Gainor, the chair of the General Rules Subcommittee (GRS), to give the report of his subcommittee. Mr. Gainor started by explaining that the GRS approved the Court-proposed amendments to LR Gen 107, 201, 206, 209-216, and 303.

Mr. Gainor next turned to the subcommittee’s discussion of the proposed change to LR Gen 202, which removed the requirement that prospective members of bar with fewer than 5 years of Federal Court experience complete the Board of Bar Admissions’ federal practice seminar. The GRS recommended the requirement be retained, but that the rule be made more flexible to allow attorneys 1 year to complete the course requirement after admission to the federal bar. The Committee discussed the issue and was unable to reach a consensus whether the requirement should be retained. A majority voted to keep the requirement with the GRS’s suggestion that flexibility be provided for that new attorneys to practice before they completed the seminar requirement. A minority of the committee disagreed and suggested that attendance at the seminar should be optional.

Mr. Gainor next turned to LR Gen 207. The GRS agreed that the first part of the rule should be removed regarding conflicting court appearances as it does not reflect the current practice in the district. He said second part of the rule—regarding requests to be excused from Court appearances for extended periods of time—be considered by the full committee. The full committee discussed this portion and felt that the provision provided peace-of-mind to practitioners. They agreed to keep this part of the rule as optional.

Finally, Mr. Gainor addressed the long-standing ghostwriting proposal that had been tabled by the LRRC multiple times. Mr. Gainor said that the Rhode Island Supreme Court’s adoption of a limited-scope representation rule did away with the need for a local ghostwriting

rule. Except for LR Gen 202 and 207, the full Committee agreed with the recommendations of the GRS.

Next, the co-chairs asked Eric Mack, the chair of the Civil Rules Subcommittee (CVRS), to give his report. Mr. Mack explained that the group recommended the LRRC adopt the Court-suggested changes to LR Cv 19 and LR Cv 73.

In addition, Mr. Mack reported that the CVRS recommended changes to LR Cv 33(c) and LR Cv 34(c). The changes would clarify that objections to interrogatories and requests for production should be specific, and that any “generic general objections” would be precluded by the rule.

Lastly, Mr. Mack explained that the CVRS reviewed a proposal for a new local rule 34.1, which would add additional local requirements for discovery requests made under Fed. R. Civ. P. 34. The subcommittee recommended that the rule not be adopted as they believed that the requirement conflicted with Fed. R. Civ. P. 34(b)(2)(E)(i). The full LRRC agreed with the recommendations of the CVRS.

The LRRC co-chairs next asked Jason Knight to give the report of the Criminal Rules Subcommittee (CRRS). Mr. Knight explained that the CRRS had two proposals to consider from the bar. Mr. Knight explained that the first suggestion proposed an exception to the provision that a defendant needs to appear before a magistrate judge for an arraignment. The suggestion sought to exempt cases where the defendant signed a plea agreement as to an information. Mr. Knight explained that the CRRS generally agreed with this suggestion—as the Court had already been combining arraignment and change of plea hearings into a single hearing before a district judge—but disagreed on the question whether the defendant could proceed before a magistrate judge for the combined arraignment/change of plea hearing.

Mr. Knight turned to the second suggestion, which requested that LR Cr 44.1 be eliminated. A bar member felt that the rule was unnecessary since there were professional responsibility rules and case law to regulate the representation of multiple defendants by criminal defense attorneys. Mr. Knight explained that the subcommittee recommended rejecting the provision as the local rule is in line with the Federal Rules of Criminal Procedure. The full LRRC agreed with the recommendations of the CRRS.

Michael Simoncelli, the LRRC Reporter, explained that there were additional proposed amendments that would be forwarded to the LRRC in the next few weeks, and that would be considered via email. He noted that these additional amendments were largely technical and would bring our local rules into line with the Federal Rules. Lastly, he explained that the LRRC’s final report was due by June 30th and would be circulated by email.

The meeting adjourned at 1:15 PM

June 30, 2018

The Honorable William E. Smith
Chief Judge
United States District Court for the District of Rhode Island
One Exchange Terrace
Providence, RI 02903

Re: Annual Report of the Local Rules Review Committee

Dear Chief Judge Smith:

As the co-chairs of the Local Rules Review Committee (LRRC), we submit the attached Annual Report of the LRRC on the proposed amendments to the Local Rules pursuant to LR Gen 113(b)(1).

The LRRC began its work with a call for suggested changes to the Local Rules from the Bar and public on February 5, 2018. During the month-long suggestion period that concluded on March 5, 2018, the LRRC received three suggested changes from the Bar. The LRRC then met on April 19, 2018, to consider fifteen Court-proposed amendments, three suggestions from the bar, and one proposal held over from the previous local rules review cycle. At that meeting, the LRRC referred these proposals to the General Rules, Civil Rules, and Criminal Rules Subcommittees for review and report in advance of the meeting of the full LRRC on June 14, 2018. (The Court forwarded two additional proposed amendments after the April 19th meeting, and these proposals were also referred to the respective subcommittee.)

At the June 14th meeting, the LRRC reviewed the work of the General Rules, Civil Rules, and Criminal Rules Subcommittees. The full LRRC ultimately recommended adoption of thirteen amendments to the Local Rules.¹ The LRRC also recommended rejection of a proposed amendment to LR Cr 44.1 (Representation of Multiple Defendants), proposals to add a “ghostwriting” rule and a new rule regarding discovery requests, and the Court’s suggestion to remove LR Gen 207 (Excusals from Court Appearances). In regard to LR Gen 207, some members of the LRRC, especially those who are solo practitioners, felt that requesting excusal from court appearances during vacations and other absences provided a measure of security to practitioners,

¹ In addition to the amendments proposed by the Court and the bar, the LRRC also considered and adopted two amendments proposed by the Civil Rules Subcommittee to LR Cv 33 and LR Cv 34.

and the full LRRC ultimately agreed to a compromise revision to the rule that made excusal requests optional, not mandatory, under the Local Rules.

Finally, the LRRC reviewed and discussed the Court's request to modify LR Gen 202 to remove the requirement that attorneys with less than five years of federal practice experience sit for the Board of Bar Admissions' bar lecture course to become a member of the bar. The committee had a vigorous debate about the value of the course and whether it should still be a requirement for admission to the Court's bar, but we were unable to reach a consensus on the proposed amendment.

A majority of the LRRC voted to keep the bar lecture course as a requirement for bar admission, but recommended a modification to allow attorneys who otherwise meet the criteria for admission to practice in advance of completing the bar lecture course. Under the revised proposal, an attorney could become a bar member subject to attending the bar lecture course within one year of admission. A minority of the committee, however, agreed with the original proposal to remove the bar lecture course requirement, and that attendance at the course should be optional.

All of the LRRC's actions on the proposed amendments, along with explanations on the modification or rejection of certain proposed amendments, are set forth in the attached report.²

If you have any questions, feel free to contact us.

Respectfully submitted,

Kathryn Sabatini
Amy Moses
Co-Chairs, LRRC

Enclosure

cc: Nora Tyer-Witek
Frank Perry
Michael Simoncelli

² In addition to the items in the Final Report, the Civil Rules Subcommittee of the LRRC proposed a change to the Court's Standard Pretrial Order to comply with Fed. R. Civ. P. 16(b)(3)(A). The subcommittee noted that Fed. R. Civ. P. 16(b)(3)(A) states: "The scheduling order must limit the time to join other parties, amend pleadings, complete discovery, and file motions." They proposed that the Standard Pretrial Order be revised to include the time to join other parties and amend the pleadings to be in compliance with (b)(3)(A).

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

PROPOSED AMENDMENTS TO LOCAL RULES

General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 107	<p style="text-align: center;">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 7 days before the hearing or trial to be transcribed.</p>	The General Rules Subcommittee recommended adoption of the proposed change by the LRRC.	PROPOSED CHANGE ACCEPTED	
LR Gen 201	<p>LR Gen 201 PRACTICE BEFORE THIS COURT</p> <p style="text-align: center;">*****</p> <p>(b) Exceptions to Requirement of Membership. Notwithstanding the provisions of subsection (a), the following individuals may appear and/or practice before this Court:</p> <p style="text-align: center;">*****</p> <p>(6) Law Student Counsel. A Senior Law Student who is eligible to appear pursuant to LR Gen 206(f)<u>(e)</u> may appear in this Court as a Law Student Counsel subject to the limitations in LR Gen 206(f)<u>(e)</u>.</p> <p style="text-align: center;">*****</p>	The General Rules Subcommittee recommended adoption of the proposed change by the LRRC.	PROPOSED CHANGE ACCEPTED	

* Unless otherwise indicated, the suggestion was made by the Court.

General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 202	<p>LR Gen 202 ELIGIBILITY AND PROCEDURE FOR ADMISSION</p> <p>(a) Requirements for Admission. In order to be eligible for membership in the Bar of this Court, an attorney must:</p> <p>(1) Be a member in good standing of the Bar of the Supreme Court of the State of Rhode Island; and</p> <p><u>(2) Be a member in good standing in every other jurisdiction in which the attorney has been admitted to practice; and</u></p> <p>(2)(3) Either:</p> <p>(A) Have completed the course of instruction on Federal Practice and Procedure given by this Court's Board of Bar Admissions, or</p> <p>(B) Have at least 5 years of federal practice experience, or a combination of federal practice and federal law clerk experience that totals at least 5 years, and certify that he or she has read and understands these Local Rules; and</p> <p>(3)(4) Establish to the satisfaction of this Court, that he or she is of good moral character and otherwise qualified and fit to be admitted to the Bar of this Court.</p> <p>(b) Procedure for Admission.</p> <p>(1) Application for Admission. An individual attorney applying for admission pursuant to the Bar of this Court LR Gen 202(a)(2)(A) shall <u>must</u> file with the Clerk a completed application form, together with a current certificate(s) of good standing from the Rhode Island Supreme Court that the applicant is a member in good standing of the Bar of that Court, and any other jurisdiction in which the attorney has been admitted to practice, <u>and</u></p>	<p>The General Rules Subcommittee recommended that the Court maintain the provision requiring prospective applicants for the bar to attend the 1-evening bar lecture course as part of the admissions procedure. However, they recommended that the rule be modified to allow attorneys to become members of the bar and practice in advance of completing the bar lecture course. Under their revised proposal, attorneys could become members of the bar subject to attending the bar lecture course within one year of admission.</p>	<p>A majority of the LRRC members present at the final meeting voted to retain the bar lecture course requirement for admission as modified by the General Rules Subcommittee. A minority of the members present voted to adopt the original suggestion that bar lecture course be removed as a requirement of the Court's admissions procedure.</p> <p>While there was not a consensus whether the bar course should be a requirement or optional, the LRRC agreed that the course should be offered more than once a year by the Court.</p>	

* Unless otherwise indicated, the suggestion was made by the Court.

General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p>An individual applying for admission pursuant to LR Gen 202(a)(2)(B) shall file with the Clerk a completed application form accompanied by a current certificate from the Rhode Island Supreme Court that the applicant is a member in good standing of the Bar of that Court, together with a current certificate from a United States district court that the applicant is a member in good standing of the Bar of that court.</p> <p>(2) Admission Fee. An individual applying for admission also shall pay the admission fee fixed by the Court.</p> <p>(3)(2) Review of Application. In the case of an application pursuant to LR Gen 202(a)(2)(A), the Clerk shall examine <u>review</u> the application and <u>determine if the</u>, the court certificate and the records indicating that the applicant has completed the course of instruction given by the Board of Bar Admissions. If the Clerk finds that those documents and records indicate that the applicant <u>attorney</u> satisfies the prerequisites for admission, if so, the Clerk shall notify the <u>applicant attorney</u> and the Chairman of the Board of Bar Admissions, and place the <u>applicant attorney</u> on the list for <u>the next available admissions ceremony</u>. If the Clerk finds that the documents and records indicate that the applicant attorney does not satisfy the prerequisites for admission, the Clerk shall notify the applicant and the <u>forward the application to the Chief Judge, or his or her designee, for review of this Court.</u> 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</p>			

* Unless otherwise indicated, the suggestion was made by the Court.

General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p>decision.</p> <p>(4)(3) Admission Ceremony. Admission to the Bar of this Court is effected by the granting of a motion made by the Chairman of the Board of Bar Admissions or his designee at an admission ceremony presided over by the Court. In the case of an individual admitted pursuant to LR-Gen 202(a)(2)(B), admission is effected upon approval by the Chief Judge of the application for admission.</p> <p>In order to be admitted, an <u>Approved applicants attorneys</u> shall make the following oath or affirmation <u>before the Clerk</u>:</p> <p style="padding-left: 40px;">I do solemnly [swear] [affirm] that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic, and that I will bear true faith and allegiance to the same; that I take the obligation freely, without any mental reservation or purpose of evasion; and that I will demean myself as an attorney, proctor, and solicitor of this court, uprightly and according to the law. [So help me God.]</p> <p style="padding-left: 40px;">Upon making the prescribed oath or affirmation, the applicant <u>attorney</u> shall be a member of the Bar of this Court.</p> <p>(c) Board of Bar Admissions and Course of Instruction.</p> <p>(1) Board of Bar Admissions.</p> <p>(A)(1) Establishment of Board. There shall be a Board of Bar Admissions which shall administer a course of instruction on federal practice and practice before this Court, in particular advise the Court on the administration and operation of the Court's Bar Fund and other</p>			

* Unless otherwise indicated, the suggestion was made by the Court.

General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p><u>matters benefiting the bench and bar in the administration of justice.</u></p> <p>(B)(2) Membership. The Board of Bar Admissions shall consist of 8 members or such other number as may be fixed from time to time by the Court. The Board shall be comprised of individuals who are members of the Bar of this Court and who regularly practice before this Court. The Chair of the Board of Bar Admissions shall be appointed by the Chief Judge.</p> <p>(C)(3) Term. Board members shall serve staggered 3-year terms with the terms of one-third of the members expiring on May 31 of each year. At the expiration of his or her term, a Board member who has served 3 years or less may be reappointed for one additional 3-year term.</p> <p>(2) Course of Instruction. The course of instruction shall cover those subjects determined by the Court, in consultation with the Board of Bar Admissions, and shall include instruction on these Local Rules. Applicants for admission shall be required to attend all sessions unless excused by the Court or by the Chair of the Board of Bar Admissions, for good cause shown.</p>			
LR Gen 206	<p>LR Gen 206 APPEARANCES AND WITHDRAWALS</p> <p>*****</p> <p>(e) Designation of Counsel to Receive Notices.</p> <p>(1) In General. When a party is represented by more than one attorney from the same firm, the attorneys at that firm shall designate one of them for the purposes of receiving any notices, and any notice sent to the attorney so designated shall constitute notice to all counsel at that firm.</p>	<p>The General Rules Subcommittee recommended approval with one change:</p> <p>(2) Otherwise, the attorney must file a motion to withdraw, together with:</p> <p>(A) An affidavit attesting to the fact that the party is not in the military service of the United States as defined in the</p>	<p>PROPOSED CHANGE ACCEPTED AS MODIFIED BY THE GENERAL RULES SUBCOMMITTEE</p>	

* Unless otherwise indicated, the suggestion was made by the Court.

General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p>(2) Attorneys for the United States. When the Government is represented by more than one attorney from an agency or department of the United States at any geographical location, the attorneys at that location shall designate one of them for the purposes of receiving any notices, and any notice sent to the attorney so designated shall constitute notice to all counsel of the agency or department at that location.</p> <p>(d)(c) Designation of Lead Counsel. Each party shall designate one attorney to act as lead counsel for the case. Lead counsel shall have primary responsibility for the case.</p> <p>(e)(d) Withdrawal of Appearance. An attorney may withdraw his or her appearance on behalf of a party in the following manner:</p> <p>(1) If there are no motions pending before the Court and no trial date has been set, the attorney may serve and file a notice of withdrawal on his or her client and all other parties, accompanied by an entry of appearance by successor counsel certifying that he or she is familiar with the case and is or will be fully prepared to address any matters pending in the case, including trial, without delaying the case; or</p> <p>(2) Otherwise, the attorney must file a motion to withdraw, together with:</p> <p>(A) An affidavit attesting to the fact that the party is not in the military service of the United States as defined in the Soldiers' and Sailors' <u>Civil Relief Act [50 App. U.S.C. § 501 et seq], Servicemembers Civil Relief Act of 2003</u>, as amended; and,</p> <p>(B) A certification that:</p> <p>(i) the client has been notified of the motion by both regular mail, postage prepaid, and by certified or registered mail, return receipt requested, or by any other</p>	<p>Servicemembers Civil Relief Act of 2003, <u>(50 U.S.C. §§ 3901-4043)</u> as amended; and,</p> <p>*****</p>		

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General/Attorney Rules

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	<p>method that satisfies the Court that notice has been given to the client; and,</p> <p>(ii) the client has been advised that he or she may object to the motion and that any failure or delay in retaining substitute counsel may not be considered grounds for delaying the trial or any other matter scheduled in the case; and,</p> <p>(C) The client’s current address and a representation that counsel has made a reasonable effort to confirm that notices sent to that address are likely to be received by the client; and,</p> <p>(D) A description of any motions or other matters pending in the case and a statement regarding the anticipated trial date.</p> <p>(f)(e) Appearances by Law Students.</p> <p style="text-align: center;">*****</p> <p>(2) Eligibility to Appear as Law Student Counsel. In order to be eligible to appear as Law Student Counsel, a Senior Law Student must:</p> <p style="text-align: center;">*****</p> <p>(E) establish to the satisfaction of this Court that she or he is of good moral character and otherwise qualified and fit to appear pursuant to this Rule <u>LR Gen 206</u>.</p> <p>(3) Application.</p> <p>(A) An application to appear as Law Student Counsel shall be made by completing and filing a form provided by the Clerk. The form shall contain a certification that the Senior Law Student:</p> <p style="padding-left: 40px;">(i) has read and will abide by the Rules of Professional Conduct of the Supreme Court of the State of Rhode</p>			

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General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p>Island;</p> <p>(ii) has read and understands these Local Rules; and</p> <p>(iii) the Senior Law Student has met all of the requirements of LR Gen 206(f)(e)(2).</p> <p>*****</p>			
LR Gen 207	<p>LR Gen 207 — CONFLICT OF COURT APPEARANCES; EXCUSALS</p> <p>(a) Conflicting Appearances. When counsel is notified to appear in this Court and counsel believes that he or she may be prevented from appearing because of a conflicting commitment to appear in a different court or before another judge of this Court, counsel shall immediately inform the judge who caused the notification to issue and shall provide that judge with the following information:</p> <p>(1) the name and docket number of each case;</p> <p>(2) the nature and scheduled time and expected duration of the other matter; and</p> <p>(3) the date on which counsel was notified of the other matter and the name of the judge presiding over that matter.</p> <p>(b) Excuse from Court Appearances.</p> <p>(1) How requested. Counsel who wish to be excused from attendance in this Court at any time(s) shall submit a written request to be excused as far in advance as possible. The request shall be submitted to the Court’s electronic mailbox at excusals@rid.uscourts.gov and shall state:</p> <p>(A) the period of time for which the excuse is requested; and</p> <p>(B) the reason for the request (e.g. family vacation), except that if the reason involves a</p>	<p>The General Rules Subcommittee recommended adoption of the proposed change by the LRRC.</p>	<p>The LRRC accepted the proposal to remove section (a) (Conflicting Appearances”) from the rule. However, the LRRC decided to keep section (b) (“Excuse from Court Appearances”), but to make such requests optional instead of mandatory:</p> <p>(b) Excuse from Court Appearances.</p> <p>(1) How requested. Counsel who wish to be excused from attendance in this Court at any time(s) shall shall <u>may</u> submit a written request to be excused as far in advance as possible. The request shall be submitted to the Court’s electronic mailbox at excusals@rid.uscourts.gov and shall state:</p> <p>(A) the period of time for which the excuse is requested; and</p> <p>(B) the reason for the request (e.g. family vacation), except that if the reason involves a matter that is confidential or private, the request shall so state; and</p> <p>(C) a list of any matters in which counsel is involved that</p>	

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General/Attorney Rules

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	<p>matter that is confidential or private, the request shall so state; and</p> <p>(C) — a list of any matters in which counsel is involved that have been scheduled or that counsel anticipates may be scheduled in this Court during the period for which the excuse is requested.</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 14 days or more, 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 request is for a period of less than 14 days, said request shall be filed with the Court only.</p>		<p>have been scheduled or that counsel anticipates may be scheduled in this Court during the period for which the excuse is requested.</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 14 days or more, 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 request is for a period of less than 14 days, said request shall be filed with the Court only.</p> <p>Note: The LRRC noted that the excusal process could be improved if the Court provided a reply to the applications submitted by counsel seeking excusals from Court appearances.</p>	
LR Gen 209	<p>LR Gen 209 BASIS FOR DISCIPLINARY ACTION</p> <p>(a) Conferred Jurisdiction. Any attorney <u>allowed</u> admitted or permitted to practice before this Court pursuant to LR Gen 202 or 204 shall be deemed to have conferred disciplinary jurisdiction upon this Court for any alleged attorney misconduct arising during the course of a case pending before this Court or the Bankruptcy Court in which that attorney has participated in any way.</p> <p>(b) Forms of Discipline. When an attorney, after notice and an opportunity to be heard, has been found to</p>	<p>The General Rules Subcommittee recommended adoption of the proposed change by the LRRC.</p>	<p>PROPOSED CHANGE ACCEPTED</p>	

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General/Attorney Rules

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	<p>have engaged in misconduct, the Court may:</p> <p>(1) Disbar or suspend the attorney from practicing before this Court, if the attorney is a member of the bar of this Court; or</p> <p>(2) Publicly or privately reprimand or censure the attorney; or</p> <p>(3) Take such other disciplinary action against the attorney as the circumstances may warrant, including but not limited to the imposition of monetary sanctions.</p> <p>The provisions of this subsection (b) shall not limit, in any way, the authority of an individual judge to impose any sanctions or take any other disciplinary action that is permissible and appropriate pursuant to these <u>Local Rules</u> or otherwise.</p> <p>(c) Misconduct. Misconduct for which an attorney may be disciplined pursuant to Rule <u>LR Gen 209</u> may include:</p> <p style="text-align: center;">*****</p>			
LR Gen 210	<p>LR Gen 210 DISCIPLINARY PROCEEDINGS</p> <p>(a) Definition of “Court.” As used in this Rule <u>LR Gen 210</u>, the term “Court” refers to the active district judges of this Court, and any action taken or required by the “Court” refers to action by a majority of the active district judges.</p> <p>(b) Initiation of Proceedings. Whenever allegations of misconduct by an attorney admitted or permitted to practice before this Court come to the Court’s attention, whether by complaint or otherwise, and the applicable procedure is not otherwise provided for by these <u>Local Rules</u>, the Court may initiate disciplinary proceedings in any one or more of the following ways:</p> <p style="text-align: center;">*****</p> <p>(4) In cases where the attorney has been notified in</p>	<p>The General Rules Subcommittee recommended adoption of the proposed change by the LRRC.</p>	<p>PROPOSED CHANGE ACCEPTED</p>	

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General/Attorney Rules

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	<p>accordance with subsection (3) and has failed to provide a satisfactory reason why formal disciplinary proceedings should not be commenced, or in cases where there does not appear to be any dispute with respect to the relevant facts, the Court may commence formal disciplinary proceedings in accordance with subsection LR Gen 210(c) of this Rule.</p> <p>(c) Commencement of Formal Proceedings.</p> <p style="text-align: center;">*****</p> <p>(3) The attorney shall file a written response to the show cause order and the allegations of misconduct contained therein within 14 days from the date of the order. 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 <u>LR Gen 210</u> subsection (d) of this Rule.</p> <p>(d) Hearing</p> <p>(1) Forum. In the Court’s discretion, any hearing conducted pursuant to this Rule LR Gen 210 may be conducted before a magistrate judge or bankruptcy judge designated by the Court, a single district judge or all of the active judges of the Court who are eligible and able to participate. However, if the disciplinary proceeding was initiated by a complaint by a district judge, magistrate judge, or bankruptcy judge; or, if a magistrate judge or bankruptcy judge made any recommendation to the Court pursuant to Rule <u>LR Gen 210(b)(2)</u>, any such hearing shall not be conducted by that judge, nor shall that judge participate in any decision or other action taken by the Court with respect to the matter.</p> <p>(A) If the hearing is conducted by a district judge, the Court may authorize that district judge to order whatever disciplinary action is appropriate under these <u>Local #Rules</u> without further action by the Court.</p>			

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General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 211	<p align="center">LR Gen 211 DISCIPLINARY ACTION BY COURT</p> <p>Upon a finding by the Court, or an individual district judge acting pursuant to Rule <u>LR Gen 210(d)(1)</u>, that an attorney has engaged in misconduct, the Court or, if authorized, the district judge may enter an order imposing discipline in accordance with these <u>Local Rules</u>.</p>	The General Rules Subcommittee recommended adoption of the proposed change by the LRRC.	PROPOSED CHANGE ACCEPTED	
LR Gen 214	<p align="center">LR Gen 214 ACTION TAKEN BY OTHER COURTS OR DISCIPLINARY AGENCIES</p> <p align="center">*****</p> <p>(c) Effect of Decision by Other Tribunal.</p> <p align="center">*****</p> <p>(2) In all other respects, a final adjudication in another jurisdiction that an attorney has been guilty of misconduct or found incapacitated shall establish conclusively the misconduct or incapacity for purposes of any proceeding under this Rule <u>LR Gen 214</u>. Where an attorney has been found to be incapacitated, the Court shall enter an order placing the attorney on inactive status, in which case the attorney may not practice before this Court unless and until reinstated pursuant to LR Gen 215.</p>	The General Rules Subcommittee recommended adoption of the proposed change by the LRRC.	PROPOSED CHANGE ACCEPTED	
LR Gen 215	<p align="center">LR Gen 215 REINSTATEMENT OF MEMBERSHIP</p> <p align="center">*****</p> <p>(b) Procedure on Application. In ruling on an application for reinstatement, the Court may proceed in any of the following ways:</p> <p align="center">*****</p> <p>(3) Promptly schedule the matter for a hearing before the Court, a single district judge designated by the Court or a magistrate judge designated by the</p>	The General Rules Subcommittee recommended adoption of the proposed change by the LRRC.	PROPOSED CHANGE ACCEPTED	

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General/Attorney Rules

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	<p>Court. However, if a magistrate judge has made a recommendation pursuant to this subsection, the hearing shall not be conducted by that magistrate judge.</p> <p style="text-align: center;">*****</p> <p>(B) If the hearing is conducted by a magistrate judge, the matter shall be dealt with in the manner described in Rule <u>LR Gen 210(d)(1)(B)-(C)</u>.</p> <p style="text-align: center;">*****</p>			
LR Gen 216	<p style="text-align: center;">LR Gen 216 PUBLIC ACCESS AND CONFIDENTIALITY</p> <p>(a) Publicly Available Records. All filings, orders, and proceedings involving allegations of misconduct by an attorney shall be public, except:</p> <p>(1) Any document filed or action taken pursuant to Rule <u>LR Gen 210(b)</u> prior to the commencement of formal disciplinary proceedings under Rule <u>LR Gen 210(c)</u>; or</p> <p>(2) When the Court, <i>sua sponte</i>, or in response to a motion for protective order, orders that such matters shall not be made public; provided, however, that any finding of misconduct shall be public.</p> <p>(b) Respondent’s Request. The respondent-attorney may request that the Court make any matter public that would not otherwise be public under this Rule <u>LR Gen 216</u>.</p>	The General Rules Subcommittee recommended adoption of the proposed change by the LRRC.	PROPOSED CHANGE ACCEPTED	

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General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 303	<p>LR Gen 303 SPECIAL FILING REQUIREMENTS</p> <p>*****</p> <p>(c) Other Documents to be Conventionally Filed. The following documents must be conventionally filed:</p> <p>(1) Records of administrative review proceedings other than social security cases;</p> <p>(2) The state court record and other Rule 5 materials in habeas corpus cases filed in 28 U.S.C. §2254 proceedings;</p> <p>(3)(1) Consent to Proceed Before a Magistrate Judge;</p> <p>(4)(2) All pleadings and documents filed by prisoner <i>pro se</i> litigants and non-prisoner <i>pro se</i> litigants not granted permission to file documents electronically;</p> <p>(5)(3) The charging document in a criminal case, such as the complaint, indictment and information;</p> <p>(6)(4) Affidavits for search and arrest warrants and related papers;</p> <p>(7) Fed. R. Crim. P. 20 and Fed. R. Crim. P. 5 papers received from another court;</p> <p>(8) Appearance Bonds.</p>	The General Rules Subcommittee recommended adoption of the proposed change by the LRRC.	PROPOSED CHANGE ACCEPTED	
Suggestion from the Bar	During the 2011-12 cycle, Girard Visconti, Esq. and Marc DeSisto, Esq. proposed that the Court adopt a rule requiring pro se litigants to certify that an attorney has not drafted the documents that they filed with the Court. The Civil Rules Subcommittee elected to table that suggestion three times, pending a Rhode Island Supreme Court decision addressing the issue. On June 8, 2015, the Rhode Island Supreme Court issued an order on “Limited-Scope Representation in Rhode Island, Drafting Assistance to Pro Se Litigants,” which spelled out the Supreme Court’s policy on the ghostwriting of pleadings by a member of the bar on behalf of a pro se	The General Rules Subcommittee did not recommended adoption of the proposed change by the LRRC.	In addition to the General Rules Subcommittee, the Civil Rules and Criminal Rules Subcommittees also considered this proposal, and came to the same conclusion that a standalone ghostwriting local rule was not necessary since LR Gen 208(a) incorporates the Standards of Professional Conduct as adopted by the Rhode Island Supreme Court into the Court’s Local Rules.	

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General/Attorney Rules

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	<p>litigant. The Supreme Court invited public comment on the policy, and issued a final policy on “limited scope representation” and provisionally amended the Rules of Professional Conduct to reflect the policy on May 23, 2017. In light of this policy change and the provisional amendments to the Rules of Professional Conduct, the LRRC tabled the suggestion for reconsideration during the 2017-18 local rules review cycle.</p>			

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Civil Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cv 19	<p>LR Cv 19 — INDISPENSABLE PARTIES</p> <p>See LR Cv 24 (concerning notification required to non-parties when the constitutionality of a statute is challenged).</p>	<p>The Civil Rules Subcommittee recommended adoption of the proposed change by the LRRC.</p>	<p>PROPOSED CHANGE ACCEPTED</p>	
LR Cv 33		<p>The Civil Rules Subcommittee made the following proposal:</p> <p>LR Cv 33 INTERROGATORIES</p> <p>*****</p> <p>(c) Objections. Each objection and the grounds therefor shall be stated separately <u>under each individual request</u>. When an objection is made to any interrogatory, or sub-part thereof, it shall state with specificity all grounds upon which the objecting party relies. Any ground not stated in an objection shall be deemed waived. <u>The requirement that the grounds for objecting be stated with specificity under each individual request precludes the consideration of any generic General Objections.</u></p>	<p>PROPOSED CHANGE ACCEPTED</p>	
LR Cv 34		<p>The Civil Rules Subcommittee made the following proposal:</p> <p>LR Cv 34 REQUESTS FOR PRODUCTION</p> <p>Objections. Each objection and the grounds therefor shall be stated separately <u>under each individual request</u>. When an objection is made to any request, or sub-part thereof, it shall state with specificity all grounds upon which the objecting</p>	<p>PROPOSED CHANGE ACCEPTED</p>	

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Civil Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
		<p>party relies. Any ground not stated in an objection shall be deemed waived. <u>The requirement that the grounds for objecting be stated with specificity under each individual request precludes the consideration of any generic General Objections.</u></p>		
LR Cv 73	<p>LR Cv 73 CONSENT TO ORDER OF REFERENCE</p> <p>*****</p> <p>(b) Notification of Option to Consent.</p> <p>(1) When a civil action or notice of removal is filed, the Clerk, with the permission of the district judge to whom the case is assigned, shall give written notice to the parties of the option to consent to a trial before, or other disposition of the case by, a magistrate judge and shall provide the parties with a consent form. The notice shall inform the parties that they are free to withhold consent without adverse consequences; that the form is to be returned to the Clerk only if all parties consent; and, that if all parties consent, the executed form must be returned within the time specified in the notice issued by the Clerk.</p> <p>*****</p>	<p>The Civil Rules Subcommittee recommended adoption of the proposed change by the LRRC.</p>	<p>PROPOSED CHANGE ACCEPTED</p>	
Suggestion from Bar	<p>Robert Cavanaugh, Esq. offered a new local rule, LR Cv 34.1:</p> <p style="text-align: center;">LR Cv 34.1</p> <p>If a party serves on any other party a request pursuant to Rule 34(a), and the party to whom the request is directed chooses to produce or permit the requesting party to inspect, copy, test, or sample documents as they are kept in the usual course of business, then the requesting party may request in writing, within 30 days after the production is completed, that the party to whom the request is directed</p>	<p>The Civil Rules Subcommittee recommended that the proposed change be rejected by the LRRC. The subcommittee noted that they believed that the proposed amendment was in conflict with Fed. R. Civ. P. 34(b)(2)(E)(i).</p>	<p>PROPOSED CHANGE REJECTED</p>	

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Civil Rules

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	organize and label the documents as to no more than 10 items or categories of items to be inspected. The party to whom the request is directed shall organize and label the documents pursuant to the written request therefor within 30 days after it is served therewith. In complying with this rule, the party to whom the request is directed does not waive any objections it asserted in its original response, but may raise new objections.			

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Criminal Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cr 6	John Cicilline, Esq. offered the following request that LR Cr 6 be amended: “This rule needs to be amended by adding to it a provision eliminating the need for a magistrate judge to arraign a defendant in a case, where on the basis of information supplied by the complaint and affidavit, a defendant has made a decision to plead guilty. Under the current practice the defendant, in those circumstances, appears before the magistrate and pleads not guilty. This procedure leads to confusion by defendants who have signed a plea agreement, and then are asked to plead not guilty before the magistrate.”	The Criminal Rules Subcommittee agreed to combining the change of plea and arraignment when the defendant is pleading to an information. However, there was a dispute as to whether the combined proceeding should occur before the magistrate judge or the district court judge. Some members of the committee suggested that the parties and the Court have the option to conduct the proceeding before the magistrate judge, with the defendant’s consent and ultimate ratification by the District Court, or by the District Judge in the first instance. The U.S. Attorney’s Office objected to the combined proceeding occurring before the magistrate judge based on their review of the case law and Fed. R. Cr. P. 59.	N/A	
LR Cr 44.1	John Cicilline, Esq. suggested that LR Cr 44.1 (Representation of Multiple Defendants) be eliminated from the Local Rules for the following reasons: “The rule, as written, discriminates against law offices who specialize in criminal defense work. There are enough rules of professional responsibility and court decisions to cover the matter. See <i>United States v Poulack</i> 556 F2d 83 (1st Cir 1997); <i>United States v Diaz-Martinez</i> 71 F3d 946 (1st Cir 1995); <i>United States v Foster</i> 469 F2d 1 (1st Cir 1992), No lawyer should take on a case where there is a conflict of interest, so we do not need the rule. It is covered by the rules of professional responsibility. Moreover, the rule violates the constitutional right of a defendant to engage the lawyer of his choice. See <i>Luis v United States</i> 578 US (2016); <i>Kaley v United States</i> 134 S Ct 1090 (2014); <i>United States v Gonzalez-Lopez</i>	The Criminal Rules Subcommittee recommended that the proposed change be rejected by the LRRC as the local rule mirrors provisions of the Federal Rules of Criminal Procedure.	PROPOSED CHANGE REJECTED	

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Criminal Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	548 US 140 (2006); <i>United States v Cardona-Vicenty</i> 817 F3d 823 (1st Cir 2016).			

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February 7, 2018

Kathryn M. Sabatini, Esq.
Co. Chair, Local Rules Review Committee
U.S. District Court
District of Rhode Island
One Exchange Terrace
Providence, RI 02903

Dear Ms. Sabatini,

I propose the following amendments to the Local Rules of Criminal Procedure:

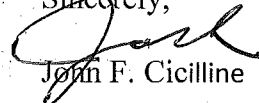
1. LR CR6

This rule needs to be amended by adding to it a provision eliminating the need for a magistrate judge to arraign a defendant in a case, where on the basis of information supplied by the complaint and affidavit, a defendant has made a decision to plead guilty. Under the current practice the defendant, in those circumstances, appears before the magistrate and pleads not guilty. This procedure leads to confusion by defendants who have signed a plea agreement, and then are asked to plead not guilty before the magistrate.

2. LR CR 44.1

The rule, as written, discriminates against law offices who specialize in criminal defense work. There are enough rules of professional responsibility and court decisions to cover the matter. See United States v Poulack 556 F2d 83 (1st Cir 1997); United States v Diaz- Martinez 71 F3d 946 (1st Cir 1995); United States v Foster 469 F2d 1 (1st Cir 1992). No lawyer should take on a case where there is a conflict of interest, so we do not need the rule. It is covered by the rules of professional responsibility. Moreover, the rule violates the constitutional right of a defendant to engage the lawyer of his choice. See Luis v United States 578 US (2016); Kaley v United States 134 S Ct 1090 (2014); United States v Gonzalez-Lopez 548 US 140 (2006); United States v Cardona-Vicenty 817 F3d 823 (1st Cir 2016).

Sincerely,


John F. Cicilline

From: Robert Cavanagh
Sent: Monday, March 05, 2018 6:08 PM
To: Local Rules
Subject: Suggestion for New Local Rule

Dear Members of the Local Rules Review Committee:

Aside from the core concern that all relevant facts in a given case be discovered so that a case can be determined on its merits, two concerns underlying the federal rules pertaining to discovery are (1) the proper allocation among the parties of the burdens of producing and sorting discovery information, and (2) the conservation of resources (party and judicial).

It is well-known that discovery of electronic stored information often leads to vast document disclosures and litigants opting to “produce documents as they are kept in the usual course of business” rather than “organize and label them to correspond to the categories in the request.” Fed. R. Civ. P. 34(b)(2)(E)(i). This option to the producing party may place an unfair burden on the requesting party when a large number of documents are produced such that the requesting party – with less knowledge of the sources of the information, less institutional knowledge of the producing party, and often less resources – must start from scratch to determine if any of the potentially thousands of documents produced are relevant to its requests. It also prevents the requesting party from establishing facts based merely on the production itself in response to specific requests.

It is unlikely the producing party would ever choose to the second option of categorizing the documents or stipulate to such an effort, as provided in Fed. R. Civ. P. 34(b)(2)(E), if there are many documents to produce. It would fall on responding party carry that burden, or the court to resolve any dispute if the requesting party demanded greater effort from the producing party, which is in the best position to efficiently determine what information it has that is relevant to a given case or to a specific request. Thus, in order to avoid the expense to the parties from argument and motion practice, and ultimately to the court to resolve disputes over who should have the burden of sorting and categorizing discovery information, a new rule may be appropriate.

Proposed D.R.I. LR Cv 34.1:

If a party serves on any other party a request pursuant to Rule 34(a), and the party to whom the request is directed chooses to produce or permit the requesting party to inspect, copy, test, or sample documents as they are kept in the usual course of business, then the requesting party may request in writing, within 30 days after the production is completed, that the party to whom the request is directed organize and label the documents as to no more than 10 items or categories of items to be inspected. The party to whom the request is directed shall organize and label the documents pursuant to the written request therefor within 30 days after it is served therewith. In complying with this rule, the party to whom the request is directed does not waive any objections it asserted in its original response, but may raise new objections.

The exact timelines and number of permitted secondary requests may be adjusted to achieve fairness in the allocation of the burdens of document discovery. It is not specific to electronic or paper discovery, as it is meant to apply to either.

Thank you for your consideration.

Very truly yours,

Bob Cavanagh

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

PROPOSED AMENDMENTS TO LOCAL RULES

8/24/2018 Supplement

General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 102	<p><i>The proposed change to LR Gen 102(b)(2) is related to the amendments to LR Gen 304 and LR Cr 49 are below.</i></p> <p>LR Gen 102 DOCUMENTS CONTAINING CONFIDENTIAL INFORMATION</p> <p>*****</p> <p>(b) Sealed Documents.</p> <p>*****</p> <p>(2) Service of Motions to Seal.</p> <p>(A) Civil Cases. A motion to seal in a civil case may be served electronically if the party is a <u>Filing User of the Court's ECF system</u> has consented to electronic filing pursuant to LR Gen 304(c) and LR Gen 309(b). Parties who are ineligible to file and receive documents electronically or exempt from electronic filing must be served conventionally pursuant to LR Cv 5.1(b).</p> <p>(B) Criminal Cases. A motion to seal in a criminal case must be conventionally served on all parties in the case pursuant to LR Cv 5.1(b) <u>Cr 49.</u></p>	N/A	PROPOSED CHANGE ACCEPTED	

* Unless otherwise indicated, the suggestion was made by the Court.

General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 304	<p><i>With the change to Fed. R. Civ. P. 5(b)(2)(E), consent to electronic service via ECF is made by becoming a registered user of the Court's electronic filing system. Due to this, our local provision, LR Gen 304(c) can be removed.</i></p> <p>LR Gen 304 ELIGIBILITY, REGISTRATION, PASSWORDS</p> <p>*****</p> <p>(e) — Consent to Electronic Service. 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>	N/A	PROPOSED CHANGE ACCEPTED	
LR Gen 308	<p><i>With the change to Fed. R. Civ. P. 5(d)(3)(C), a registered ECF user's name on a signature block and their ECF login/password is their signature for electronically filed documents. This change would require modifications to LR Gen 308(a) and (c).</i></p> <p>LR Gen 308 SIGNATURES</p> <p>(a) ECF Login and Password as Signature; Format of Signature Block. 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 with 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</p>	N/A	PROPOSED CHANGE ACCEPTED	

* Unless otherwise indicated, the suggestion was made by the Court.

General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p>in the space where the signature would otherwise appear.</p> <p>*****</p> <p>(c) Documents Requiring Multiple Signatures. 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/” with a signature block for each as described in (a). 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>			
LR Gen 309	<p><i>Due to the change to Fed. R. Civ. P. 5(d)(1)(B), a certificate of service is no longer required under the Federal Rules for documents filed through ECF, and the local requirement can be removed.</i></p> <p>LR Gen 309 SERVICE OF DOCUMENTS BY ELECTRONIC MEANS</p> <p>****</p> <p>(c) Certificates of Service on Electronically Filed Documents. All documents filed using the ECF</p>	N/A	PROPOSED CHANGE ACCEPTED	

* Unless otherwise indicated, the suggestion was made by the Court.

General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p>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>(d)(c) Exemptions. 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>			

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Civil Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cv 5.1	<p><i>This change is related to the change to LR Gen 309(c) described above regarding certificates of service on electronically filed documents. Only documents served outside of the Court's ECF system require a certificate of service.</i></p> <p>LR Cv 5.1 PROOF OF SERVICE OF SUMMONS AND OTHER DOCUMENTS</p> <p>*****</p> <p>(b) Certificates of Service as to Filings Other Than the Summons. Unless a document is filed by <u>served through the ECF system electronic means,</u> the service of which would be governed by LR Gen 309, any document conventionally <u>filed</u> after the complaint <u>required to be served by other means</u> must contain a certificate of service stating:</p> <p>(1) the date and manner of service; (2) the names of the persons served; and (3) the addresses of the places of delivery, as appropriate for the manner of service.</p> <p>The certificate of service shall be affixed to the documents filed with the Court.</p>	N/A	PROPOSED CHANGE ACCEPTED	

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Criminal Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p><i>The changes to Fed. R. Crim. P. 49 create a standalone service rule for criminal proceedings. (Previously, the criminal rules referenced the civil service rules.) In line with this change, a companion local provision regarding certificates of service on documents in in criminal cases should be added.</i></p> <p><u>LR Cr 49 PROOF OF SERVICE</u></p> <p><u>(a) Certificates of Service.</u> Unless a document is served through the ECF system, any document required to be served by other means must contain a certificate of service stating:</p> <p>(1) the date and manner of service; (2) the names of the persons served; and (3) the addresses of the places of delivery, as appropriate for the manner of service.</p> <p>The certificate of service shall be affixed to the documents filed with the Court.</p>	<p>N/A</p>	<p>PROPOSED CHANGE ACCEPTED</p>	

* Unless otherwise indicated, the suggestion was made by the Court.



UNITED STATES DISTRICT COURT
District of Rhode Island

**NOTICE OF PROPOSED AMENDMENTS
TO LOCAL RULES**

Pursuant to 28 U.S.C. § 2071(b), Fed. R. Civ. P. 83(a)(1), and Fed. R. Crim. P. 57(a)(1), the United States District Court for the District of Rhode Island hereby gives notice that proposed amendments to the Court's Local Rules are being considered for adoption.

The Court invites public comment on the following proposed amendments to the Local Rules:

General Rules: LR Gen 102, LR Gen 107, LR Gen 201, LR Gen 202, LR Gen 206, LR Gen 207, LR Gen 209, LR Gen 210, LR Gen 211, LR Gen 214, LR Gen 215, LR Gen 216, LR Gen 303, LR Gen 304, LR Gen 308, LR Gen 309.

Civil Rules: LR Cv 5.1, LR Cv 19, LR Cv 33, LR Cv 34, LR Cv 73.

Criminal Rules: LR Cr 11, LR Cr 49,

Copies of the proposed amendments may be reviewed and printed from the Court's website at www.rid.uscourts.gov. These amendments are also available for inspection at the Clerk's Office, United States District Court, One Exchange Terrace, Providence, RI 02903.

Any comments must be submitted, in writing, no later than November 5, 2018, via e-mail to Local_Rules@rid.uscourts.gov or by submission to the Clerk's Office.

October 4, 2018

Hanorah Tyer-Witek
Clerk Of Court

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

FINAL CHART RE: PROPOSED AMENDMENTS TO LOCAL RULES

General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 107	<p style="text-align: center;">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 7 days before the hearing or trial to be transcribed.</p>	The General Rules Subcommittee recommended adoption of the proposed change by the LRRC.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE
LR Gen 201	<p style="text-align: center;">LR Gen 201 PRACTICE BEFORE THIS COURT</p> <p style="text-align: center;">*****</p> <p>(b) Exceptions to Requirement of Membership. Notwithstanding the provisions of subsection (a), the following individuals may appear and/or practice before this Court:</p> <p style="text-align: center;">*****</p> <p>(6) Law Student Counsel. A Senior Law Student who is eligible to appear pursuant to LR Gen 206(f)<u>(e)</u> may appear in this Court as a Law Student Counsel subject to the limitations in LR Gen 206(f)<u>(e)</u>.</p> <p style="text-align: center;">*****</p>	The General Rules Subcommittee recommended adoption of the proposed change by the LRRC.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

* Unless otherwise indicated, the suggestion was made by the Court.

General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 202	<p>LR Gen 202 ELIGIBILITY AND PROCEDURE FOR ADMISSION</p> <p>(a) Requirements for Admission. In order to be eligible for membership in the Bar of this Court, an attorney must:</p> <p>(1) Be a member in good standing of the Bar of the Supreme Court of the State of Rhode Island; and</p> <p><u>(2) Be a member in good standing in every other jurisdiction in which the attorney has been admitted to practice; and</u></p> <p>(2)(3) Either:</p> <p style="padding-left: 40px;">(A) Have completed the course of instruction on Federal Practice and Procedure given by this Court's Board of Bar Admissions; or</p> <p style="padding-left: 40px;">(B) Have at least 5 years of federal practice experience, or a combination of federal practice and federal law clerk experience that totals at least 5 years, and eCertify that he or she has read and understands these Local Rules; and</p> <p>(3)(4) Establish to the satisfaction of this Court, that he or she is of good moral character and otherwise qualified and fit to be admitted to the Bar of this Court.</p> <p>(b) Procedure for Admission.</p> <p>(1) Application for Admission. An individual attorney applying for admission pursuant to the Bar of this Court LR Gen 202(a)(2)(A) shall <u>must</u> file with the Clerk a completed application form, together with a current certificate(s) of good standing from the Rhode Island Supreme Court that the applicant is a member in good standing of the Bar of that Court, and any other jurisdiction in which the attorney has been admitted to practice, <u>and</u>.</p>	<p>The General Rules Subcommittee recommended that the Court maintain the provision requiring prospective applicants for the bar to attend the 1-evening bar lecture course as part of the admissions procedure. However, they recommended that the rule be modified to allow attorneys to become members of the bar and practice in advance of completing the bar lecture course. Under their revised proposal, attorneys could become members of the bar subject to attending the bar lecture course within one year of admission.</p>	<p>A majority of the LRRC members present at the final meeting voted to retain the bar lecture course requirement for admission as modified by the General Rules Subcommittee. A minority of the members present voted to adopt the original suggestion that bar lecture course be removed as a requirement of the Court's admissions procedure.</p> <p>While there was not a consensus whether the bar course should be a requirement or optional, the LRRC agreed that the course should be offered more than once a year by the Court.</p>	<p>COURT APPROVED CHANGE AS ORIGINALLY PROPOSED.</p>

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General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p>An individual applying for admission pursuant to LR Gen 202(a)(2)(B) shall file with the Clerk a completed application form accompanied by a current certificate from the Rhode Island Supreme Court that the applicant is a member in good standing of the Bar of that Court, together with a current certificate from a United States district court that the applicant is a member in good standing of the Bar of that court.</p> <p>(2) Admission Fee. An individual applying for admission also shall pay the admission fee fixed by the Court.</p> <p>(3)(2) Review of Application. In the case of an application pursuant to LR Gen 202(a)(2)(A), Tthe Clerk shall examine <u>review</u> the application <u>and determine if the</u>, the court certificate and the records indicating that the applicant has completed the course of instruction given by the Board of Bar Admissions. If the Clerk finds that those documents and records indicate that the applicant <u>attorney</u> satisfies the prerequisites for admission, <u>If so,</u> the Clerk shall notify the applicant <u>attorney</u> and the Chairman of the Board of Bar Admissions, and place the applicant <u>attorney</u> on the list for <u>the next available admissions ceremony</u>. If the Clerk finds that the documents and records indicate that the applicant attorney does not satisfy the prerequisites for admission, the Clerk shall notify the applicant and the <u>forward the application to the Chief Judge, or his or her designee, for review of this Court.</u> 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</p>			

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General/Attorney Rules

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	<p>decision.</p> <p>(4)(3) Admission Ceremony. Admission to the Bar of this Court is effected by the granting of a motion made by the Chairman of the Board of Bar Admissions or his designee at an admission ceremony presided over by the Court. In the case of an individual admitted pursuant to LR-Gen 202(a)(2)(B), admission is effected upon approval by the Chief Judge of the application for admission.</p> <p>In order to be admitted, an <u>Approved applicants attorneys</u> shall make the following oath or affirmation before the Clerk:</p> <p style="padding-left: 40px;">I do solemnly [swear] [affirm] that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic, and that I will bear true faith and allegiance to the same; that I take the obligation freely, without any mental reservation or purpose of evasion; and that I will demean myself as an attorney, proctor, and solicitor of this court, uprightly and according to the law. [So help me God.]</p> <p style="padding-left: 40px;">Upon making the prescribed oath or affirmation, the applicant attorney shall be a member of the Bar of this Court.</p> <p>(c) Board of Bar Admissions and Course of Instruction.</p> <p>(1) Board of Bar Admissions.</p> <p>(A)(1) Establishment of Board. There shall be a Board of Bar Admissions which shall administer a course of instruction on federal practice and practice before this Court, in particular advise the Court on the administration and operation of the Court's Bar Fund and other</p>			

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General/Attorney Rules

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	<p><u>matters benefiting the bench and bar in the administration of justice.</u></p> <p>(B)(2) Membership. The Board of Bar Admissions shall consist of 8 members or such other number as may be fixed from time to time by the Court. The Board shall be comprised of individuals who are members of the Bar of this Court and who regularly practice before this Court. The Chair of the Board of Bar Admissions shall be appointed by the Chief Judge.</p> <p>(C)(3) Term. Board members shall serve staggered 3-year terms with the terms of one-third of the members expiring on May 31 of each year. At the expiration of his or her term, a Board member who has served 3 years or less may be reappointed for one additional 3-year term.</p> <p>(2) Course of Instruction. The course of instruction shall cover those subjects determined by the Court, in consultation with the Board of Bar Admissions, and shall include instruction on these Local Rules. Applicants for admission shall be required to attend all sessions unless excused by the Court or by the Chair of the Board of Bar Admissions, for good cause shown.</p>			
LR Gen 206	<p>LR Gen 206 APPEARANCES AND WITHDRAWALS</p> <p>*****</p> <p>(e) Designation of Counsel to Receive Notices.</p> <p>(1) In General. When a party is represented by more than one attorney from the same firm, the attorneys at that firm shall designate one of them for the purposes of receiving any notices, and any notice sent to the attorney so designated shall constitute notice to all counsel at that firm.</p>	<p>The General Rules Subcommittee recommended approval with one change:</p> <p>(2) Otherwise, the attorney must file a motion to withdraw, together with:</p> <p>(A) An affidavit attesting to the fact that the party is not in the military service of the United States as defined in the</p>	<p>PROPOSED CHANGE ACCEPTED AS MODIFIED BY THE GENERAL RULES SUBCOMMITTEE</p>	<p>COURT APPROVED CHANGE AS MODIFIED BY LRRC.</p>

* Unless otherwise indicated, the suggestion was made by the Court.

General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p>(2) Attorneys for the United States. When the Government is represented by more than one attorney from an agency or department of the United States at any geographical location, the attorneys at that location shall designate one of them for the purposes of receiving any notices, and any notice sent to the attorney so designated shall constitute notice to all counsel of the agency or department at that location.</p> <p>(d)(c) Designation of Lead Counsel. Each party shall designate one attorney to act as lead counsel for the case. Lead counsel shall have primary responsibility for the case.</p> <p>(e)(d) Withdrawal of Appearance. An attorney may withdraw his or her appearance on behalf of a party in the following manner:</p> <p>(1) If there are no motions pending before the Court and no trial date has been set, the attorney may serve and file a notice of withdrawal on his or her client and all other parties, accompanied by an entry of appearance by successor counsel certifying that he or she is familiar with the case and is or will be fully prepared to address any matters pending in the case, including trial, without delaying the case; or</p> <p>(2) Otherwise, the attorney must file a motion to withdraw, together with:</p> <p>(A) An affidavit attesting to the fact that the party is not in the military service of the United States as defined in the Soldiers' and Sailors' Civil Relief Act [50 App. U.S.C. § 501 <i>et seq.</i>], <u> Servicemembers Civil Relief Act of 2003</u>, as amended; and,</p> <p>(B) A certification that:</p> <p>(i) the client has been notified of the motion by both regular mail, postage prepaid, and by certified or registered mail, return receipt requested, or by any other</p>	<p>Servicemembers Civil Relief Act of 2003, <u>(50 U.S.C. §§ 3901-4043)</u> as amended; and,</p> <p>*****</p>		

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General/Attorney Rules

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	<p>method that satisfies the Court that notice has been given to the client; and,</p> <p>(ii) the client has been advised that he or she may object to the motion and that any failure or delay in retaining substitute counsel may not be considered grounds for delaying the trial or any other matter scheduled in the case; and,</p> <p>(C) The client’s current address and a representation that counsel has made a reasonable effort to confirm that notices sent to that address are likely to be received by the client; and,</p> <p>(D) A description of any motions or other matters pending in the case and a statement regarding the anticipated trial date.</p> <p>(f)(e) Appearances by Law Students.</p> <p style="text-align: center;">*****</p> <p>(2) Eligibility to Appear as Law Student Counsel. In order to be eligible to appear as Law Student Counsel, a Senior Law Student must:</p> <p style="text-align: center;">*****</p> <p>(E) establish to the satisfaction of this Court that she or he is of good moral character and otherwise qualified and fit to appear pursuant to this Rule <u>LR Gen 206</u>.</p> <p>(3) Application.</p> <p>(A) An application to appear as Law Student Counsel shall be made by completing and filing a form provided by the Clerk. The form shall contain a certification that the Senior Law Student:</p> <p style="padding-left: 40px;">(i) has read and will abide by the Rules of Professional Conduct of the Supreme Court of the State of Rhode</p>			

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General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p>Island;</p> <p>(ii) has read and understands these Local Rules; and</p> <p>(iii) the Senior Law Student has met all of the requirements of LR Gen 206(f)(e)(2).</p> <p>*****</p>			
LR Gen 207	<p>LR Gen 207 — CONFLICT OF COURT APPEARANCES; EXCUSALS</p> <p>(a) Conflicting Appearances. When counsel is notified to appear in this Court and counsel believes that he or she may be prevented from appearing because of a conflicting commitment to appear in a different court or before another judge of this Court, counsel shall immediately inform the judge who caused the notification to issue and shall provide that judge with the following information:</p> <p>(1) the name and docket number of each case;</p> <p>(2) the nature and scheduled time and expected duration of the other matter; and</p> <p>(3) the date on which counsel was notified of the other matter and the name of the judge presiding over that matter.</p> <p>(b) Excuse from Court Appearances.</p> <p>(1) How requested. Counsel who wish to be excused from attendance in this Court at any time(s) shall submit a written request to be excused as far in advance as possible. The request shall be submitted to the Court’s electronic mailbox at excusals@rid.uscourts.gov and shall state:</p> <p>(A) the period of time for which the excuse is requested; and</p> <p>(B) the reason for the request (e.g. family vacation), except that if the reason involves a</p>	<p>The General Rules Subcommittee recommended adoption of the proposed change by the LRRC.</p>	<p>The LRRC accepted the proposal to remove section (a) (Conflicting Appearances”) from the rule. However, the LRRC decided to keep section (b) (“Excuse from Court Appearances”), but to make such requests optional instead of mandatory:</p> <p>(b) Excuse from Court Appearances.</p> <p>(1) How requested. Counsel who wish to be excused from attendance in this Court at any time(s) shall <u>may</u> submit a written request to be excused as far in advance as possible. The request shall be submitted to the Court’s electronic mailbox at excusals@rid.uscourts.gov and shall state:</p> <p>(A) the period of time for which the excuse is requested; and</p> <p>(B) the reason for the request (e.g. family vacation), except that if the reason involves a matter that is confidential or private, the request shall so state; and</p> <p>(C) a list of any matters in which counsel is involved that</p>	<p>COURT APPROVED CHANGE AS MODIFIED BY LRRC.</p> <p>Note: The rule, as approved, eliminated section (a) of the rule, and subsections (b)(1) and (b)(2) were accordingly redesignated as (a) and (b).</p>

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General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p>matter that is confidential or private, the request shall so state; and</p> <p>(C) — a list of any matters in which counsel is involved that have been scheduled or that counsel anticipates may be scheduled in this Court during the period for which the excuse is requested.</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 14 days or more, 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 request is for a period of less than 14 days, said request shall be filed with the Court only.</p>		<p>have been scheduled or that counsel anticipates may be scheduled in this Court during the period for which the excuse is requested.</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 14 days or more, 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 request is for a period of less than 14 days, said request shall be filed with the Court only.</p> <p>Note: The LRRC noted that the excusal process could be improved if the Court provided a reply to the applications submitted by counsel seeking excusals from Court appearances.</p>	
LR Gen 209	<p>LR Gen 209 BASIS FOR DISCIPLINARY ACTION</p> <p>(a) Conferred Jurisdiction. Any attorney <u>allowed</u> admitted or permitted to practice before this Court pursuant to LR Gen 202 or 204 shall be deemed to have conferred disciplinary jurisdiction upon this Court for any alleged attorney misconduct arising during the course of a case pending before this Court or the Bankruptcy Court in which that attorney has participated in any way.</p> <p>(b) Forms of Discipline. When an attorney, after notice and an opportunity to be heard, has been found to</p>	<p>The General Rules Subcommittee recommended adoption of the proposed change by the LRRC.</p>	<p>PROPOSED CHANGE ACCEPTED</p>	<p>COURT APPROVED CHANGE</p>

* Unless otherwise indicated, the suggestion was made by the Court.

General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p>have engaged in misconduct, the Court may:</p> <p>(1) Disbar or suspend the attorney from practicing before this Court, if the attorney is a member of the bar of this Court; or</p> <p>(2) Publicly or privately reprimand or censure the attorney; or</p> <p>(3) Take such other disciplinary action against the attorney as the circumstances may warrant, including but not limited to the imposition of monetary sanctions.</p> <p>The provisions of this subsection (b) shall not limit, in any way, the authority of an individual judge to impose any sanctions or take any other disciplinary action that is permissible and appropriate pursuant to these <u>Local Rules</u> or otherwise.</p> <p>(c) Misconduct. Misconduct for which an attorney may be disciplined pursuant to Rule <u>LR Gen 209</u> may include:</p> <p style="text-align: center;">*****</p>			
LR Gen 210	<p>LR Gen 210 DISCIPLINARY PROCEEDINGS</p> <p>(a) Definition of “Court.” As used in this Rule <u>LR Gen 210</u>, the term “Court” refers to the active district judges of this Court, and any action taken or required by the “Court” refers to action by a majority of the active district judges.</p> <p>(b) Initiation of Proceedings. Whenever allegations of misconduct by an attorney admitted or permitted to practice before this Court come to the Court’s attention, whether by complaint or otherwise, and the applicable procedure is not otherwise provided for by these <u>Local Rules</u>, the Court may initiate disciplinary proceedings in any one or more of the following ways:</p> <p style="text-align: center;">*****</p> <p>(4) In cases where the attorney has been notified in</p>	The General Rules Subcommittee recommended adoption of the proposed change by the LRRC.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

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General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
	<p>accordance with subsection (3) and has failed to provide a satisfactory reason why formal disciplinary proceedings should not be commenced, or in cases where there does not appear to be any dispute with respect to the relevant facts, the Court may commence formal disciplinary proceedings in accordance with subsection LR Gen 210(c) of this Rule.</p> <p>(c) Commencement of Formal Proceedings.</p> <p style="text-align: center;">*****</p> <p>(3) The attorney shall file a written response to the show cause order and the allegations of misconduct contained therein within 14 days from the date of the order. 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 <u>LR Gen 210</u> subsection-(d) of this Rule.</p> <p>(d) Hearing</p> <p>(1) Forum. In the Court’s discretion, any hearing conducted pursuant to this Rule LR Gen 210 may be conducted before a magistrate judge or bankruptcy judge designated by the Court, a single district judge or all of the active judges of the Court who are eligible and able to participate. However, if the disciplinary proceeding was initiated by a complaint by a district judge, magistrate judge, or bankruptcy judge; or, if a magistrate judge or bankruptcy judge made any recommendation to the Court pursuant to Rule <u>LR Gen 210(b)(2)</u>, any such hearing shall not be conducted by that judge, nor shall that judge participate in any decision or other action taken by the Court with respect to the matter.</p> <p>(A) If the hearing is conducted by a district judge, the Court may authorize that district judge to order whatever disciplinary action is appropriate under these <u>Local #Rules</u> without further action by the Court.</p>			

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General/Attorney Rules

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LR Gen 211	<p>LR Gen 211 DISCIPLINARY ACTION BY COURT</p> <p>Upon a finding by the Court, or an individual district judge acting pursuant to Rule <u>LR Gen 210(d)(1)</u>, that an attorney has engaged in misconduct, the Court or, if authorized, the district judge may enter an order imposing discipline in accordance with these <u>Local Rules</u>.</p>	The General Rules Subcommittee recommended adoption of the proposed change by the LRRC.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE
LR Gen 214	<p>LR Gen 214 ACTION TAKEN BY OTHER COURTS OR DISCIPLINARY AGENCIES</p> <p>*****</p> <p>(c) Effect of Decision by Other Tribunal.</p> <p>*****</p> <p>(2) In all other respects, a final adjudication in another jurisdiction that an attorney has been guilty of misconduct or found incapacitated shall establish conclusively the misconduct or incapacity for purposes of any proceeding under this Rule <u>LR Gen 214</u>. Where an attorney has been found to be incapacitated, the Court shall enter an order placing the attorney on inactive status, in which case the attorney may not practice before this Court unless and until reinstated pursuant to LR Gen 215.</p>	The General Rules Subcommittee recommended adoption of the proposed change by the LRRC.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE
LR Gen 215	<p>LR Gen 215 REINSTATEMENT OF MEMBERSHIP</p> <p>*****</p> <p>(b) Procedure on Application. In ruling on an application for reinstatement, the Court may proceed in any of the following ways:</p> <p>*****</p> <p>(3) Promptly schedule the matter for a hearing before the Court, a single district judge designated by the Court or a magistrate judge designated by the</p>	The General Rules Subcommittee recommended adoption of the proposed change by the LRRC.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

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General/Attorney Rules

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	<p>Court. However, if a magistrate judge has made a recommendation pursuant to this subsection, the hearing shall not be conducted by that magistrate judge.</p> <p style="text-align: center;">*****</p> <p>(B) If the hearing is conducted by a magistrate judge, the matter shall be dealt with in the manner described in Rule <u>LR Gen 210(d)(1)(B)-(C)</u>.</p> <p style="text-align: center;">*****</p>			
LR Gen 216	<p style="text-align: center;">LR Gen 216 PUBLIC ACCESS AND CONFIDENTIALITY</p> <p>(a) Publicly Available Records. All filings, orders, and proceedings involving allegations of misconduct by an attorney shall be public, except:</p> <p>(1) Any document filed or action taken pursuant to Rule <u>LR Gen 210(b)</u> prior to the commencement of formal disciplinary proceedings under Rule <u>LR Gen 210(c)</u>; or</p> <p>(2) When the Court, <i>sua sponte</i>, or in response to a motion for protective order, orders that such matters shall not be made public; provided, however, that any finding of misconduct shall be public.</p> <p>(b) Respondent’s Request. The respondent-attorney may request that the Court make any matter public that would not otherwise be public under this Rule <u>LR Gen 216</u>.</p>	The General Rules Subcommittee recommended adoption of the proposed change by the LRRC.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

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General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 303	<p>LR Gen 303 SPECIAL FILING REQUIREMENTS</p> <p>*****</p> <p>(c) Other Documents to be Conventionally Filed. The following documents must be conventionally filed:</p> <p>(1) Records of administrative review proceedings other than social security cases;</p> <p>(2) The state court record and other Rule 5 materials in habeas corpus cases filed in 28 U.S.C. §2254 proceedings;</p> <p>(3)(1) Consent to Proceed Before a Magistrate Judge;</p> <p>(4)(2) All pleadings and documents filed by prisoner <i>pro se</i> litigants and non-prisoner <i>pro se</i> litigants not granted permission to file documents electronically;</p> <p>(5)(3) The charging document in a criminal case, such as the complaint, indictment and information;</p> <p>(6)(4) Affidavits for search and arrest warrants and related papers;</p> <p>(7) Fed. R. Crim. P. 20 and Fed. R. Crim. P. 5 papers received from another court;</p> <p>(8) Appearance Bonds.</p>	The General Rules Subcommittee recommended adoption of the proposed change by the LRRC.	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE
Suggestion from the Bar	During the 2011-12 cycle, Girard Visconti, Esq. and Marc DeSisto, Esq. proposed that the Court adopt a rule requiring pro se litigants to certify that an attorney has not drafted the documents that they filed with the Court. The Civil Rules Subcommittee elected to table that suggestion three times, pending a Rhode Island Supreme Court decision addressing the issue. On June 8, 2015, the Rhode Island Supreme Court issued an order on “Limited-Scope Representation in Rhode Island, Drafting Assistance to Pro Se Litigants,” which spelled out the Supreme Court’s policy on the ghostwriting of pleadings by a member of the bar on behalf of a pro se	The General Rules Subcommittee did not recommended adoption of the proposed change by the LRRC.	In addition to the General Rules Subcommittee, the Civil Rules and Criminal Rules Subcommittees also considered this proposal, and came to the same conclusion that a standalone ghostwriting local rule was not necessary since LR Gen 208(a) incorporates the Standards of Professional Conduct as adopted by the Rhode Island Supreme Court into the Court’s Local Rules.	N/A

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General/Attorney Rules

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	litigant. The Supreme Court invited public comment on the policy, and issued a final policy on “limited scope representation” and provisionally amended the Rules of Professional Conduct to reflect the policy on May 23, 2017. In light of this policy change and the provisional amendments to the Rules of Professional Conduct, the LRRC tabled the suggestion for reconsideration during the 2017-18 local rules review cycle.			

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Civil Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Cv 19	<p align="center">LR Cv 19 — INDISPENSABLE PARTIES</p> <p>See LR Cv 24 (concerning notification required to non-parties when the constitutionality of a statute is challenged).</p>	<p>The Civil Rules Subcommittee recommended adoption of the proposed change by the LRRC.</p>	<p align="center">PROPOSED CHANGE ACCEPTED</p>	<p align="center">COURT APPROVED CHANGE</p>
LR Cv 33		<p>The Civil Rules Subcommittee made the following proposal:</p> <p align="center">LR Cv 33 INTERROGATORIES</p> <p align="center">*****</p> <p>(c) Objections. Each objection and the grounds therefor shall be stated separately <u>under each individual request</u>. When an objection is made to any interrogatory, or sub-part thereof, it shall state with specificity all grounds upon which the objecting party relies. Any ground not stated in an objection shall be deemed waived. <u>The requirement that the grounds for objecting be stated with specificity under each individual request precludes the consideration of any generic General Objections.</u></p>	<p align="center">PROPOSED CHANGE ACCEPTED</p>	<p align="center">COURT APPROVED CHANGE</p>
LR Cv 34		<p>The Civil Rules Subcommittee made the following proposal:</p> <p align="center">LR Cv 34 REQUESTS FOR PRODUCTION</p> <p>Objections. Each objection and the grounds therefor shall be stated separately <u>under each individual request</u>. When an objection is made to any request, or sub-part thereof, it shall state with specificity all grounds upon which the objecting</p>	<p align="center">PROPOSED CHANGE ACCEPTED</p>	<p align="center">COURT APPROVED CHANGE</p>

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Civil Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
		<p>party relies. Any ground not stated in an objection shall be deemed waived. <u>The requirement that the grounds for objecting be stated with specificity under each individual request precludes the consideration of any generic General Objections.</u></p>		
LR Cv 73	<p>LR Cv 73 CONSENT TO ORDER OF REFERENCE</p> <p>*****</p> <p>(b) Notification of Option to Consent.</p> <p>(1) When a civil action or notice of removal is filed, the Clerk, with the permission of the district judge to whom the case is assigned, shall give written notice to the parties of the option to consent to a trial before, or other disposition of the case by, a magistrate judge and shall provide the parties with a consent form. The notice shall inform the parties that they are free to withhold consent without adverse consequences; that the form is to be returned to the Clerk only if all parties consent; and, that if all parties consent, the executed form must be returned within the time specified in the notice issued by the Clerk.</p> <p>*****</p>	<p>The Civil Rules Subcommittee recommended adoption of the proposed change by the LRRC.</p>	<p>PROPOSED CHANGE ACCEPTED</p>	<p>COURT APPROVED CHANGE</p> <p>Note: The Court added the word “that” after the “and” in the final sentence of (b)(1).</p>
Suggestion from Bar	<p>Robert Cavanaugh, Esq. offered a new local rule, LR Cv 34.1:</p> <p style="text-align: center;">LR Cv 34.1</p> <p>If a party serves on any other party a request pursuant to Rule 34(a), and the party to whom the request is directed chooses to produce or permit the requesting party to inspect, copy, test, or sample documents as they are kept in the usual course of business, then the requesting party may request in writing, within 30 days after the production is completed, that the party to whom the request is directed</p>	<p>The Civil Rules Subcommittee recommended that the proposed change be rejected by the LRRC. The subcommittee noted that they believed that the proposed amendment was in conflict with Fed. R. Civ. P. 34(b)(2)(E)(i).</p>	<p>PROPOSED CHANGE REJECTED</p>	<p>N/A</p>

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Civil Rules

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	organize and label the documents as to no more than 10 items or categories of items to be inspected. The party to whom the request is directed shall organize and label the documents pursuant to the written request therefor within 30 days after it is served therewith. In complying with this rule, the party to whom the request is directed does not waive any objections it asserted in its original response, but may raise new objections.			

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Criminal Rules

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LR Cr 6	John Cicilline, Esq. offered the following request that LR Cr 6 be amended: “This rule needs to be amended by adding to it a provision eliminating the need for a magistrate judge to arraign a defendant in a case, where on the basis of information supplied by the complaint and affidavit, a defendant has made a decision to plead guilty. Under the current practice the defendant, in those circumstances, appears before the magistrate and pleads not guilty. This procedure leads to confusion by defendants who have signed a plea agreement, and then are asked to plead not guilty before the magistrate.”	The Criminal Rules Subcommittee agreed to combining the change of plea and arraignment when the defendant is pleading to an information. However, there was a dispute as to whether the combined proceeding should occur before the magistrate judge or the district court judge. Some members of the committee suggested that the parties and the Court have the option to conduct the proceeding before the magistrate judge, with the defendant’s consent and ultimate ratification by the District Court, or by the District Judge in the first instance. The U.S. Attorney’s Office objected to the combined proceeding occurring before the magistrate judge based on their review of the case law and Fed. R. Cr. P. 59.	N/A	<p>The Court adopted the following change to LR Cr 11: LR Cr 11 PLEAS AND PLEA AGREEMENTS</p> <p>(a) 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 7 days 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> <p><u>(b)Plea Agreement as to an Information.</u> <u>In cases where a</u></p>

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Criminal Rules

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				<u>written plea agreement is filed as to an information, the Court may schedule a combined arraignment and plea hearing before a district judge.</u>
LR Cr 44.1	John Cicilline, Esq. suggested that LR Cr 44.1 (Representation of Multiple Defendants) be eliminated from the Local Rules for the following reasons: “The rule, as written, discriminates against law offices who specialize in criminal defense work. There are enough rules of professional responsibility and court decisions to cover the matter. See <i>United States v Poulack</i> 556 F2d 83 (1st Cir 1997); <i>United States v Diaz-Martinez</i> 71 F3d 946 (1st Cir 1995); <i>United States v Foster</i> 469 F2d 1 (1st Cir 1992), No lawyer should take on a case where there is a conflict of interest, so we do not need the rule. It is covered by the rules of professional responsibility. Moreover, the rule violates the constitutional right of a defendant to engage the lawyer of his choice. See <i>Luis v United States</i> 578 US (2016); <i>Kaley v United States</i> 134 S Ct 1090 (2014); <i>United States v Gonzalez-Lopez</i> 548 US 140 (2006); <i>United States v Cardona-Vicenty</i> 817 F3d 823 (1st Cir 2016).	The Criminal Rules Subcommittee recommended that the proposed change be rejected by the LRRC as the local rule mirrors provisions of the Federal Rules of Criminal Procedure.	PROPOSED CHANGE REJECTED	N/A

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

FINAL CHART RE: PROPOSED AMENDMENTS TO LOCAL RULES

Supplement

General/Attorney Rules

<u>Rule Number</u>	<u>Suggestion Received*</u>	<u>Subcommittee Recommendation</u>	<u>Full Committee Action</u>	<u>Court Action</u>
LR Gen 102	<p><i>The proposed change to LR Gen 102(b)(2) is related to the amendments to LR Gen 304 and LR Cr 49 are below.</i></p> <p>LR Gen 102 DOCUMENTS CONTAINING CONFIDENTIAL INFORMATION</p> <p>*****</p> <p>(b) Sealed Documents.</p> <p>*****</p> <p>(2) Service of Motions to Seal.</p> <p>(A) Civil Cases. A motion to seal in a civil case may be served electronically if the party is a <u>Filing User of the Court's ECF system</u> has consented to electronic filing pursuant to LR Gen 304(c) and LR Gen 309(b). Parties who are ineligible to file and receive documents electronically or exempt from electronic filing must be served electronically <u>conventionally</u> pursuant to LR Cv 5.1(b).</p> <p>(B) Criminal Cases. A motion to seal in a criminal case must be electronically <u>conventionally</u> served on all parties in the case pursuant to LR Cv 5.1(b) <u>Cr 49.</u></p>	N/A	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

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General/Attorney Rules

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LR Gen 304	<p><i>With the change to Fed. R. Civ. P. 5(b)(2)(E), consent to electronic service via ECF is made by becoming a registered user of the Court's electronic filing system. Due to this, our local provision, LR Gen 304(c) can be removed.</i></p> <p>LR Gen 304 ELIGIBILITY, REGISTRATION, PASSWORDS</p> <p>*****</p> <p>(e) — Consent to Electronic Service. 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>	N/A	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE
LR Gen 308	<p><i>With the change to Fed. R. Civ. P. 5(d)(3)(C), a registered ECF user's name on a signature block and their ECF login/password is their signature for electronically filed documents. This change would require modifications to LR Gen 308(a) and (c).</i></p> <p>LR Gen 308 SIGNATURES</p> <p>(a) ECF Login and Password as Signature; Format of Signature Block. 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 with 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</p>	N/A	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

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	<p>in the space where the signature would otherwise appear.</p> <p>*****</p> <p>(c) Documents Requiring Multiple Signatures. 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/” with a signature block for each as described in (a). 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>			
LR Gen 309	<p><i>Due to the change to Fed. R. Civ. P. 5(d)(1)(B), a certificate of service is no longer required under the Federal Rules for documents filed through ECF, and the local requirement can be removed.</i></p> <p>LR Gen 309 SERVICE OF DOCUMENTS BY ELECTRONIC MEANS</p> <p>****</p> <p>(c) Certificates of Service on Electronically Filed Documents. All documents filed using the ECF</p>	N/A	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

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General/Attorney Rules

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	<p>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>(d)(c) Exemptions. 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>			

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Civil Rules

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LR Cv 5.1	<p><i>This change is related to the change to LR Gen 309(c) described above regarding certificates of service on electronically filed documents. Only documents served outside of the Court's ECF system require a certificate of service.</i></p> <p>LR Cv 5.1 PROOF OF SERVICE OF SUMMONS AND OTHER DOCUMENTS</p> <p>*****</p> <p>(b) Certificates of Service as to Filings Other Than the Summons. Unless a document is <u>filed by served through the ECF system</u> electronic means, the service of which would be governed by LR Gen 309, any document conventionally <u>filed after the complaint required to be served by other means</u> must contain a certificate of service stating:</p> <p>(1) the date and manner of service; (2) the names of the persons served; and (3) the addresses of the places of delivery, as appropriate for the manner of service.</p> <p>The certificate of service shall be affixed to the documents filed with the Court.</p>	N/A	PROPOSED CHANGE ACCEPTED	COURT APPROVED CHANGE

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Criminal Rules

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	<p><i>The changes to Fed. R. Crim. P. 49 create a standalone service rule for criminal proceedings. (Previously, the criminal rules referenced the civil service rules.) In line with this change, a companion local provision regarding certificates of service on documents in in criminal cases should be added.</i></p> <p><u>LR Cr 49 PROOF OF SERVICE</u></p> <p><u>(a) Certificates of Service.</u> Unless a document is served through the ECF system, any document required to be served by other means must contain a certificate of service stating:</p> <p>(1) the date and manner of service; (2) the names of the persons served; <u>and</u> (3) the addresses of the places of delivery, as appropriate for the manner of service.</p> <p><u>The certificate of service shall be affixed to the documents filed with the Court.</u></p>	<p>N/A</p>	<p>PROPOSED CHANGE ACCEPTED</p>	<p>COURT APPROVED CHANGE</p>

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