TABLE OF CONTENTS

FEDERAL RULE REFERENCE - LOCAL RULE NUMBER

I. Scope of Local Rules

Federal - Local

1 - 1.01 Title and Citation

81 - 1.02 Application and Numbering of Local Rules

86 - 1.03 Effective Date

86 - 1.04 Relationship to Prior Rules and Actions Pending on Effective Date

6 - 1.05 Modification of Time Limits

1 - 1.06 Judge Defined

II. Commencement of Actions

Federal - Local

5 - 2.01 Files and Filings

3 - 2.02 Papers **Forms** to be Filed in Civil Cases

81 - 2.03 Cases Removed to the District Court

38 - 2.04 Demand for Jury Trial

3 - 2.05 In Forma Pauperis

45 - 2.06 Pro Se Actions

3 - 2.07 Divisional Venue

40 - 2.08 Assignment of Actions and Matters

3 - 2.09 Disclosure of Corporation Interests

3 - 2.10 The Electronic Case Record and Filing; Exemption

11 - 2.11 Signatures on Electronic Filings

5 - 2.12 Service in Electronic Cases

83 - 2.13 When Electronic Filings are Completed

6 - 2.14 Technical Failure and Filing Deadlines

83- 2.15 Administrative Procedures for Electronic Filing

7 - 2.16 Hyperlinks in Electronically Filed Documents

5 - 2.17 Redaction of Personal Data Identifiers

III. Disclosure and Discovery

Federal - Local

26 - 3.01 Federal Rule of Civil Procedure 26(a)(1)

26 - 3.02 Filing of Discovery and Disclosure Materials

33 - 3.03 Interrogatories

37 - 3.04 Motions Concerning Disclosure and Discovery

12CR - 3.05 Disclosure and Motions in Criminal Cases

IV. Motions

Federal - Local

7 - 4.01 Motions and Memoranda

78 - 4.02 Oral Argument or Testimony Regarding Civil Motions

42 - 4.03 Motions to Consolidate

7 - 4.04 Communication with the Court

7 - 4.05 Submission of Motion Package

V. Differentiated Case Management

Federal - Local

16 - 5.01 Case Management Tracks

3 - 5.02 Track Information Statements

16 - 5.03 Rule 16 Scheduling Conference

16 - 5.04 Case Management Orders

VI. Alternative Dispute Resolution

Federal - Local

16 - 6.01 Mediation and Early Neutral Evaluation

16 - 6.02 Referral to Alternative Dispute Resolution and Duties of Participants

16 - 6.03 Neutrals

16 - 6.04 Communications Concerning Alternative Dispute Resolution

16 - 6.05 Reporting Requirements

VII. Trials

Federal - Local

47 - 7.01 Jurors and Juries

83 - 7.02 Trial Exhibits

VIII. Judgments

Federal - Local

41 - 8.01 Dismissal for Failure to Prosecute

54 - 8.02 Motions for Attorney's Fees

54 - 8.03 Bill of Costs

41 - 8.04 Assessment of Jury Costs

XI. Special Proceedings

Federal - Local

81 - 9.01 Bankruptcy Court Matters

56 - 9.02 Social Security Appeals

58CR - 9.03 Petty Offenses

71A - 9.04 Condemnation Cases

X. Admiralty Cases

Federal - Local

9 - 10.01 Scope of Admiralty Rules

9 - 10.02 Actions in Rem, Special Provisions

9 - 10.03 Actions in Rem and Quasi in Rem, General Provisions

XI. United States Magistrate Judges

Federal - Local

73 - 11.01 General Authority of United States Magistrate Judges

XII. Attorneys

Federal - Local

83 - 12.01 Attorney Admissions

83 - 12.02 Attorney Discipline

83 - 12.03 Attorney Admission Fee Non-Appropriated Fund

83 - 12.04 Former Law Clerks

83 - 12.05 Law Student Practice

83 - 12.06 Appointed Counsel's Fees and Expenses in Civil Cases

83 - 12.07 Attorney's Obligations Regarding Appeal

XIII. Miscellaneous Provisions

Federal - Local

32CR - 13.01 Probation and Pretrial Services Records

83 - 13.02 Use of Photographic and Recording Equipment

46CR - 13.03 Surety on Criminal Bonds

67 - 13.04 Deposit of Funds with the Court

83 - 13.05 Pleadings and Documents Filed Under Seal

TABLE OF FEDERAL-LOCAL RULE REFERENCES

Arranged in Federal Rules of Civil Procedure Sequence

Federal - Local	
1 - 1.01	Title and Citation
1 - 1.02	Application and Numbering of Local Rules
3 - 2.02	Papers **Forms** to be Filed in Civil Cases
3 - 2.05	In Forma Pauperis
3 - 2.07	Divisional Venue
3 - 2.09	Disclosure of Corporation Interests
3 - 2.10	The Electronic Record and Filing; Exemption
3 - 5.02	Track Information Statements
5 - 2.01	Files and Filings
5 - 2.12	Service in Electronic Cases
5 - 2.17	**Redaction of Personal Data Identifiers**
6 - 1.05	Modification of Time Limits
6 - 2.14	Technical Failure and Filing Deadlines
7 - 4.01	Motions and Memoranda
7 - 4.04	Communications with the Court
7 - 2.16	Hyperlinks in Electronically Filed Documents
9 - 10.01	Scope of Admiralty Rules
9 - 10.02	Actions in Rem, Special Provisions
9 - 10.03	Actions in Rem and Quasi In Rem, General Provisions
11 - 2.11	Signatures on Electronic Filings

16 - 5.01	Case Management Tracks
16 - 5.03	Rule 16 Scheduling Conference
16 - 5.04	Case Management Order
16 - 6.01	Mediation and Early Neutral Evaluation
16 - 6.02	Referral to Alternative Dispute Resolution and Duties of Participants
16 - 6.03	Neutrals
16 - 6.04	Communications Concerning Alternative Dispute Resolution
16 - 6.05	Reporting Requirements
26 - 3.01	Federal Rule of Civil Procedure 26(a)(1)
26 - 3.02	Filing of Discovery and Disclosure Materials
33 - 3.03	Interrogatories
37 - 3.04	Motions Concerning Disclosure and Discovery
38 - 2.04	Demand for Jury Trial
40 - 2.08	Assignment of Actions and Matters
41 - 8.01	Dismissal for Failure to Prosecute
41 - 8.04	Assessment of Jury Costs
42 - 4.03	Motions to Consolidate
45 - 2.06	Pro Se Actions
47 - 7.01	Jurors and Juries
54 - 8.02	Motions for Attorney's Fees
54 - 8.03	Bill of Costs
56 - 9.02	Social Security Appeals

67 - 13.04 Deposit of Funds With the Court

71A - 9.04 Condemnation Cases

72 - 1.06 Judge Defined

73 - 11.01 General Authority of United States Magistrate Judges

78 - 4.02 Oral Arguments or Testimony Regarding Civil Motions

81 - 2.03 Cases Removed to the District Court

81 - 9.01 Bankruptcy Court Matters

83 - 2.13 When Electronic Filings are Completed

83 - 2.15 Administrative Procedures for Electronic Filing

83 - 7.02 Trial Exhibits

83 -12.01 Attorney Admissions

83 -12.02 Attorney Admissions Fee Non-Appropriated Fund

83 -12.04 Former Law Clerks

83 -12.05 Law Student Practice

83 -12.06 Appointed Counsel's Fees and Expenses in Civil Cases

83 -12.07 Attorney's Obligations Regarding Appeals

83 -13.02 Use of Photographic and Recording Equipment

83 -13.05 Pleadings and Documents Filed Under Seal

86 - 1.03 Effective Date

86 - 1.04 Relationship of Prior Rules and Actions Pending on Effective Date

12CR-13.05 Disclosure and Motions in Criminal Cases

32CR-13.01 Probation and Pretrial Services Records

46CR-13.03 Surety on Criminal Bonds

58CR-9.03 Petty Offenses

I. SCOPE OF LOCAL RULES.

Rule 1 - 1.01. Title and Citation.

These rules shall be known as the Local Rules of the United States District Court for the Eastern District of Missouri. They may be cited as "E.D.Mo. L.R. __.__", without reference to the companion federal rule.

Rule 81 - 1.02. Application and Numbering of Local Rules.

(A) Application.

These rules shall apply to cases and proceedings in the District Court and in the United States Bankruptcy Court for the Eastern District of Missouri, when not inconsistent with the Federal Rules of Bankruptcy Procedure.

(B) Numbering.

These rules have been renumbered in accordance with a directive from the Judicial Conference of the United States. The numbering system combines the most relevant Federal Rule of Civil Procedure or Federal Rule of Criminal Procedure, indicated first, followed by the pre-existing number of the Local Rule at the time of renumbering. The organizational structure of these rules follows a local framework rather than the federal outline.

Rule 86 - 1.03. Effective Date.

These rules become effective on July 1, 1998, **except as otherwise indicated**. They shall govern all applicable proceedings commenced after the effective date. Unless otherwise ordered by a judge, these rules shall apply to the extent practicable to all actions pending on the effective date.

Rule 86 - 1.04. Relationship to Prior Rules.

These rules supersede all previous rules and conflicting administrative orders promulgated by this Court.

Rule 6 - 1.05. Modification of Time Limits.

For good cause, the Court may extend or shorten any time limit imposed by these rules.

Rule 1 - 1.06. "Judge" Defined.

Unless otherwise specified, the term "judge" as used in these rules refers to a district judge, a magistrate judge, and, where practicable, a bankruptcy judge.

II. COMMENCEMENT OF ACTION.

Rule 5 - 2.01. Files and Filing.

(A) Format.

(1) All pleadings, motions, and memoranda **filings**, unless otherwise permitted by leave of Court, shall be typed or legibly written on ~~paper eight and one-half (~~8 ½~~)~~ inches by eleven ~~(~~11~~)~~ inches **pages**, shall be bound only by a staple or clip, and shall contain the original signature (not a copy) of the party or the party's attorney. Immediately beneath each signature shall appear the name, address, telephone number, and bar registration number, if any, of the signer.

(2) On all documents offered for filing, a blank area on the first page, no smaller than two by two (2) by (2 ~~)~~ inches, shall be left in the upper left and upper right hand corners. ~~to permit the Clerk to file stamp the document~~.

(B) Filing Fees.

(1) Fees required by law in connection with the institution or prosecution of an action in this Court shall be collected in advance by the Clerk of Court and deposited in accordance with the directives of the Administrative Office of the United States Courts, except when, by order of the Court in a specific case, filing in forma pauperis is permitted pursuant to 28 U.S.C. § 1915. The Clerk may refuse to receive and file any pleading or document in any case until the applicable statutory fee is paid, except in cases accompanied by a completed application to proceed in forma pauperis.

(2) For instructions regarding payment of filing fees in an electronically filed case, refer to the Administrative Procedures For Case Management/Electronic Case Filing (CM/ECF) Manual.

© **Where to Submit Papers.**

Except in Bankruptcy Court proceedings, all documents offered for filing **permitted to be filed in paper format** in a case in the Eastern Division or Northern Division shall be delivered to the Clerk's office in St. Louis, and all documents offered for filing **permitted to be filed in paper format** in a case in the Southeastern Division shall be delivered to the Clerk's office in Cape Girardeau.

~~**(D) Copies of Documents Furnished to Clerk.**~~

Parties shall furnish to the Clerk an original and one copy of any document filed of record, except pretrial compliance required by a Case Management Order pursuant to Local Rule 5.04.

(E) (D) Files and Records Open to Examination.

(1) Except as otherwise provided or ordered, any material filed in the Clerk's office may be examined by any person within the confines of the Clerk's office or at any place designated by the Clerk **through the Public Access to Court Electronic Records (PACER) system.**

(2) Except as otherwise provided in this rule, no **No** material on file shall be taken from the Clerk's office, except upon order of the Court and receipt given by the party taking the same. Upon payment of the fee prescribed by the Court **or the PACER Service Center,** any person may obtain copies of any material which may be examined under the provisions of this rule.

(Amended August 12, 1998; effective September 16, 1998)

Rule 3 - 2.02. Papers *Forms* to be Filed in Civil Cases.

(A) Civil Cover Sheet *Forms*.

Every complaint or other document commencing a civil case shall be accompanied by a completed Civil Cover Sheet, on a form provided by the Clerk of this Court **an Original Filing Form and a Disclosure of Corporation Interests Certificate. These required documents must be filed in the form provided by and available from the Clerk of Court.**

(B) Designation Sheet.

Every complaint or other document commencing a civil case shall be accompanied by a completed Designation Sheet, on a form provided by the Clerk of the Court. The Designation Sheet indicates whether the case has been filed in this Court in the past, and if so, the cause number and judge assigned to the case.

© Track Information Statement.

Except in prisoner cases as defined in Local Rule 5.01 (E), every party in a civil action shall file a Track Information Statement as required by Local Rule 5.02.

(~~D~~ B) Summons or Waiver.

Except when plaintiff seeks leave to proceed in forma pauperis, the plaintiff shall present **provide** at the time a complaint is filed **submitted for filing** a completed summons or request for waiver of service for each defendant pursuant to Fed.R.Civ.P. 4. Upon the filing of a complaint, process shall issue under the Clerk's signature and seal, or requests for waivers shall be mailed. **returned to plaintiff for mailing**.

Rule 81 - 2.03. Cases Removed to the District Court.

A party commencing a civil case with a notice of removal shall (1) pay the prescribed filing fee for a new action or file an application to proceed in forma pauperis, (2) file an original notice of removal, (3) file proof of filing the notice with the Clerk of the State Court and proof of service on all adverse parties, (4) file a copy of all process, pleadings, orders and other documents then on file in the State Court, and (5) comply with Local Rule 2.02.

Rule 38 - 2.04. Demand for Jury Trial.

Every party demanding a trial by jury in a civil case by endorsement upon a pleading, pursuant to Fed.R.Civ.P. 38(b), shall place the words "JURY TRIAL DEMANDED" in the top right hand corner of the first page of each such pleading., immediately below the area set aside for the Clerk's file stamp.

Rule 3 - 2.05. In Forma Pauperis.

(A) An application to proceed in forma pauperis shall be accompanied by a statement of the applicant's financial information set forth on a form provided by the Court. The Court may require the submission of additional information in a particular case.

(B) A pro se plaintiff or petitioner who seeks or has been granted leave to proceed in forma pauperis shall promptly notify the Court in writing of any change in his or her financial status. Failure to so notify may result in dismissal of the case or other sanctions.

© The Clerk shall return any complaint or petition that is submitted for filing in forma pauperis which is not accompanied by an affidavit as required by 28 U.S.C. § 1915(a).

(D) If a plaintiff who has been granted leave to proceed in forma pauperis is successful on the merits of his or her case, then the Court, in its discretion, may require the plaintiff to pay any fees or costs suspended under 28 U.S.C. § 1915 as the Court directs. Any fees or costs paid by the plaintiff pursuant to this subsection may be requested as plaintiff's costs under Fed.R.Civ.P. 54(d).

Rule 45 - 2.06. Pro Se Actions.

(A) Court-Provided Forms.

All actions brought by pro se plaintiffs or petitioners should be ~~submitted or~~ filed on Court-provided forms where applicable. If an action is not submitted or filed on a Court-provided form, the Court, in its discretion, may order the pro se plaintiff or petitioner to file or submit the action on a Court-provided form.

(B) Change of Address.

Every pro se party shall promptly notify the Clerk and all other parties to the proceedings of any change in his or her address **and telephone number.** If any mail to a pro se plaintiff or petitioner is returned to the Court without a forwarding address and the pro se plaintiff or petitioner does not notify the Court of the change of address within thirty (30) days, the Court may, without further notice, dismiss the action without prejudice.

© Issuance of Subpoenas and Writs of Habeas Corpus Ad Testificandum.

(1) Pro se litigants proceeding in forma pauperis must file a written request for the issuance of any witness subpoenas, setting forth the name and address of each witness for whom a subpoena is sought, along with a brief summary of the substance of the witness' anticipated testimony. The request shall be filed not less than 20 days prior to the date set for trial or hearing. In its discretion, the Court may impose this requirement on pro se litigants not proceeding in forma pauperis.

(2) All pro se litigants must include in any application for a writ of habeas corpus ad testificandum for a non-party witness the name, inmate number, if any, and address of the witness, along with a brief summary of the substance of the witness' anticipated testimony. The

application shall be filed not less than 20 days prior to the date set for trial or hearing. In its discretion, the Court may impose this requirement on any other litigant.

Rule 3 - 2.07. Divisional Venue.

(A) Divisions within the Eastern District of Missouri.

The United States District Court for the Eastern District of Missouri comprises the following three (3) divisions:

(1) The Eastern Division comprises the counties of Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Maries, Phelps, Saint Charles, Saint Francois, Saint Genevieve, Saint Louis, Warren, and Washington, and the City of Saint Louis. Court for the Eastern Division shall be held in Saint Louis.

(2) The Northern Division comprises the counties of Adair, Audrain, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Ralls, Randolph, Schuyler, Scotland and Shelby. Court for the Northern Division shall be held in Hannibal.

(3) The Southeastern Division comprises the counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, Shannon, Stoddard, and Wayne. Court for the Southeastern Division shall be held in Cape Girardeau.

(B) Divisional Venue in Civil Actions.

(1) Single defendant. All actions brought against a single defendant who is a resident of this district must be brought in the division where the defendant resides, or where the claim for relief arose.

(2) Multiple defendants. All actions brought against multiple defendants all of whom reside in the same division must be brought in that division, or in the division where the claim for relief arose. If at least two of the defendants reside in different divisions, such action shall be

filed in any division in which one or more of the defendants reside, or where the claim for relief arose.

(3) Non-resident defendant. If none of the defendants is a resident of the Eastern District of Missouri, the action shall be filed in the division where at least one plaintiff resides, or where the claim for relief arose.

(4) Corporations. For purposes of this rule, a corporation shall be deemed to be a resident of the division in which it has its principal place of business. If a corporation does business throughout the Eastern District of Missouri and has no site therein that can properly be deemed its principal place of business, it is deemed a resident of any division where it conducts activities which render it subject to personal jurisdiction in this District.

© Divisional Venue in Criminal Actions.

All prosecutions of offenses committed in the Eastern or Northern Division shall be brought in the Eastern Division. All prosecutions of offenses committed in the Southeastern Division shall be brought in the Southeastern Division. A prosecution charging one or more offenses committed in part in the Eastern or Northern Division and in part in the Southeastern Division may be brought in either the Southeastern or Eastern Division.

(D) Departures from this Rule.

In all cases, the Court retains discretion to fix the location where any courtroom proceedings shall be held. The Court in its discretion may transfer a civil action to another division pursuant to 28 U.S.C. § 1404 (a) or § 1406(a). In criminal cases, the Court may, pursuant to Fed.R.Crim.P. 18, fix the place of trial anywhere within the district, giving due regard to the convenience of the defendant and the witnesses and to the prompt administration of justice.

(E) Division to Appear in Cause Number.

Eastern Division cases shall be designated by the prefix "4:" in the cause number. Northern Division cases shall be designated by the prefix "2:" and Southeastern Division cases shall be designated by the prefix "1:". In the event a case is transferred from one division to another division, the case shall receive a new cause number which reflects the appropriate division.

Rule 40 - 2.08. Assignments of Actions and Matters.

(A) Assignment of Civil Actions.

Unless otherwise ordered by the Court, the Clerk shall assign each civil action to a district judge or a magistrate judge by automated random selection, except that when preliminary injunctive relief is requested by motion, the Clerk shall assign the action to a district judge. In the event the action is assigned to a magistrate judge, each party shall execute and file within 20 days of its appearance either a written consent to the exercise of authority by the magistrate judge under 28 U.S.C. § 636©, or a written election to have the action reassigned to a district judge. Each party shall indicate its consent or election on a form provided by the Court, **which shall be submitted only in paper form.** Consent to a magistrate judge's authority does not constitute a waiver of any jurisdictional defense unrelated to the grant of authority under 28 U.S.C. § 636©.

(B) Assignment of Criminal Actions.

Unless otherwise ordered by the Court, the Clerk shall assign each grand jury indictment and each felony information to a district judge by automated random selection. Each case proceeding by felony indictment shall be referred to a magistrate judge by automated random selection for a ruling or recommendation on all pretrial motions. Unless otherwise ordered by the Court, the Clerk initially shall assign each misdemeanor information to a magistrate judge by automated random selection.

© Assignment of Miscellaneous Matters.

Unless otherwise ordered by the Court, miscellaneous matters shall be assigned to a district judge or a magistrate judge by automated random selection, except that, as appropriate,

miscellaneous matters brought by the government for expedited ex parte consideration shall be presented to the district judge or magistrate judge to whom miscellaneous duty is then assigned.

(D) Judge's Initials to Appear in Cause Number.

The cause number for each case shall include the initials of the assigned judge. In the event a case is reassigned to a different judge, the cause number shall be modified to include the new judge's initials.

Rule 3 - 2.09 Disclosure of Corporation Interests.

(A) Certificate of Interest.

Every non-governmental corporate party in a civil or criminal case must file a certificate of interest **Disclosure of Corporation Interests Certificate provided by and available from the Clerk of Court**. Information provided in the certificate may be used by the judge assigned to a case for the sole purpose of determining whether recusal is necessary or appropriate. The certificate shall be filed with the party's first pleading or entry of appearance. The certificate of interest may be filed under seal if so ordered by the Court in accordance with Rule 13.05 (A).

(B) Content.

The certificate of interest shall identify all parent companies of the corporation, subsidiaries not wholly owned, and any publicly held company that owns 10% or more of the corporation's stock. When a negative or "not applicable" response is required, the certificate shall so state.

© Changes and Updates.

If a change in any of the items listed in Paragraph (B) of this rule occurs after the certificate is filed and before the time has expired for filing a notice of appeal from a final judgment in the case, an amended certificate shall be filed within seven days of the change.

(Adopted December 9, 1998; effective February 1, 1999)

Rule 3 - 2.10 The Electronic Case Record and Filing; Exemption.

As of October 14, 2003, Filings shall be made by means of the Court's electronic case filing system, except by pro se litigants and by attorneys who have been granted an exemption from electronic filing. Registration with the Court shall be required to obtain an attorney login and password. A form application for exemption from electronic filing is available from the Clerk. Such exemptions will be granted only for good cause. A filing in electronic format constitutes the official record. The Clerk is authorized to determine whether and when a non-exempt attorney may file a document in paper form.

(New Rule added May 15, 2003; effective October 1, 2003)

Rule 11 - 2.11 Signatures on Electronic Filings.

The use of an attorney's electronic filing login and password to file a **pleading**, motion, memorandum or other document constitutes the signature of that attorney on that document for all purposes, including Fed.R.Civ.P. 11.

The electronic filing of preexisting documents, not created for the litigation, requires no verification as to signatures. When a document to be electronically filed has been created for the litigation, but is signed by other than the filing attorney, the document must be physically signed, and the paper copy bearing the original signature(s) must be retained by the filing attorney during the pendency of the litigation including all possible appeals. The electronic filing of such a document with a blank signature line must be accompanied by a verification in which the filing attorney attests to the existence of the signed original. The required form of verification is available from the Clerk.

(New rule added May 15, 2003; effective October 1, 2003)

Rule 5 - 2.12 Service in Electronic Cases.

Service of papers on other parties as required by Fed.R.Civ.P. 5, and service by the Court of notice of entry of an order or judgment as required by Fed.R.Civ.P. 77, may be made by means of the Court's Notice of Electronic Filing where the person so served has consented in writing to service by such means. See Fed.R.Civ.P. 5(b)(2)(D) and 5(b)(3). An attorney's registration for electronic case filing constitutes written consent to such service. Where applicable, a certificate of service shall reflect that service was made by means of the Notice of Electronic Filing. Service pursuant to Fed.R.Civ.P. 4 may not be effected by electronic means.

(New rule added May 15, 2003; effective October 1, 2003)

Rule 83 - 2.13 When Electronic Filings are Completed.

Electronic filing is permitted at all times, except when the electronic filing system is temporarily unavailable due to routine or necessary emergency maintenance. An electronic filing completed at any time before midnight Central time shall be entered on the docket as of that date. The Court's electronic case filing system determines the date and time when a filing is completed. A filing is timely only if accomplished in compliance with deadlines set by an applicable order, rule or statute.

(New rule added May 15, 2003; effective October 1, 2003)

Rule 6 - 2.14 Technical Failure and Filing Deadlines.

If technical failure prevents timely electronic filing of any document, the filing party may seek relief from the Court.

(New rule added May 15, 2003; effective October 1, 2003)

Rule 83 - 2.15 Administrative Procedures for Electronic Filing.

The Court may promulgate, enforce, and amend as necessary administrative procedures governing electronic case filing. Such administrative procedures shall be compiled in a manual available from the Clerk in written and/or electronic format.

(New rule added May 15, 2003; effective October 1, 2003)

Rule 7- 2.16 Hyperlinks in Electronically Filed Documents.

A hyperlink is an icon or highlighted text inserted in a document that connects one point of electronic data to another, permitting retrieval of the target data when activated. Electronically filed documents may contain hyperlinks to other portions of the same document or hyperlinks to a location on the Internet that contains a source document cited by the filing party.

Hyperlinks to cited authority may not replace standard legal citation format. Complete citations must be included in the text of the filed document. Neither a hyperlink, nor any site to which it refers, shall be considered part of the Court record. The proper technical functionality of any hyperlink is the exclusive responsibility of the filing party.

(New Rule added October 7, 2005; effective November 14, 2005)

Rule 5 - 2.17 Redaction of Personal Data Identifiers

(A) Required Redaction.

In compliance with the policies of the Judicial Conference of the United States and the E-Government Act of 2002, promoting electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal identifiers from all documents filed with the Court, including exhibits to such filings, unless otherwise ordered by the Court:

(1) Social Security Number. Only the last four digits of a Social Security number may be listed in the filing.

(2) Names of Minor Children. Only the initials of minor children may be listed in the filing.

(3) Dates of Birth. Only the year of birth may be listed in the filing.

(4) Financial Account Numbers. Only the last four digits of financial account numbers may be listed in the filing.

(5) Home Addresses. The home address of a non-party should not appear in any filing. If a home address must be included, only the city and state may be listed.

(B) Required Filing. Parties must, in addition to the redacted filing, file under seal with the Court either (1) an unredacted copy of the document, or (2) a reference sheet containing a key to the redacted personal identifiers. All paper documents filed under seal are subject to the provisions of Local Rule 13.05.

© **Responsibility for Redaction.** The responsibility for redaction rests solely with the filing party. The Clerk of Court will not review each filing for compliance with this rule.

(New Rule added June _____; effective _____)

III. Disclosure and Discovery.

Rule 26 - 3.01. Federal Rule of Civil Procedure 26.

(A) Disclosure Pursuant to Rule 26(a)(1) and (2).

Disclosures shall be made in the manner set forth in Fed.R.Civ.P. 26(a)(1)and(2), except to the extent otherwise stipulated by the parties or directed by order of the Court. Disclosure of documents and data compilations pursuant to Rule 26(a)(1)(B) shall be made by providing a copy to all other parties, except as otherwise ordered by the Court.

(B) Timing and Sequence of Discovery.

Discovery shall commence in accordance with Fed.R.Civ.P. 26(d), except to the extent otherwise stipulated by the parties or directed by order of the Court.

(Amended June 12, 2001, effective August 1, 2001.)

Rule 26 - 3.02 Filing of Discovery and Disclosure Materials.

(A) In civil actions, discovery and disclosure materials pursuant to Fed.R.Civ.P. 26, 30, 31, 33, 34, 35, and 36, and the certificates of their service, shall not be filed with the Court except as exhibits to a motion or memorandum.

(B) **Unless otherwise ordered by the Court,** no deposition transcript shall be filed until admitted into evidence at trial. If deposition testimony is needed to support any motion or memorandum, a copy of the relevant excerpts shall be attached **filed as an exhibit to** the motion or memorandum.

Rule 33 - 3.03 Interrogatories.

Any party propounding interrogatories in a civil action shall set forth each question in clear and concise language leaving space below each question. The answer or objection to each interrogatory shall be typewritten or printed legibly immediately following the interrogatory.

Rule 37 - 3.04 Motions Concerning Discovery and Disclosure.

(A) The Court will not consider any motion relating to discovery and disclosure unless it contains a statement that movant's counsel has conferred in person or by telephone with the opposing counsel in good faith or has made reasonable efforts to do so, but that after sincere efforts to resolve their dispute, counsel are unable to reach an accord. This statement also shall recite the date, time and manner of such conference, and the names of the individuals participating therein, or shall state with specificity the efforts made to confer with opposing counsel.

(B) Any motion relating to a deposition, including but not limited to a motion to quash or modify a deposition subpoena or for a protective order, shall be filed before the deposition date unless a belated notice of deposition renders this deadline impracticable. To facilitate expedited consideration of any motion relating to a deposition, a courtesy copy must be delivered to chambers and to all other parties on the date the motion is filed, unless a writing, signed by all parties, is filed with the Court indicating the parties' agreement that the deposition date will be postponed until the Court has ruled on the motion.

© Upon the filing of a motion to compel, the Court may summarily overrule an objection to any discovery request if the objection is not stated in detail.

Rule 12CR - 3.05 Disclosure and Motions in Criminal Cases.

Deadlines for filing requests for disclosure of evidence and information, the disclosure of evidence and information, and deadlines for filing any pretrial motions, shall be governed by an order of Court entered at or after a defendant's arraignment.

IV. Motions.

Rule 7 - 4.01 Motions and Memoranda.

(A) Unless otherwise directed by the Court, the moving party shall file with each motion a memorandum in support of the motion, including **any relevant argument and** citations **to** ~~of~~ any authorities on which the party relies. If the motion requires consideration of facts not appearing in the record, the party also shall file all documentary evidence relied upon.

(B) Except with respect to a motion for summary judgment under Fed.R.Civ.P.56, each party opposing a motion shall file, within five (5) days after being served with the motion, a memorandum containing any relevant argument and citations to authorities on which the party relies. If any memorandum in opposition requires consideration of facts not appearing in the record, the party shall file with its memorandum all documentary evidence relied upon. A party opposing a motion for summary judgment under Fed.R.Civ.P. 56 shall file a memorandum and any appropriate documentary evidence twenty (20) days after being served with the motion.

© Within five (5) days after being served with a memorandum in opposition, the moving party may file a reply memorandum. Additional memoranda may be filed by either party only with leave of Court.

(D) No party shall file any motion, memorandum or brief which exceeds fifteen (15) numbered pages, exclusive of the signature page and attachments, without leave of Court. Statements of material fact filed pursuant to paragraph (E) of this rule shall be deemed attachments not part of any **party's** parties' memorandum or brief.

(E) A memorandum in support of a motion for summary judgment shall have attached a statement of uncontroverted material facts, set forth in a separately numbered paragraph for each

fact, indicating whether each fact is established by the record, and, if so, the appropriate citations. Every memorandum in opposition shall include a statement of material facts as to which the party contends a genuine issue exists. Those matters in dispute shall be set forth with specific references to portions of the record, where available, upon which the opposing party relies. The opposing party also shall note for all disputed facts the paragraph number from movant's listing of facts. All matters set forth in the statement of the movant shall be deemed admitted for purposes of summary judgment unless specifically controverted by the opposing party.

(Amended April 3, 1998; effective July 1, 1998)

Rule 78 - 4.02 Oral Argument or Testimony Regarding Civil Motions.

(A) Motions in civil cases shall be submitted and determined upon the memoranda without oral argument. The Court may in its discretion order oral argument on any motion.

(B) A party requesting the presentation of oral argument or testimony in connection with a motion shall file such request with its motion or memorandum briefly setting forth the reasons which warrant the hearing of oral argument or testimony.

Rule 42 - 4.03 Motions to Consolidate.

A party desiring the consolidation of related cases shall file a motion in the case bearing the lowest cause number. The movant shall file in each related case a notice of the motion, to which a copy of the motion shall be attached. The district or magistrate judge presiding in the lowest-numbered case shall rule on the motion. If the motion is granted, the consolidated cases shall be reassigned to the judge presiding in the lowest-numbered case. Following consolidation, all documents shall be filed only in the lowest-numbered case**, unless otherwise ordered by the Court**.

Rule 7 - 4.04 Communication with the Court.

(A) Correspondence.

Attorneys **and pro se litigants** shall not communicate in writing with the Court concerning any pending case except by motion or memorandum, unless otherwise directed by the Court. Attorneys **and pro se litigants** shall not furnish the Court copies of correspondence among themselves except as exhibits to a motion or memorandum.

(B) Ex Parte Oral Communications.

Ex parte oral communications with the Court on substantive matters in a pending case are prohibited except when permitted by the Federal Rules of Civil, Criminal, or Bankruptcy Procedure.

Rule 7 - 4.05. Submission of Motion Package.

(A) The filing and briefing of a motion for judgment on the pleadings, motion to dismiss and motion for summary judgment shall be subject to this rule only if a Case Management Order so provides.

(B) (1) Except appeals under the Social Security Act and cases in which any party is appearing pro se at the time a motion is filed, motions for judgment on the pleadings, motions to dismiss and motions for summary judgment in civil cases otherwise subject to Rule 4.01 shall be filed with the Clerk of court only when presented as a package consisting of the motion, the response of each party who has entered an appearance in the cause and the movant's reply memorandum, if any.

(2) Every movant subject to this rule shall file with the clerk a notice of motion on a form provided by the court, together with a certificate of service, indicating the date of service and the nature of relief sought by a motion served on another party. Such a notice, when filed as a substitution for a timely motion pleading, shall serve to alter any response time in accordance with F.R.Civ.P. 12(a)(4), and shall satisfy any motion deadline established by law, local rule or court order. A copy of the notice of motion and each motion identified in such notice shall be served on each party at the same time the moving party's notice of motion is filed with the court. **©** A complete motion package shall be filed with the court not more than forty (40) days from the date of filing of the notice of motion, provided the movant received a response to the motion not less than five (5) days prior to the filing deadline in order to prepare a reply memorandum. Unless otherwise ordered by the court, all times for filing with the court shall be computed in calender days with no

extensions for mailing, except that if the motion package filing deadline falls on a legal holiday or a weekend, the moving party shall have until the next business day to file with the court.

Parties are required to cooperate in planning for a reasonable division of the time allotted pursuant to this rule for briefing each motion, but no deadline may be altered by action of the parties which affects the case management order unless approved by the court. Untimely or incomplete motion packages may be filed only upon leave of court for good cause shown. Motions for leave to file any pleading in excess of the page limit provided in Rule 4.01(D) shall be addressed separately to the court, but such motions must be filed on or before the day a related motion package is filed.

(D) Every motion for extension of the times set forth in Paragraph (B) of this rule shall be filed as a joint motion in which the concurrence of all parties is averred. If all parties have not agreed and do not join in a motion for extension of time, the party seeking the extension must include in the motion a certification that counsel has conferred with opposing counsel in good faith or has made reasonable efforts to do so but the parties are unable to reach an accord in regard to an extension of the time for completing the motion package. Motions for extension filed without concurrence of all parties or without the required certification may be denied as not in compliance with this rule.

(E) A motion package is filed with the court as of the date all original pleadings, documents, responses and reply memoranda of every party are received simultaneously by the clerk. The moving party shall file the motion package with a memorandum listing in date order each of the documents being submitted. The motion package must include either the movant's certification that the package is complete or a motion for leave to file an incomplete package. The certificate shall

be served on all opposing parties. Two additional copies of the motion package shall be provided to the clerk when filing the package of original motion documents. Each opposing party responding to a motion shall provide the moving party a copy bearing an original signature for filing with the court, a service copy and the additional copies required by this rule for completing the motion package filing with the court.

(New rule added April 3, 1998; effective July 1, 1998)

(Amended May 15, 2003 by adding new Paragraph A; effective October 1, 2003)

V. DIFFERENTIATED CASE MANAGEMENT

Rule 16 - 5.01. Case Management Tracks.

Differentiated Case Management (DCM) is a system for managing civil cases based on their relative complexity and the need for judicial involvement. All civil cases filed on or after January 1, 1995 will be assigned to one of the following five tracks:

Track 1 - Expedited. Track 1 cases are expected to be concluded within 12 months of filing, with minimal judicial involvement. Motion and discovery deadlines are established by a standardized Case Management Order.

Track 2 - Standard. Track 2 cases are expected to be concluded within 18 months of filing. Motion and discovery schedules are established by a Case Management Order issued after a Rule 16 Scheduling Conference.

Track 3 - Complex. Track 3 cases are expected to be concluded within 24 months of filing. Motion and discovery schedules are established by a Case Management Order issued after a Rule 16 Scheduling Conference, and the Court may require periodic case management conferences.

Track 4 - Administrative. Track 4 governs bankruptcy, Social Security, and Administrative Procedure Act appeals, petitions for writ of habeas corpus, and motions pursuant to 28 U.S.C. § 2255. Such cases are expected to be concluded in accordance with the requirements of each case, but typically within 24 months of filing. Event deadlines are established by a standardized Case Management Order unique to each type of case.

Track 5 - Prisoner. Track 5 cases are those in which the plaintiff is, **at the time the complaint is filed, proceeding pro se and is confined in a federal, state or local penal facility under the authority of any federal, state, or local law (including, but not limited to, a plaintiff who is a convicted inmate, a pretrial detainee, an immigration detainee, a sexually violent predator, or a plaintiff confined in a mental facility after being found not guilty of a criminal offense by reason of mental disease or defect).** incarcerated in a penal institution and proceeding pro se at the time the complaint is filed. Special case management guidelines govern these cases.

Rule 3 - 5.02. Track Preference.

Except cases assigned to Track 4 or Track 5, every party in a civil case shall indicate its track preference in a joint scheduling plan filed as directed by a judge prior to the Rule 16 conference.

(Amended February 10, 2004; effective March 12, 2004.)

Rule 16 - 5.03. Rule 16 Scheduling Conference.

Scheduling conferences pursuant to Fed.R.Civ.P. 16(a) will be held in cases assigned to Tracks 2 and 3. Rule 16 scheduling conferences may be held at the judge's discretion in actions assigned to other tracks. The Court will inform counsel of their obligation to participate in a conference by issuing an Order Setting Rule 16 Scheduling Conference.

Failure to comply with the order may result in the imposition of sanctions by the Court, including but not limited to dismissal of the action, entry of a default judgment, or restrictions on the admissibility of certain evidence.

Rule 16 - 5.04. Case Management Order.

The Court will issue a Case Management Order (CMO) in each civil case. A CMO is a comprehensive scheduling order issued by the judge reflecting all pretrial case management deadlines, and, if applicable, a trial setting and pretrial compliance requirements. In Tracks 2 and 3 the CMO is issued following the Rule 16 Scheduling Conference. In Tracks 1, 4 and 5 a standardized CMO will be issued early in the proceedings.

Failure to comply with the CMO may result in the imposition of sanctions by the Court, including but not limited to dismissal of the action, entry of a default judgment, or restrictions on the admissibility of certain evidence.

VI. ALTERNATIVE DISPUTE RESOLUTION.

Rule 16 - 6.01. Mediation and Early Neutral Evaluation.

The Court may refer appropriate civil cases to Alternative Dispute Resolution (ADR): mediation or early neutral evaluation. The Court may also refer cases to any ADR process that the parties may agree upon.

(A) Mediation.

Mediation is an informal non-binding dispute resolution process in which an impartial neutral facilitates negotiations among the parties to help them reach settlement. A mediator may not impose the mediator's own judgment on the issues for that of the parties. The following cases shall not be referred for mediation:

(1) appeals from rulings of administrative agencies;

(2) habeas corpus and extraordinary writs;

(3) bankruptcy appeals;

(4) Social Security cases; and

(5) prisoner civil rights cases.

(B) Early Neutral Evaluation.

Early neutral evaluation brings together parties and counsel in the early pretrial period to present case summaries before and receive a nonbinding assessment from an experienced neutral evaluator. Immediate settlement is not a primary purpose of this process, though it may lead to settlement negotiations. Any civil case may be appropriate for early neutral evaluation, if the judge believes the parties are likely to benefit mutually from such referral.

(Amended October 1, 2001; effective November 1, 2001.)

Rule 16 - 6.02. Referral to Alternative Dispute Resolution and Duties of Participants.

(A) Order Referring Case to Alternative Dispute Resolution.

(1) The Court, on its own motion or on the motion of any party, may enter an Order Referring Case to Alternative Dispute Resolution. The Order shall state whether the case is referred to mediation or early neutral evaluation or other mutually agreed ADR process, shall designate a lead counsel who is responsible for coordinating ADR, and shall inform counsel and the parties of their additional obligations regarding ADR.

(2) The Order shall specify a date on which the ADR referral will terminate. Absent good cause, this date shall not be extended. Unless otherwise ordered, referral to ADR does not abate or suspend the action, and no scheduled dates shall be delayed or deferred, including the date of trial.

(3) If the parties agree that the referral to ADR has no reasonable chance of being productive, the parties may jointly move the Court for an order vacating the ADR referral prior to the selection of the neutral.

(B) Duties of Participants.

(1) Parties. All named parties and their counsel are required to attend the ADR conference, participate in good faith, and possess the requisite settlement authority unless excused under paragraph (4), below.

(*I*) **Corporation or Other Entity**. A party other than a natural person (e.g. a corporation or association) satisfies this attendance requirement if represented by a person (other than outside counsel) who has authority to settle and who is knowledgeable about the facts of the case.

(*ii*) **Government Entity.** A unit or agency of government satisfies this attendance requirement if represented by a person who has authority to settle, and who is knowledgeable about the facts of the case, the government unit's position, and the procedures and policies under which the governmental unit decides whether to accept proposed settlements. If the action is brought by the government on behalf of one or more individuals, at least one such individual also shall attend.

(2) Counsel. Each party shall be accompanied at the ADR conference by the lawyer who will be primarily responsible for handling the trial of the matter.

(3) Insurers. Insurer representatives are required to attend in person unless excused under paragraph (4), below, if their agreement would be necessary to achieve a settlement.

(4) Request to be Excused. A person who is required to attend an ADR conference may be excused from attending in person only after a showing that personal attendance would impose an extraordinary or otherwise unjustifiable hardship. A person seeking to be excused must submit, no fewer than 15 days before the date set for the conference, a motion to the Judge, simultaneously copying all counsel and the neutral. The motion shall: (I) set forth all considerations that support the request; (ii) **identify an appropriate substitute;** state realistically the amount in controversy in the case; **and** (iii) indicate whether the other party or parties join in or object to the request. ~~and (iv) be accompanied by a proposed order~~.

(Amended October 1, 2001; effective November 1, 2001.)

Rule 16 - 6.03. Neutrals.

(A) Certification of Neutrals.

(1) The Court may certify those persons who are eligible to serve as neutrals (mediators or evaluators) in such numbers as the Court deems appropriate. The Court shall have the authority to establish qualifications for and monitor the performance of neutrals, and to withdraw the certification of any neutral. Lists of certified neutrals shall be maintained by the Clerk, and shall be made available to counsel, litigants, and the public for inspection and copying upon request.

(2) Any member of the bar of this Court who is certified as a neutral shall not for that reason be disqualified from appearing as counsel in any other case pending before the Court.

(3) In January of each even-numbered year, the Clerk shall examine the list of certified neutrals to determine which neutrals did not receive appointments during the previous two years. The Clerk shall notify those neutrals that the Court's record does not show any appointments for those years, and shall solicit their interest in continuing to be carried on the Court's list of certified neutrals. If the neutral desires to remain on the list, the neutral shall submit by March 1 information demonstrating ADR experience and/or training during the previous two years. If such information is not provided the neutral shall be removed from the list.

(B) Appointment of Neutrals.

(1) Within the time prescribed by the Order Referring Case to Alternative Dispute Resolution, the parties must notify the Clerk in writing of the parties' choice of a neutral. If the parties fail timely to select a neutral, the Clerk shall select a neutral from the list and notify the parties.

(2) Notwithstanding subsection (B)(1), the judge **Court,** in consultation with the parties, may appoint a neutral who has special subject matter expertise germane to a particular case, whether or not such individual is on the list of certified neutrals.

(3) The Clerk shall send a Notice of Appointment of Neutral to the parties and to the individual designated by the parties, after lead counsel has confirmed that individual's availability. Upon receipt of the Notice of Appointment, lead counsel shall send to the neutral a copy of the Order referring the case to Alternative Dispute Resolution. The appointment shall be effective until the neutral notifies the Court in writing that the referral has been concluded.

© **Compensation of Neutral.**

(1) Unless otherwise agreed by all parties or ordered by the Court, one-half the cost of the neutral's services shall be borne by the plaintiff(s) and one-half by the defendant(s) at the rate contained in the neutral's fee schedule filed with the Court. In a case with third-party defendants, cost shall be divided into three equal shares. A neutral shall not charge or accept in connection with a particular case a fee or thing of value from any source other than the parties. The Court may review the reasonableness of the fee and enter any order modifying the fee. Compensation shall be paid directly to the neutral upon the conclusion of the ADR process. Failure to pay the neutral shall be brought to the Court's attention.

(2) A party who demonstrates a financial inability to pay all or part of that party's pro rata share of the neutral's fee may request the Court to appoint a neutral who has agreed to serve pro bono. The Court may waive all or part of that party's share of the fee. A neutral appointed to serve pro bono may apply to the Court for payment of that share of the neutral's fee waived for an indigent party, consistent with regulations approved by the Court. When so ordered by a judge **the Court**, payment to the neutral shall be made by the Clerk from the Attorney Admission Fee Non-

Appropriated Fund. Other parties to the case who are able to pay the fee shall bear their pro rata portions of the fee.

(D) Disqualification, Conflict of Interest or Unavailability of Neutral.

(1) A neutral may be disqualified for bias or prejudice pursuant to 28 U.S.C. § 144, and shall be disqualified in any case in which a justice, judge, or magistrate judge would be disqualified pursuant to 28 U.S.C. § 455**. The term "conflict of interest" as used in this rule means any direct or indirect financial or personal interest in the outcome of a dispute, or any existing or prior financial, business, professional, family or social relationship with any participant in an ADR process which is likely to affect the neutral's impartiality or which may reasonably create an appearance of partiality or bias.**

(2) A neutral shall avoid a conflict of interest or the appearance of a conflict of interest during and after a mediation or early neutral evaluation. A neutral shall make a reasonable inquiry to determine whether there are any facts that would cause a reasonable person to believe that an actual or potential conflict of interest exists for the neutral in connection with service in a particular case referred to ADR by the court.

(3) A neutral shall disclose to participants, as soon as practicable, all facts and information relevant to any actual and potential conflicts of interest that are reasonably known to the neutral. If, after accepting a designation by the parties, a neutral learns any previously undisclosed information that could reasonably suggest a conflict of interest, the neutral must promptly disclose the information to the participants. After the neutral's disclosure, the ADR may proceed if all parties agree to service by the neutral.

(4) Notwithstanding the agreement of the parties to waive a conflict of interest, a neutral shall withdraw from or decline a designation in a case if the neutral determines that an actual or potential conflict of interest may undermine the integrity of the mediation or early neutral evaluation.

(25) Any party who believes that an assigned neutral has a conflict of interest shall **may request the neutral to recuse. If the neutral declines, the party may** file a motion for disqualification of the neutral. at the earliest opportunity, **Failure to file a motion will** or waive the objection.

(E.) (3) Unavailability of Neutral. A neutral who cannot serve within the period of referral shall notify lead counsel who will arrange for selection of a different neutral by agreement of the parties or by the Clerk.

(2) Any party who believes that an assigned neutral has a conflict of interest shall file a motion for disqualification of the neutral at the earliest opportunity, or waive the objection.

(3) A neutral who cannot serve within the period of referral shall notify lead counsel who will arrange for selection of a different neutral by agreement of the parties or by the Clerk.

(Amended October 1, 2001; effective November 1, 2001).

(Amended February 10, 2004; effective March 12, 2004).

Rule 16 - 6.04. Communications Concerning Alternative Dispute Resolution.

(A) Confidentiality.

Alternative Dispute Resolution proceedings are private and confidential. A neutral may exclude all persons other than the named parties and their counsel from ADR conferences. Other individuals may participate with the consent of the neutral, provided they agree to the rules pertaining to confidentiality. All written and oral communications made or disclosed to the neutral are confidential and may not be disclosed by the neutral, any party, or other participant, unless the parties otherwise agree in writing. Documents created by the parties for use by the neutral shall not be filed with the Court. The neutral shall not testify regarding matters disclosed during ADR proceedings. This rule does not prohibit or limit the enforcement of agreements or the collection of non-identifying information for Court-approved research and evaluation purposes, or the filing of the ADR compliance report.

(B) Pre-Mediation Ex Parte Communication.

The neutral designated in a case may communicate privately and ex parte with counsel and unrepresented parties prior to the commencement of the formal dispute resolution process.

(Amended October 1, 2001; effective November 1, 2001.)

(Paragraph B amended August 19, 2005; effective September 20, 2005.)

Rule 16 - 6.05. Reporting Requirements.

(A) Failure to Participate in ADR Process in Good Faith.

The neutral shall report to the judge any willful or negligent failure to attend any ADR conference, to substantially comply with the Order Referring Case to Alternative Dispute Resolution, or otherwise participate in the ADR process in good faith. The judge may impose any sanctions deemed appropriate.

(B) Compliance Certification.

Within 14 days after the ADR referral is concluded, the neutral shall file with the Court an Alternative Dispute Resolution Compliance Report on a form provided by the Clerk.

© Report of Settlement.

If the parties settle any claim during the ADR referral, a written settlement agreement, a stipulation for dismissal, a motion for leave to voluntarily dismiss, or a proposed consent judgment, signed by all parties and counsel, shall be filed with the Court no later than fourteen (14) days after the last ADR conference.

(D) Proposed Litigation Plan.

If an ADR referral results in decisions or agreements regarding scheduling or other case management matters, the parties shall file a proposed litigation plan or motion to amend an existing Case Management Order with the Court no later than fourteen (14) days after the last ADR conference.

(Amended October 1, 2001; effective November 1, 2001.)

VII. TRIALS.

Rule 47 - 7.01. Jurors and Juries.

(A) Jury Lists.

Unless otherwise ordered, no counsel or party may view a petit jury list except during voir dire, after the panel has been called into the courtroom. Counsel and the parties shall return their jury lists to the **deputy C** clerk at the conclusion of voir dire.

(B) Communication with Jurors.

(1) Petit Jurors.

Petit jurors shall not be required to provide any information concerning any action of the petit jury, unless ordered to do so by the Court. Attorneys and parties to an action shall not **initiate,** directly or indirectly, communicate **communication** with any petit juror, relative, friend or associate thereof at any time concerning the action, except with leave of Court. If an attorney or party receives evidence of misconduct by a petit juror, the attorney or party shall inform the Court, and the Court may conduct an investigation to establish the accuracy of the misconduct allegations.

(2) Grand Jurors.

Grand jurors shall not communicate with anyone except a judge, the Attorney General of the United States, the United States Attorney, or their assistants, concerning any matter before the grand jury. No one shall communicate with a grand juror concerning any matter before the grand jury except a judge, the Attorney General of the United States, the United States Attorney, or their assistants.

Rule 83 - 7.02. Trial Exhibits.

(A) Custody During Trial.

All exhibits received in evidence shall be placed in the custody of the Clerk during trial, except as otherwise ordered by the Court.

(B) Disposition Following Jury Trial.

At the conclusion of a jury trial, except as otherwise ordered by the Court, the Clerk shall return to the respective parties all exhibits received in evidence and obtain a receipt therefor. The receipt shall be filed and docketed. Said exhibits shall be retained by the respective parties until the time for filing a notice of appeal has expired.

© Disposition Following Non-Jury Trial.

At the conclusion of a non-jury trial, except as otherwise ordered by the Court, the Clerk shall retain custody of all exhibits until a final decision is rendered by the Court. All exhibits shall be removed from the Clerk's custody within thirty (30) days of the Court's final decision by the parties who offered them at trial. If a party to a non-jury case does not **timely** remove an exhibit after receiving notice from the Clerk, the exhibit may be discarded. All exhibits shall be retained by the respective parties until the time for filing a notice of appeal has expired.

VIII. JUDGMENTS.

Rule 41 - 8.01. Dismissal for Failure to Prosecute.

If a civil case has been pending for six (6) months without any action, the Court may order the appropriate party to show cause why its claims should not be dismissed for failure to prosecute. Absent a showing of good cause, the Court may dismiss the claims with or without prejudice.

Rule 54 - 8.02. Motions for Attorney's Fees.

A party seeking an award of attorney's fees shall file a motion for attorney's fees no later than twenty (20) days after entry of final judgment pursuant to Fed.R.Civ.P. 58. Failure to file a motion for attorney's fees within the time provided may constitute a waiver of attorney's fees.

Each party opposing a motion for attorney's fees shall file, within fourteen (14) days after being served with the motion, a memorandum and any supporting documentary evidence. Within five (5) days after being served with the memorandum in opposition, the moving party may file a reply memorandum.

The filing of a motion for attorney's fees in no way affects the finality and appealability of the final judgment previously entered.

Rule 54 - 8.03. Bill of Costs.

(A) District Court Costs. A party seeking an award of costs shall file a verified bill of costs, **in the form prescribed** upon a form provided by the Clerk, no later than twenty (20) days after entry of final judgment pursuant to Fed.R.Civ.P. 58. Failure to file a bill of costs within the time provided may constitute a waiver of taxable costs. Each party objecting to a bill of costs shall file, within fourteen (14) days of being served, a memorandum stating specific objections. Within five (5) days after being served with the memorandum, the moving party may file a reply memorandum. The Clerk shall tax costs as claimed in the bill if no timely objection is filed.

Costs shall be paid directly to counsel of record and execution may be had therefor.

The filing of a bill of costs in no way affects the finality and appealability of the final judgment previously entered.

(B) Costs on Appeal Taxable in the District Court. Costs allowable pursuant to Fed.R.App.P. 39(e) will be taxed in accordance with section (A) of this rule, provided a bill of costs is filed within twenty (20) days of the issuance of the mandate by the Court of Appeals.

Rule 41 - 8.04. Assessment of Jury Costs.

If a civil action scheduled to commence trial by jury is to be settled or voluntarily dismissed, the parties shall notify the judge and the Clerk immediately. If due to the parties' failure to give such notice prospective jurors report to the Court for service in the case, the judge may assess the costs of the panel, including per diem, parking charges and mileage reimbursement against any or all of the parties. A judge may assess jury costs against a party or attorney who is responsible for a mistrial.

IX. SPECIAL PROCEEDINGS.

Rule 81 - 9.01. Bankruptcy Court Matters.

(A) Filings in Bankruptcy Proceedings.

The **C**lerk of the Bankruptcy Court shall receive all filings and maintain all files in Bankruptcy Court cases and proceedings.

(B) Reference to Bankruptcy Judges.

(1) All cases under Title 11 of the United States Code, and all proceedings arising under Title 11 or arising in or related to a case under Title 11, are referred to the bankruptcy judges for this district, who shall exercise the full extent of the authority conferred upon them.

(2) A motion for withdrawal of reference pursuant to 28 U.S.C. § 157(d) shall not stay any matter pending before the Bankruptcy Court unless a stay is ordered by the district judge or the bankruptcy judge.

© Jury Trials Before Bankruptcy Judges.

Pursuant to 28 U.S.C. § 157(e), the bankruptcy judges of this district are specially designated to conduct jury trials with the express consent of all the parties.

(D) Bankruptcy Appeals.

(1) Bankruptcy appeals to the District Court are governed by the Federal Rules of Bankruptcy Procedure, as supplemented herein. Appeals to a Bankruptcy Appellate Panel, if applicable, are governed by the Federal Rules of Bankruptcy Procedure as supplemented by rules of the panel.

(2) Prior to the transmittal of a notice of appeal to the Clerk of the District Court, the Bankruptcy Court may hear and determine requests to consolidate appeals which present similar issues. The Bankruptcy Court's ruling concerning consolidation of appeals may be reviewed by the District Court, in accordance with Local Rule 4.03, on motion filed within ten (10) days of the District Court's issuance of the Case Management Order pursuant to Local Rules 5.01 and 5.04.

(3) Any motion to dismiss a procedurally defective bankruptcy appeal shall be filed within ten (10) days of the issuance of the Case Management Order.

Rule 56 - 9.02. Social Security Appeals.

In all cases seeking review pursuant to 42 U.S.C. § 405(g) of a final determination of the Commissioner of Social Security denying a claim for benefits, no motion for summary judgment shall be filed without leave of Court for good cause shown. The action shall commence upon filing of a complaint, and the Commissioner shall file any motion to dismiss, motion to remand, and/or answer within sixty (60) days of service of the complaint. With its answer, the Commissioner shall file the **administrative record** transcript. The plaintiff shall, unless otherwise ordered by the Court, serve and file a brief in support of the complaint within thirty (30) days after the Commissioner's service of an answer and the administrative **record** transcript. The Commissioner shall serve and file a brief in support of the answer within thirty (30) days after service of the plaintiff's brief. Plaintiff shall have ten (10) days after service of the Commissioner's brief to file a reply brief. No further briefs shall be filed except by leave of Court for good cause shown. A brief filed pursuant to this rule shall not exceed fifteen (15) standard typed pages, exclusive of a signature page and attachments, except by leave of Court for good cause shown. A reply brief shall not exceed ten (10) typed pages.

(Amended February 8, 1999; effective March 15, 1999)

Rule 58CR - 9.03. Petty Offenses.

(A) Prosecution by Information.

Prosecution of a petty offense initiated by citation or violation notice and processed through the Central Violations Bureau shall be commenced in the District Court only upon the filing of an information, which shall supersede the citation or violation notice issued to a defendant. When a defendant appears pursuant to a summons or an arrest warrant issued with an information, the Court shall proceed in accordance with Fed.R.Crim.P. 58.

(B) Paying a Fixed Sum in Lieu of Appearance.

(1) In cases other than those commenced in the District Court upon the filing of an information as provided in paragraph (A) of this rule, a fixed sum may be posted as collateral by a defendant charged with a petty offense, the forfeiture of which shall be accepted by the government in full satisfaction of the charge without a court appearance. The payment of a fixed sum as provided in this rule shall terminate the case, and signifies that the person charged with a petty offense agrees that the sum so paid shall be forfeited to the United States.

(2) The petty offenses for which a fixed sum may be paid, and the sum to be paid for each such violation, shall be determined as provided by law or as set forth in schedules approved and subsequently amended from time to time by order of the Court.

(3) Schedules of fixed sums approved pursuant to subparagraph (2) shall be maintained by the Clerk of Court for examination by the public.

(Paragraph (B) added by amendment adopted on July 9, 2004; effective August 16, 2004.)

Rule 71A - 9.04. Condemnation Cases.

(A) The Complaint.

The complaint in a condemnation case shall pertain to only one tract of land unless the tracts of land are contiguous and ownership of the tracts is identical.

(B) Declaration of Taking.

A declaration of taking may pertain to more than one tract of land. If a declaration pertains to more than one tract, the original shall be filed with the complaint in the case with the lowest cause number. A photo copy of the declaration shall be filed with the complaint pertaining to each other tract listed in the declaration. A cover sheet shall be appended to each copy of the declaration, stating: "The original of the declaration of taking is filed in Civil Action No._____."

© Notice.

The government may combine in any notice or process required by law multiple condemnation actions in which there is a single declaration of taking.

(D) Pretrial Procedure.

(1) Within thirty (30) days of the date of filing the complaint, the government shall file with the Court a current abstract of title or other title document, together with a list of all parties who may claim an interest in the tract.

(2) The government shall file proof of service on all potential claimants and advise **file a notice with** the Court in writing **stating** when service has been completed.

X. LOCAL ADMIRALTY RULES

Rule 9- 10.01. Scope of Admiralty Rules.

These rules apply to admiralty and maritime actions in rem and quasi in rem, statutory condemnation proceedings analogous to maritime actions in rem, and forfeiture actions. The local rules are to be read in conjunction with the Supplemental Rules for Certain Admiralty and Maritime Claims, which are appended to the Federal Rules of Civil Procedure. Nothing in these rules is intended to modify or repeal provisions of any bankruptcy rules governing admiralty matters.

Rule 9 - 10.02. Actions in Rem: Special Provisions.

(A) Complaint.

In actions in rem, the complaint must state with particularity the dollar amount of relief sought.

(B) Multiple Proceedings In Rem Against Single Res.

Wherever a vessel or other res has been seized, and the res or proceeds thereof remains in custody, and another proceeding in rem is filed against the res or proceeds, no warrant for arrest shall be necessary in the new proceeding. Instead, the Court may issue an order for the detention of the res or proceeds pending final judgment in the new proceeding. The order shall be served upon the owner, master, claimant (or other person in possession or in custody of the res or proceeds), and any other interested persons.

© Substitute Custodian.

Upon seizure of a vessel, the Court may, upon application of the plaintiff or other interested party, appoint a substitute custodian who will relieve the Marshal of all further responsibility for the care and safekeeping of the vessel and who will hold the Marshal harmless for any loss or injury to the vessel while in the custody of the substitute. Such appointment may be made upon a satisfactory showing that the proposed substitute custodian has adequate facilities for the safekeeping of the vessel, and adequate liability insurance or assets to respond in damages for any loss or injury to the vessel during said custody, and for any damage sustained by third parties due to the negligence of the proposed substitute custodian, its employees or agents during said custody. Such application shall be supported by an affidavit of the proposed substitute custodian.

(D) Notice.

(1) The notice required by Supplemental Admiralty Rule C(4) shall be published at least once and shall contain the fact and date of the arrest, the title of the cause, the nature of the action, the amount demanded, the name of the Marshal, and the name and address of the attorney for the plaintiff. It shall also state the requirement of Supplemental Admiralty Rule C(6) that claimants must file their claims within ten days of the date of the notice or within such additional time as the Court may allow, and must file their answers within twenty days after the filing of their claims or within such additional time as the Court may allow. The notice also shall state that in the absence of timely-filed claims and answers, default will be taken and the property forfeited.

(2) In suits in rem, no default shall be granted, nor sale of the vessel allowed, unless the plaintiff or other interested party shall establish by affidavit, satisfactory to the Court, that actual notice containing the information in Local Rule 10.02(D)(1) has been given to such parties whose interest in the vessel appears of record at the United States Coast Guard vessel documentation office at the home port of said vessel, or that diligent efforts have been made to give such notice.

(E) Motion to Quash Seizure.

Whenever property is arrested or attached, any person claiming an interest in it shall be entitled to a prompt hearing on a written motion to quash seizure, which motion shall be granted upon a showing, by a preponderance of the evidence, that seizure was improper. If the motion is granted, the Court may award the movant attorney's fees and damages incurred as a result of the seizure.

Rule 9 - 10.03. Actions in Rem and Quasi in Rem: General Provisions

(A) Release of Property.

(1) Property seized by the Marshal may be released only upon a Court order. Unless the parties stipulate in writing to security for release of the property, the release is also contingent upon the Court's approval of a bond submitted by the property owner in accordance with Supplemental Admiralty Rule E(5)(a) or (b), and upon the property owner's payment into Court of the Marshal's accrued costs.

(2) In all cases subject to Local Rule 10.02(B), the amount of the bond for the release of the res or proceeds shall be double the total amount claimed in all complaints on which process has issued, or equal to the appraised value of the property, whichever is smaller.

(3) Every bond shall be executed by a corporate surety on the Clerk's approved list or by two individual sureties approved by the Court.

(4) Every surety shall consent that, if judgment is entered against the property owner, judgment also may be entered against the surety in an amount not exceeding the bond, and execution may issue against the surety's property.

(5) In the place of any bond, the required security may be deposited in cash in the registry of the Court.

(B) Sale of Property.

(1) Before any sale under Supplemental Admiralty Rule E, notice of sale shall be published in a newspaper of general circulation in the division of the seizure for at least four consecutive days in a daily newspaper or four consecutive weeks in a weekly newspaper, between three and thirty-one days before the sale date.

(2) The successful bidder shall make payment to the Marshal by cash, cashier's check, or certified check. Accepted bids of less than $ 1,000.00 shall be paid to the Marshal on acceptance. For accepted bids of $ 1,000.00 or more, the higher of ten percent of the bid or $ 1,000.00 shall be deposited immediately with the Marshal and the balance shall be paid in full within three business days of the sale. If an objection is filed within the three days, the buyer may defer payment of the balance until the sale is confirmed.

(3) If the buyer does not pay the bid on time, the deposit is forfeited to the registry of the Court, to be added to whatever sums are obtained through a second sale. The Court may accept the second highest bid or order a new sale.

(4) Upon the conclusion of the sale the Marshal shall provide the Court with written notice of the fact of the sale, setting forth the name of the buyer, the price brought, the name of the second highest bidder, and the amount bid. This written notice shall be filed on the date of the sale or as soon thereafter as practicable.

© **Objections to Sale.**

(1) Objections to a sale must be written and filed with the Court within three business days after the sale date. Copies**A copy** of the objections shall be served on the Marshal. and delivered to chambers.

(2) The Marshal's service copy of the objections shall be accompanied by a cost deposit sufficient to cover the estimated expenses of custody for seven days.

(3) If the Court sustains an objection, the Marshal will refund the deposits by the bidder and objector. If the Court overrules an objection, the Marshal will remit to the objector the balance, if any, of the objector's deposit remaining after deduction of the expenses of custody from the day of the objection until the day of the confirmation.

(D) Confirmation of Sale.

(1) If no ~~written~~ objection is filed with the Court within three days after the sale, or the Court overrules all objections, the sale shall be deemed confirmed, except that no sale shall be deemed confirmed until the buyer has performed the terms of the purchase. The buyer shall submit a proposed order of confirmation to chambers **the Court** no later than five days after the sale.

(2) In the event no objections to the sale are filed, the cost of keeping the property pending confirmation shall be paid out of the proceeds of the sale; except that if the confirmation is delayed by the purchaser's failure to pay any balance which is due on the price, the cost of keeping the property shall be borne by the purchaser after the three-day objection period expires.

(E) Marshal's Receipts and Charges.

As soon as practicable following a sale of property under Supplemental Admiralty Rule E, the Marshal shall file with the Court an accounting of the Marshal's receipts and charges related to the property, and pay to the Clerk the receipts remaining after deduction of the Marshal's charges.

(F) Wharfage, Storage, and Other Charges.

(1) Wharfage, storage and like charges which accrue while the vessel or other property is in the Marshal's custody shall not be included in the Marshal's accounting except by consent of all interested parties, lienors who have appeared, or their attorneys. If such charges are not consented to in the Marshal's accounting, they may be claimed by petition filed against the proceeds, or against any party claimed to be responsible therefor, not later than ten days after the sale of the vessel or other property. The wharfinger or other person entitled to such charges shall be given notice of settlement of the final judgment and order of distribution of proceeds.

(2) All such wharfage, storage and like charges which accrue while the vessel or other property is in the custody of the Marshal or a substitute custodian shall be paid out of any

proceeds of sale of the vessel or other property, prior to payment of any and all other claims against the vessel which may have been filed on behalf of plaintiff or any other party. The Court, in its discretion, may tax such costs against any party or parties to the proceeding as justice may require.

(G) Claims on Proceeds of Sale.

In proceedings in rem, claims upon the proceeds of a sale of property under a final decree (except for seamen's wages) will not be admitted on behalf of lienors who file such claims after the sale, to the prejudice of lienors who filed claims before the sale. Such after-filed claims shall be limited to the surplus.

XI. UNITED STATES MAGISTRATE JUDGES.

Rule 73 - 11.01. General Authority of United States Magistrate Judges.

Each United States Magistrate Judge appointed by this Court is authorized to exercise all powers and perform all duties conferred expressly or by implication upon magistrate judges by, and in accordance with, procedures now or hereafter set forth in the United States Code, rules promulgated by the Supreme Court, the local rules of this Court, and the orders of this Court. Subject to the foregoing, magistrate judges are authorized to set and to conduct hearings or trials on any matter assigned or referred to them, notify and require parties, attorneys, and witnesses to appear, require proofs, briefs, and argument, and to make such further orders as may be incidental or necessary to the completion of their duties.

XII. ATTORNEYS.

Rule 83 - 12.01 Attorney Admission.

(A) Roll of Attorneys.

The bar of this Court consists of those attorneys who have been granted admission upon satisfaction of the requirements for admission to practice before this Court prescribed by the rules in force at the time of their application for admission. Only attorneys enrolled pursuant to the rules of this Court or duly admitted pro hac vice may file pleadings, appear or practice in this Court, provided, however, that nothing in these rules is intended to prohibit any individual from appearing personally on his or her own behalf. An attorney admitted to practice in another federal district Court or licensed by any state to practice law may appear and represent the United States or the State of Missouri, or any of their respective departments or agencies, without general admission to the bar of this Court. Admission to the bar of this Court is not required in order to file or appear in a miscellaneous case.

(B) Qualifications for Admission.

An attorney of good moral character who holds a license to practice law from, and who is a member in good standing of the bar of, the highest Court of any state or the District of Columbia may apply for admission to the bar of this Court.

© Procedure for Admission.

A candidate for admission to the bar shall complete in writing and file a verified application for admission on a form provided by the Clerk of the Court. The application shall be accompanied by**: (1)** a current certificate of good standing from each state and each Federal Court in which the applicant is admitted to practice; **(2)** Ccertificates of two members of the bar of this Court shall be

filed by persons who know the applicant and can attest to his or her good moral character; **and (3) a completed E-Filing Registration Form.** If the Court determines that an investigation of an applicant's character and fitness is necessary, a member of the bar of the Eastern District of Missouri may be appointed by the chief judge to conduct an examination of the applicant's background and report written findings to the Court. An attorney appointed for this purpose shall be compensated from the Attorney Admission Fee Non-Appropriated Fund at a reasonable hourly rate, provided that total compensation shall not exceed $2,500.00 plus actual expenses.

Each completed application shall be examined by the Clerk of Court for satisfactory evidence of compliance with these rules. If the candidate for admission has fully complied, the application shall be presented to a judge of the Court who shall rule on its sufficiency.

Upon approval of an application for admission, the attorney shall take an oath or affirmation administered by a district, magistrate or bankruptcy judge of this Court, sign the roll of attorneys and pay the prescribed admission fee.

Admission to the bar of any division shall constitute admission to practice in all divisions of the Court, including the Bankruptcy Court.

(D) Renewal of Membership.

The roll of attorneys admitted to practice before this Court shall be renewed quadrennially commencing after 1999. A renewal registration on a form provided by the Court shall be filed with the Clerk by every member of the bar on or before the thirty-first day of January of each renewal year. Each renewal registration shall be accompanied by a fee in an amount not to exceed $20.00, as set by order of the Court at least ninety days prior to each registration period. The Clerk shall publish notice or otherwise inform the bar of the renewal requirement and the fee at least sixty days before the deadline for filing such renewal registration forms.

The Clerk shall deposit the renewal registration fees collected pursuant to this rule into the fund created by Local Rule 83 - 12.03, to be used for the purposes specified in that rule, and to defray the expenses of maintaining a current register of members of the bar of this Court.

An attorney who fails to file the required renewal registration and pay the renewal fee shall be provisionally removed from the roll of members in good standing, and the attorney's privilege to file pleadings, appear and practice in any division of the Eastern District of Missouri shall be suspended. If no renewal registration is filed within one year **six months** of the delinquency, the name of the attorney shall be permanently removed from the roll by order of the Court, without prejudice to a subsequent application for admission.

(E) Admission Pro Hac Vice.

An attorney who is not regularly admitted to the bar of this Court, but who is a member in good standing of the bar of the highest Court of any state or the District of Columbia, may be admitted pro hac vice for the limited purpose of appearing in a specific pending action. Unless allowed by a judge for good cause, an attorney may not be granted admission pro hac vice if the applicant resides in the Eastern District of Missouri, is regularly employed in the Eastern District of Missouri, or is regularly engaged in the practice of law in the Eastern District of Missouri.

A motion requesting admission pro hac vice shall be verified and shall include the name of the movant attorney, the address and telephone number of the movant, the name of the firm under which the movant practices, the name of the law school attended and the date of graduation, the movant's dates and places of admission to practice law, and a statement that the movant is in good standing in all bars in which he or she is a member and that the movant does not reside in the Eastern District of Missouri, is not regularly employed in this district, and is not regularly engaged in the practice of law in this district.

The motion shall be filed with the Clerk of the District Court or with the Clerk of the Bankruptcy Court as appropriate, where the action is pending, upon **with** payment of the prescribed fee. **If the attorney has not previously been issued an electronic filing login and password for the CM/ECF System, the motion for pro hac vice admission must be filed in paper form, together with the E-Filing Registration Form. Upon admission pro hac vice, a permanent electronic filing login and password shall be issued by the Court. All subsequent documents submitted to the Court by an attorney admitted pro hac vice shall be filed electronically (except as otherwise provided herein), including each subsequent motion for pro hac vice admission.**

(F) Duty to Report ~~Change of Address.~~ Contact Information.

Attorneys admitted to practice under this rule have a continuing duty to promptly notify the Clerk of any change of **name,** business address, and telephone number, **or e-mail address.**

(G) Registration Number.

Each attorney granted regular admission to the bar of this Court shall be issued a registration number which shall be included with the attorney's signature block on every filing in this Court.

(H) Court Appointed Representation.

Attorneys who are members in good standing of the bar of this Court shall be required to represent without compensation indigent parties in civil matters when so ordered by a judge of this Court, and to accept appointments by a judge to represent indigent criminal defendants under the Criminal Justice Act unless exempt by rule or statute, except when such representation would create a conflict of interest. Statutory fees and expenses may be awarded as provided by law to an attorney appointed under this rule.

At the time of application for admission, and with each renewal registration, an attorney shall indicate in writing his or her preference for civil or criminal appointments under this rule.

(Amendment to Paragraph (D) adopted October 2, 1999; effective December 1, 2000)

(Amendment to Paragraph © adopted July 9, 2004; effective August 16, 2004)

Rule 83 - 12.02. Attorney Discipline.

A member of the bar of this Court and any attorney appearing in any action in this Court, for good cause shown and after having been given an opportunity to be heard, may be disbarred or otherwise disciplined, as provided in this Court's Rules of Disciplinary Enforcement. In addition, a judge may impose sanctions pursuant to the Court's inherent authority, Fed.R.Civ.P. 11, 16 or 37, or any other applicable authority, and may initiate civil or criminal contempt proceedings against an attorney appearing in an action in this Court.

The Rules of Professional Conduct adopted by this Court are the Rules of Professional Conduct adopted by the Supreme Court of Missouri, as amended from time to time by that Court, except as may otherwise be provided by this Court's Rules of Disciplinary Enforcement.

(Amended June 12, 2001, effective August 1, 2001.)

Rule 83 - 12.03. Attorney Admission Fee Non-Appropriated Fund.

All monies received by the Court from attorney admission and renewal registration fees pursuant to Local Rule 12.01 shall be deposited by the Clerk into the Attorney Admission Fee Non-Appropriated Fund. The Clerk of the District Court shall serve as the custodian of the fund, with such duties and responsibilities as the Court may provide.

Disbursements from the fund shall be made only upon order of a district or magistrate judge. In the Court's discretion, payment may be made from the fund upon written motion to reimburse a court-appointed attorney for reasonable expenses and attorney's fees incurred in a civil matter on behalf of an indigent client, consistent with regulations approved by the Court. An attorney providing pro bono representation in a civil case who has not been appointed by the Court is also eligible to seek reimbursement for reasonable expenses under this rule. The Court shall establish policies and guidelines for other uses of the fund for the benefit of the bench and bar in the administration of justice.

(Amended June 12, 2001; effective August 1, 2001.)

(Amended February 10, 2004; effective March 12, 2004.)

Rule 83 - 12.04. Former Law Clerks.

An attorney who is a former law clerk to a judge of this Court is prohibited from acting as counsel of record in a case assigned to that judge or otherwise appearing before that judge for a period of one year following the termination of the law clerk's service.

Rule 83 - 12.05. Law Student Practice.

A judge may authorize the participation of a law student certified under Missouri Supreme Court Rule 13 to assist in the preparation and presentation of a civil or criminal case. A ~~request~~ **motion** for such authorization must be accompanied by the party's written **signed** consent to the participation of the law student on the party's behalf. The law student shall be supervised by an attorney of record.

Rule 83 - 12.06. Appointed Counsel's Fees and Expenses in Civil Cases.

(A) Fee Agreements.

In a civil case, appointed counsel and the party represented may enter into a contingent fee agreement only upon the Court's approval of the terms of the agreement, as set forth in a joint motion of appointed counsel and the party. Appointed counsel may not condition the undertaking or continuation of the party's representation on the making of such an agreement.

(B) Party's Ability to Pay for Legal Services.

If at any time the party represented becomes able to afford private counsel, the appointed attorney or the party shall so notify the Court in writing. If the appointment of counsel is vacated because of the party's ability to afford counsel, the appointed attorney and the party may enter into a fee agreement for the attorney's continued representation.

© Award of Attorney's Fees and Costs.

Appointed counsel representing a prevailing party may apply for an award of reasonable attorney's fees and costs against the opposing party, where such an award is authorized by applicable statute, rule or other provision of law.

(D) Expenses.

To the extent reasonable in light of his or her financial condition, a party represented by appointed counsel shall bear the expenses of the litigation. Pursuant to Local Rule 12.03, appointed counsel may apply for reimbursement of expenses and attorney's fees from the Court's Attorney Admission Fee Non-Appropriated Fund.

(Paragraph D Amended July 9, 2004; effective August 16, 2004)

Rule 83 - 12.07. Attorney's Obligations Regarding Appeal.

(A) Criminal Cases.

Following judgment of conviction in a criminal case, a privately retained or appointed attorney representing a convicted defendant shall file one of the following documents within the time permitted for an appeal:

(1) a notice of appeal;

(2) a notice signed by the defendant stating that the defendant declines to file a notice of appeal; or

(3) a notice signed by the attorney indicating that the attorney has explained to the defendant his right to appeal, and that the defendant has not requested the attorney to file a notice of appeal, but that the defendant declines to sign a notice under subsection (A)(2).

(B) Civil Cases.

Following final judgment in a civil case, an appointed attorney representing a party who has lost any significant issue before the District Court shall file one of the following documents within the time permitted for an appeal:

(1) a notice of appeal;

(2) a notice signed by the party stating that the party declines to file a notice of appeal; or

(3) a notice signed by the attorney indicating that the attorney has explained to the party his right to appeal, and that the party has not requested the attorney to file a notice of appeal, but that the party declines to sign a notice under subsection (B)(2).

XIII. MISCELLANEOUS PROVISIONS.

Rule 32CR - 13.01. Probation and Pretrial Service Records.

(A) Presentence investigation reports are confidential documents which shall be filed with the Clerk of the Court under seal. For good cause and with leave of Court, objections to a presentence investigation report may be filed under seal. Except as authorized by law, the contents of presentence investigation reports and of objections filed under seal shall not be disclosed by the government, the defendant, the attorney for the defendant or any court officer unless ordered by the Court.

(B) Except as authorized by law, all records created or maintained by the U.S. Probation Office and the U.S. Pretrial Services Office are subject to disclosure only by order of the Court entered upon a written motion alleging the movant's need for specific information contained in such records. When a demand by way of subpoena or other judicial process is made of an officer either for copies of records or testimony relating thereto, the officer may petition the Court for instructions.

© The Court may require electronic filing and storage of original Probation and Pretrial Service Reports, including objections to presentence investigation reports.

Rule 83 - 13.02. Use of Photographic and Recording Equipment.

All means of photographing, recording, broadcasting and televising are prohibited in any courtroom, and in areas adjacent to any courtroom, except when authorized by the judge presiding over an investiture, naturalization or other ceremonial proceeding. Nothing in this rule is intended to prohibit the use of electronic audio and visual devices for the presentation of evidence, for making the official record of a proceeding, for insuring Court security, or when authorized by the judge presiding as necessary to the administration of justice.

Rule 83 - 13.03. Bonds and Other Sureties.

(A) General Requirements.

Every bond, recognizance or other undertaking required by law or Court order in any proceeding shall be executed by the principal obligor and **or** by one or more sureties qualified as provided in this rule.

(B) Unacceptable Sureties.

Employees of the Court, employees of the United States Marshal Service, any member of the bar of this Court and any employee of such member shall not be accepted as surety on a cost bond, bail bond, appeal bond, or any other bond filed in this Court, except as specially authorized by a Judge.

© Corporate Surety.

A corporate surety must be approved by the United States Department of the Treasury and the Missouri Department of Insurance, as evidenced by a current certificate of authority. In all cases, a valid power of attorney showing the authority of the agent signing the bond must either be on file with the Court or attached to the bond with a tender of the required fee.

(D) Real Property Bonds.

Persons competent to convey real estate in the State of Missouri of an unencumbered value of at least the stated penalty of a bond ordered by the Court may be considered for qualification as surety by providing proof deemed sufficient by a judge showing: (1) the legal description of the real estate in a General Warranty Deed or Deed of Trust showing current ownership of the property; (2) a list of all encumbrances and liens, and balances owed; (3) a current appraisal or other document verifying current value of the property; (4) a waiver of inchoate rights of any character and certification that the real estate is not exempt from execution; and (5) proof of payment of property

taxes. If all documents are approved by the Court, the sureties on the bond shall include all record owners of the real property.

(E) Cash Bonds.

Cash bonds may be deposited into the registry of the Court, but only in connection with the execution and filing of a written bond sufficient as to form and setting forth the conditions for the bond as ordered by the Court. Unless otherwise ordered by a judge, every deposit of cash bond in a criminal case shall be accompanied by an affidavit of ownership, in the form required by the Court, which when filed shall establish conclusively the identity of the owner of the cash to be posted as security.

(F) Cost Bonds.

The Court on motion or on its own initiative may order any party to file an original bond for costs or additional security for costs in such an amount and so conditioned as the Court by its order may designate.

(G) Insufficiency--Remedy.

Any opposing party may raise objections to a bond's form or timeliness or the sufficiency of the surety. If the bond is found to be insufficient, the judge may order that a sufficient bond be filed within a stated time, and if the order is not complied with, the case may be dismissed for want of prosecution or the judge may take other appropriate action.

(Amended December 21, 2001; effective February 1,2002)

Rule 67 - 13.04 Deposit of Funds with the Court.

(A) An order of Court is required for the deposit of funds into the registry of the Court. The instrument to be deposited in the registry must be made payable to Clerk, U.S. District Court. No third-party checks will be accepted. Except as provided in sections (B) and © of this rule, all monies paid into the registry shall be deposited by the Clerk into official checking accounts with the **an appropriate Court depository or with the** Treasurer of the United States pursuant to 28 U.S.C. § 2041.

(B) One or more separate Registry Fund accounts shall be maintained in a local **designated** depository institution.

(C) In any case in which the deposit of funds is governed by Fed.R.Civ.P. 67, the depositor shall, before presenting to the Clerk the funds for deposit, obtain from the Court an order directing the Clerk to invest the funds in an interest-bearing account or instrument. Copies of blank proposed orders for such deposits are available from the Clerk's Office. The following guidelines will govern the deposit of interest-bearing registry funds:

(1) All interest-bearing registry funds shall be invested as approved by the Court. Unless otherwise ordered by the Court, such funds will be deposited in a money market account.

(2) Requests for deposit in some other interest-bearing account or instrument, such as Treasury bills, will not be granted absent good cause. The motion and proposed order requesting such deposit shall contain the following:

(a) the form of deposit requested, and the reasons for such request;

(b) the name and address of the bank or other institution where the deposit is to be made, and the reasons for such request;

© any other information that may be relevant under the circumstances of the particular case.

(3) When standard F.D.I.C. coverage is insufficient to insure the total amount of a deposit, the Clerk shall not deposit the funds until the depository institution posts sufficient collateral to insure the total amount of the deposit.

(4) The Clerk will deposit the funds as soon as the business of the Clerk's Office allows.

(D) Pursuant to 28 U.S.C. § 2042, no funds deposited in the registry of the Court shall be withdrawn except by order of Court. **Unless otherwise ordered by the Court,** withdrawals of registry funds shall be made by check only. no wire transfers are permitted.except when conditions are warranted as determined by the Clerk.

(1) Cash bail is refunded only upon the presentation of an appropriate proposed order. A proposed order for refund of cash bail must include a certification by **when the purpose for which the bond was posted has been fully satisfied. The** Court's Financial Administrator **Deputy shall attest** that the conditions of the bond have been satisfied prior to presentation to the Court. Cash deposited as security on a bond in a criminal case shall be refunded in accordance with an affidavit of ownership filed pursuant to Rule 13.03(E). Instructions and proposed orders for the refund of cash bail are available from the Clerk.

(2) Upon adjudication of entitlement to interest-bearing registry funds, the court ~~shall~~ **may** order the appropriate party to file a proposed order for disbursement of the fund. Which **The proposed order must comply with the redaction requirements of Local Rule 2.17 and** shall contain the following:

(a) the principal sum initially deposited;

(b) the amount or amounts of principal to be disbursed;

© the percentage of accrued interest payable with each principal amount, after the Clerk deducts from the total accrued interest the applicable administrative fee pursuant to the General Order of January 10, 1991;

(d) to whom exactly each disbursement check should be made payable;

(e) full mailing instructions for each disbursement check, including full street address and zip code; and

(f) the social security number or tax ID number of each recipient of accrued interest, **and mailing address if different from the mailing address to which the disbursement check is to be sent. The Clerk will** which the Clerk must provide this **information** to the depository institution pursuant to I.R.S. Ruling 76-50.

(Amended December 21,2001; effective February 1, 2002)

Rule 83- 13.05. Pleadings and Documents Filed Under Seal.

(A) Pleadings and Documents in Civil Cases.

(1) Upon a showing of good cause, in a written motion of any party the **C**ourt may order that a document or series of documents filed in a civil case be received and maintained by the **C**lerk under seal. The **C**lerk of **C**ourt shall maintain such documents in a restricted area apart from the case file to which the public has access. Unless the docket reflects prior entry of an order to file under seal or the party offering a pleading or document presents the clerk with an order of the Court authorizing a filing under seal or a motion for such order**,** all pleadings and documents received in the office of the clerk shall be filed in the public record of a civil case, except as otherwise required by law.

(2) Not less than thirty 30 days after a final order or other disposition has been issued in a civil action in the District Court, or thirty 30 days after the receipt of a mandate from the Court of Appeals in a case in which an appeal has been taken, the Clerk shall place in the public file all documents previously filed under seal, unless otherwise ordered by the Court. Prior to the expiration of the thirty-day period following the termination of a case, a party may move for an order of the Court either extending the seal for a specified additional time period or returning sealed documents to the filing party upon a showing of good cause.

(B) Pleadings and Documents in Criminal Cases.

(1) Unless otherwise ordered by the Court, the following documents and materials shall be filed in all criminal cases as confidential matter and maintained by the court **Clerk** under seal: all pleadings and documents relating to grand jury proceedings; all applications for pen registers, trap and trace devices, wire taps and IRS search warrants and tax return orders; all presentence investigation reports and such other materials regarding sentencing which the Court

orders filed under seal; and any other material or item ordered sealed by the Court. Applications for search warrants, warrants and orders issued upon application of the government for the acquisition of information or evidence in connection with a criminal investigation, and returns made pursuant to Fed.R.Crim.P. 41(d), shall each be received by the Court under temporary seal. Within fifteen days from the date of receipt by the Court of any such document, the government or any other person or entity having a sufficient privacy interest in the search warrant information, or the property or evidence that is the object of acquisition by the government, may file an ex parte motion seeking an order to file under seal. When such a motion is pending, the subject material shall remain sealed but the Court shall rule on the motion promptly. The moving party shall have the burden of establishing a compelling interest necessitating a restriction on public access. If the motion is granted, the Court shall direct the clerk to file the relevant documents under seal. If the motion is denied in whole or in part, or if no motion is timely filed, the Court shall order the **C**lerk to file unrestricted material as a **in the** public record unless the Court determines otherwise.

(2) No person, except authorized Court staff, shall view documents or other materials received or filed under seal pursuant to this rule without an order of Court. The Clerk shall maintain such documents and materials in a restricted area apart from the Court **public** file. to which the public has access.

(3) Documents, pleadings and other materials filed under seal pursuant to paragraph (B)(1) of this rule shall be maintained by the Clerk in original form for not less than five (5) years from the date of filing. All such original sealed documents shall be scanned into electronic digital images, indexed and permanently stored under seal in such electronic format in lieu of maintaining the original paper copies after the required period of five years. From time to time, the

Clerk may petition the Court for leave to destroy original documents and materials filed under seal pursuant to paragraph (B)(1) of this rule for which electronic digital images have been made.

(4) When an electronic digital image or copy of any original document, pleading or other material filed with the Court under seal is created pursuant to paragraph (B)(3) of this rule, the electronic version shall be the permanent and official Court record.

(New rule added April 3, 1998; effective July 1, 1998)

(Paragraph B amended February 4, 2000; effective March 8, 2000)

(Paragraph B amended April 5, 2002; effective June 1, 2002).

Revised Local Rules 2002

Local Rule	Local Rule Name	Adopted/Revision Date(s)
13.03	Bonds and Other Sureties	Approved 12-21-01 Effective 02-01-02
13.04	Deposit of Funds with the Court	Approved 12-21-01 Effective 02-01-02
13.05	Pleadings and Documents Filed Under Seal	Approved 04-05-02 Effective 06-01-02

Revised Local Rules 2003

2.10	The Electronic Case Record and Filing; Exemption	Approved 05-15-03 Effective 10-01-03
2.11	Signatures on Electronic Filings	Approved 05-15-03 Effective 10-01-03
2.12	Service in Electronic Cases	Approved 05-15-03 Effective 10-01-03
2.13	When Electronic Filings are Completed	Approved 05-15-03 Effective 10-01-03
2.14	Technical Failure and Filing Deadlines	Approved 05-15-03 Effective 10-01-03
2.15	Administrative Procedures for Electronic Filing	Approved 05-15-03 Effective 10-15-03
4.05	Submission of Motion Package	Approved 05-15-03 Effective 10-01-03

Revised Local Rules 2004

5.02	Track Information Statement	Approved 02-10-04 Effective 03-12-04
6.03	Neutrals	Approved 02-10-04 Effective 03-12-04
12.03	Attorney Admission Fee Non-Appropriated Fund	Approved 02-10-04 Effective 02-10-04
9.03	Petty Offenses	Approved 07-09--4 Effective 08-16-04
12.01	Attorney Admissions	Approved 07-09-04 Effective 08-16-04
12.06	Appointed Counsel Fees and Expenses in Civil Cases	Approved 07-09-04 Effective 08-16-04

Revised Local Rules 2005

6.04	Communications Concerning Alternative Dispute Resolution	Approved 08-19-05 Effective 09-20-05
2.16	Hyperlinks in Electronically Filed Documents	Approved 10-07-05 Effective 11-14-05