

United States District Court

Eastern District of Missouri
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street
St. Louis, Missouri 63102

Gregory J. Linhares
Clerk of Court

314-244-7900

PUBLIC NOTICE OF PROPOSED AMENDMENTS TO LOCAL RULES

Date: October 13, 2016
Contact: Gregory J. Linhares, Clerk of Court, (314) 244-7890

The United States District Court for the Eastern District of Missouri is issuing proposed local rules for public comment. To read them, go to <http://www.moed.uscourts.gov>, contact the Office of the Clerk at the number above or via e-mail at greg_linhares@moed.uscourts.gov, or visit the Eagleton Courthouse (address above) or Limbaugh Courthouse at 555 Independence Street, Cape Girardeau, MO 63703.

The Court is proposing amendments to Local Rules 2.08, 6.03, 8.03, 12.01, 13.03, 13.04, and 13.05. A summary of the proposed amendments is provided below. The proposed effective date for these rules changes is December 1, 2016, and they are being posted for public comment through Friday, November 11, 2016. Comments should be provided in writing to the Clerk of Court via e-mail or regular mail. They will be considered by the Court after the public comment deadline.

Local Rule 2.08, Assignment of Actions and Matters

The amended rule allows for filing of Notice Regarding Magistrate Judge Jurisdiction via electronic means. The amendment also states that consent to a Magistrate Judge means consent to any Magistrate Judge, not just the Magistrate Judge to whom the case is assigned currently.

Local Rule 6.03, Neutrals

This amendment provides greater specificity to the Court's certified neutral program reporting period dates, and also changes the reporting period year to avoid a conflict with the Court's federal practice seminar.

Local Rule 8.03, Bill of Costs

This amendment allows attorneys to submit a Bill of Costs up to twenty-one days after issuance of the mandate or other order terminating action by the Court of Appeals on a District Court case. Previously, the rule only allowed for a Bill of Costs to be submitted up to twenty-one days after final judgment in the District Court.

Local Rule 12.01, Attorney Admission

This amendment eliminates the requirement that attorneys submit certificates of good standing from every court to which they are admitted, and replaces it with a requirement of a certificate of good standing only from the highest court of the state of the applicant's primary practice.

Local Rule 13.03, Bonds and Other Sureties

This amendment restates the Court's current practice of disbursing bond funds only to the surety of record listed on the affidavit of ownership.

Local Rule 13.04, Deposit of Funds with the Court

This amendment specifies the processes for the investment of funds deposited with the Court. Per national procedure, the Court's funds will be pooled and centrally managed for tax administration purposes by the Administrative Office of the United States Courts. The rule specifies the fees that can be charged for administration of these funds, and states that the fees will be collected only from interest earned on the funds.

Local Rule 13.05, Pleadings and Documents Filed Under Seal

This amendment establishes a process for creating a sealed record in all criminal cases so that a defendant's cooperation or lack of cooperation with the government in any given case cannot be determined from the public record, and makes substantial changes regarding written communication to the Court by non-parties about defendants prior to sentencing.

With regard to establishing a process so that a defendant's cooperation or lack thereof cannot be determined from the public record, a sealed record will be created in all criminal cases involving a plea agreement. This record will include a sealed statement from the government indicating cooperation or lack thereof in the case, and a sealed transcript of the discussion in court as to the defendant's cooperation or lack thereof. The Court may establish by administrative order other processes consistent with this rule in order to ensure that cooperation or non-cooperation cannot be determined from the public record.

With regard to written communication to the Court by non-parties about defendants prior to sentencing, such communication will be made available at the public terminal in the courthouse but will not be available on the Court's remote public access portal (i.e. PACER). Personally identifying information must not be included on any such written communication submitted to the Court. The Court will publish a notice stating the types of information that cannot be included. In addition any party can, for good cause, move to seal all or any portion of any such communication.

The amendment also re-orders certain portions of the rule for purposes of clarity and consistency within the rule.