



# UNITED STATES DISTRICT COURT

## District of Minnesota

Richard D. Sletten, Clerk  
Wendy S. Osterberg, Chief Deputy Clerk

Warren E. Burger Federal  
Building and U.S. Courthouse  
316 North Robert Street  
Suite 100  
St. Paul, MN 55101  
(651) 848-1100

U.S. Courthouse  
300 South Fourth Street  
Suite 202  
Minneapolis, MN 55415  
(612) 664-5000

Gerald W. Heaney Federal Building  
and U.S. Courthouse and Customhouse  
515 West First Street  
Suite 417  
Duluth, MN 55802  
(218) 529-3500

U.S. Courthouse  
118 South Mill Street  
Suite 212  
Fergus Falls, MN 56537  
(218) 739-5758

## PUBLIC NOTICE

Date: November 23, 2010  
Contact: Richard Sletten, Clerk of Court  
(612) 664-5026

### FEDERAL COURT PROPOSED LOCAL RULE AMENDMENTS

The United States District Court for the District of Minnesota is issuing for public comment proposed amendments to the Court's Local Rules. To read the proposed amendments in full, visit the Court's website at [www.mnd.uscourts.gov](http://www.mnd.uscourts.gov), or contact the Office of the Clerk of Court in St. Paul, Minneapolis, Duluth, or Fergus Falls.

The Court proposes amendments to several Local Rules and two forms. A summary of the proposed substantive amendments is provided below. Further, all of the Local Rules that are being posted for public comment also reflects proposed stylistic changes that are part of the ongoing effort of the Federal Practice Committee to restyle the Local Rules to make them more easily understood and internally consistent.

#### **1. Local Rule 5.4 Service of Documents Through the Court's Electronic Transmission Facilities**

This rule is amended to no longer require attorneys to file a separate certificate of service if service is effected through ECF. The rule states that the Notice of Electronic Filing (NEF) may serve as the certificate of service if service was effected electronically.

#### **2. LR 67.1 Money Paid Into Court; and LR 67.3 Withdrawal of a Deposit Pursuant to Fed. R. Civ. P. 67**

These rules are amended to make clear the procedures for attorneys to deposit money in and withdraw money from the Court registry. Current Local Rule 67.3 also is being renumbered to LR 67.2. The proposed amendments specify that an attorney must file a motion to deposit and withdraw money from the Court registry. Moving attorneys need only file a motion; the briefing requirements of LR 7.1 do not apply to motions to deposit and withdraw money from the Court registry. To withdraw money from the

Court registry, proposed LR 67.2 also requires that a Withdrawal Payee Information form be filed in paper to provide the clerk the necessary information to make the withdrawals to the identified payees. This new form is provided with the proposed amendments to the local rules.

### 3. LR 67.3 Bonds and Sureties

The new version of LR 67.3 applies to bonds and sureties. The rule specifies that every bond must be executed by the principal obligor and, if applicable, by one or more qualified sureties. The proposed rule specifies unqualified sureties, including attorneys of the Court’s bar and their agents; qualified corporate sureties; and describes how a person may serve as surety on a real-property bond. The rule also identifies other kinds of bonds the Court may accept.

### 4. LR 83.5 Bar Admission, Subsection (e) Government Attorneys

The proposed amendments to LR 83.5(e) include that attorneys representing the United States may be admitted pro hac vice if they are admitted to practice in a federal Court of Appeals, not just a federal District Court. The proposed rule also provides a procedure for attorneys representing the United States who are not admitted to such Courts to be admitted pro hac vice after they associate with an attorney from the United States Attorney’s Office for the District of Minnesota. The petition form for attorneys to represent the United States has been amended to incorporate these changes and is provided with the proposed amendments to the Local Rules.

### 5. LR 83.7 Withdrawal of Counsel

The proposed amendments to LR 83.7 clarify that it is not necessary for an attorney withdrawing from a case to file a motion to withdraw or to file a notice of withdrawal and substitution if the withdrawal will not result in the affected party having no legal representation.

### 6. Other Proposed Amendments

The table below outlines the other substantive changes that are being proposed to the rules.

Local Rule	Substantive Amendment Description
LR 1.1 Scope of the Rules	Deleting subsection (f) as redundant of Fed. R. Civ. P. 6.
LR 5.1 Electronic Case Filing	Clarifying that the Court’s ECF Procedures Guides are available from the Clerk’s Offices; and specifying in the Committee Notes that they are available on the Court’s website.
LR 5.2 General Format of Documents to be Filed -	Adding clarifying committee notes about how attorneys who are licensed in a state other than

Electronically or Otherwise	Minnesota are to provide their registration numbers on Court filings.
LR 7.2 Procedures in Social Security Cases	Changing subsection (b) to be consistent with the length limitations of objections and responses provided in LR 7.2(b).
LR 24.1 Procedure for Notification of any Claim of Constitutionality	Abrogating as redundant of Fed. R. Civ. P. 5.1.

These proposed amendments are posted for public review and comment through December 23, 2010. Comments should be provided in writing to the Clerk of Court at the address above, or by e-mail to [MnFedRules@mnd.uscourts.gov](mailto:MnFedRules@mnd.uscourts.gov). The Court will consider adoption of the proposed amendments after reviewing any comments or suggestions submitted on or before December 23, 2010.

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Richard D. Sletten  
Clerk, U.S. District Court  
District of Minnesota