



UNITED STATES DISTRICT COURT

District of Minnesota

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U.S. Courthouse
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Minneapolis, MN 55415
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Gerald W. Heaney Federal Building
and U.S. Courthouse and Customhouse
515 West First Street
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Duluth, MN 55802
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118 South Mill Street
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Fergus Falls, MN 56537
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PUBLIC NOTICE

Date: May 14, 2013
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FEDERAL COURT LOCAL RULE AMENDMENTS Effective May 14, 2013

The United States District Court for the District of Minnesota has approved amendments to the Court's Local Rules of practice, effective May 14, 2013. The rule changes affect Local Rules 7.3, 9.1, 39.1, 39.2, 40.1, 47.2, 54.3, 58, 67.1, 71.1, 72.1, 72.2, 79.1, 80.1, 83.10, 83.11, 83.12, and 83.13. On March 19, 2013, the Court notified the public of the proposed amendments to these rules and provided an opportunity for public comment. After consideration of the public's comments and the recommendations of the Court's Federal Practice Committee, chaired by Becky Thorson, the Court approved the amendments.

Provided below is a brief summary of the amendments. To see the amended rules, visit the Court's website at www.mnd.uscourts.gov, or contact the Office of the Clerk of Court in St. Paul, Minneapolis, Duluth, or Fergus Falls.

a. Substantive changes

- *LR 7.3 Telephonic hearings.*
 - Provides in LR 7.3(a)(1) that to request a telephonic hearing, the party must file and serve a letter making the request and to, thereafter, contact the judge's courtroom deputy to coordinate the request.
 - Specifies in LR7.3(a)(3) that if the party intends to request that the telephonic hearing be transcribed, the party must notify the judge's courtroom deputy at least 24 hours before the hearing and deletes former LR 7.3(b) as unnecessary.
 - Acknowledges in reorganized LR 7.3(b) that a magistrate judge may allow parties to contact him/her for a telephonic hearing during a deposition in other than exigent circumstances.
- *LR 39.1 Preparation for Trial in Civil Cases*
 - Clarifies LR39.1(b)(1)(A)(ii) that parties may submit an exhibit list either on a form available from the clerk or on a form substantially the same as the clerk's form.

- Clarifies LR39.1(b)(1)(A)(iv) that a party need not designate specific parts of a deposition that may be offered only to impeach testimony given at trial.
- Deletes former LR 39.1(c) as redundant of LR 1.3.
- *LR 39.2 Conduct of Trials and Hearings*
 - Clarifies in the title that the rule applies to trials and hearings.
 - Reorganizes LR 39.2(c)(1) and adds new requirement that unless the court orders otherwise, an opening statement must not exceed one hour so as to be consistent with the one-hour time limit for final arguments.
- *LR 54.3 Costs and Attorney's Fees.*
 - Simplifies the rule's title.
 - Deletes in LR 54.3(b) the language that is inconsistent with Fed. R. Civ. P. 54(d)(2)(B) concerning the filing deadlines for motions for attorney's fees and nontaxable costs.
 - Requires in LR 54.3(b) that the court issue a briefing schedule when a timely motion for attorney's fees and nontaxable expenses is filed.
 - Deletes as unnecessary former LR 54.3(c)(5) that stated a bill of costs does not affect the appealability of a final judgment.
 - Reorganizes former LR 54.3(c)(6) to new subsection (d) and clarifies that a bill of costs related to appellate costs taxable in district court must be verified as with an ordinary bill of costs under LR 54.3(c).
- *LR 58.1 Fixed-Sum Payment for Petty Offenses and Other Misdemeanors.*
 - Renumbers LR 58 to LR 58.1 to be consistent with court's local rule numbering conventions.
 - Eliminates the list of agencies that may have a fixed-sum payment schedule and requires the schedules to be posted on the court's website.
 - Clarifies that fixed-sum payments must be made through the federal courts' Central Violation Bureau (CVB).
 - Combines former LR 58.1(e)-(f) to address the instances where a law-enforcement officer determines that the defendant must appear in court due to the aggravated nature of the offense, must be arrested, or must be arrested and taken before a magistrate judge promptly after the arrest.
- *LR 71.1 Condemnation Cases [Abrogated].* Abrogates LR 71.1 as unnecessary.
- *LR 79.1 Custody and Disposition of Exhibits and Documents.*
 - Clarifies in LR 79.1(a) that ordinarily, a party must deliver exhibits introduced into evidence to the custody of the clerk or courtroom deputy.
 - Clarifies in LR 79.1(b) that original exhibits or documents may be withdrawn from the custody of the clerk with leave of the court and after leaving a proper receipt.
 - Deletes former LR 79.1(d)-(e) concerning the removal and disposition of sealed documents.
- *LR 83.10 Criminal Sentencing.*
 - Simplifies the rule's title.

- Clarifies in LR 83.10(a) that parties include in the plea agreement all stipulations, not just ones of fact.
- Provides in LR 83.10(c) that the deadline for filing objections to the preliminary presentence report is the deadline set by the probation officer in accordance with Fed. R. Crim. P. 32(f)(1).
- Provides in LR 83.10(e) that the deadline for filing the position regarding sentencing is 14 days from the date of the final presentence report.
- Specifies in LR 83.10(f) that any party that believes a hearing is necessary on a contested issue relevant to sentencing must move the court for a hearing.
- Deletes as unnecessary former LR 83.10(i) concerning the resolution of disputes.

c. Stylistic and Technical Amendments

The following table identifies the Local Rules amendments that consist of stylistic and technical amendments and, if applicable, a brief summary of any other significant changes.

Local Rule	Summary of Amendments
9.1 Social Security Number in Social Security Cases	Adds language that the clerk must file the required paper containing the worker’s social security number under seal.
40.1 Individual Calendar System	Clarifies in LR 40.1(b) that each judge independently schedules all matters. Deletes former LR 40.1(c) as an unnecessary cross-reference to LR 6.1.
47.2 Contacts with Jurors	Language restyled; no significant changes.
67.1 Money Deposited into the Court Registry	Revises the language concerning proposed orders to be consistent with LR 7.1.
72.1 Magistrate Judge Duties	Revises LR 72.1 to align more closely with the language in 28 U.S.C. § 636 and 18 U.S.C. § 3401. Adds the amendment dates and committee notes that were formerly only provided in LR 72.2.
72.2 Review of Magistrate Judge Rulings	Revises LR 72.2 to more closely align with the language in Fed. R. Civ. P. 72. Deletes former subsection (c) and other language that was redundant of 28 U.S.C. § 636 and Fed. R. Civ. P. 73.
80.1 Court Reporters’ Transcripts	Language restyled; no significant changes.
83.11 Court Administration	Revises the title to better reflect the substance of the rule. Reorganizes the rule subsections. Adds the Fergus Falls clerk’s office location. Revises the holiday titles to conform to Fed. R. Civ. P. 6 and adds the Friday after Thanksgiving Day as a holiday. Clarifies that case records are maintained electronically and may be filed or obtained from any clerk’s office.
83.12 Complaints Against a Judge	Language restyled; no significant changes.
83.13 Court Appointees	Language restyled; no significant changes.

Please note that the proposed new local rule regarding criminal discovery and pretrial motions that was noted in the March 19, 2013 press release remains under the consideration of the Court’s Federal Practice Committee.

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