



UNITED STATES DISTRICT COURT District of Minnesota

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PUBLIC NOTICE

Date: March 13, 2014
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PROPOSED AMENDMENTS TO LOCAL RULES

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, or contact the Office of the Clerk of Court in St. Paul, Minneapolis, Duluth, or Fergus Falls.

The Court proposes amendments to LR 16.5, LR 83.5, and LR 83.6 and proposes a new LR 49.1, Filing Documents Under Seal in Criminal Cases. A summary of the proposed amendments is provided below.

LR 16.5 Alternative Dispute Resolution and Mediated Settlement Conference

The proposed amendment provides that the court will designate an administrator of the court's alternative dispute resolution program by administrative order, rather than by local rule.

New LR 49.1 Filing Documents Under Seal in Criminal Cases

The proposed new rule 49.1 significantly changes the procedures governing the sealing of documents in criminal cases. The rule requires that all documents filed in a criminal case, including sealed documents, be filed electronically on ECF.

In subsection (c), the rule specifies the types of documents that may be filed under seal without filing a motion to seal. Subsection (c) lists the types of documents that: (1) *must* be filed under seal and that will remain sealed; and (2) *may* be filed under seal and that will be unsealed 7 days after the order for judgment and conviction or judgment of acquittal is entered.

Any document not listed in subsection (c) requires a motion to seal. Subsection (d) outlines the requirements for filing a document under seal that requires a motion to seal. The filing party must temporarily file the document under seal and simultaneously file a motion to seal. If the motion to seal is granted, the document may remain sealed until the date specified in the court order. If the court denies the motion to seal, the filing party may withdraw the temporarily sealed document by filing a notice with the clerk. A withdrawn document is not part of the record and will not be considered by the court unless it is refiled as a public document. If the document is not withdrawn 7 days after the motion to seal is denied, the temporarily sealed document will be unsealed and become part of the record.

Subsection (d) specifies the duties of the United States Attorney and the Clerk when a multi-defendant indictment is filed under seal. And subsection (f) details how to move to extend the duration of the sealing of a document.

LR 83.5 Bar Admission

The proposed amendment specifies that attorneys may appear or participate in a trial or hearing as permitted under Fed. R. Civ. P. 45(f).

LR 83.6 Attorney Discipline

The proposed amendments to LR 83.6 reorganize and clarify many of the current rule's provisions. The amendments specify the rights of an attorney who is the subject of court-initiated disciplinary proceedings or who seeks reinstatement to the court's bar. The amendments also more clearly explain the role of investigatory and disciplinary counsel in disciplinary and reinstatement proceedings. The amendments also provide new authority to the chief judge to temporarily suspend or restrict an attorney's right to practice when the chief judge finds probable cause to believe that the attorney has committed misconduct and finds that the attorney poses an immediate threat of serious harm to the public, to any person, or to the administration of justice.

These Court's Federal Practice Committee (chaired by Becky Thorson) recommended that public comment be solicited on these proposed amendments. The proposed amendments are posted by the Court for public review and comment through April 14, 2014. Comments should be provided in writing to the Clerk of Court at the address above, or by e-mail to MnFedRules@mnd.uscourts.gov. The Court will consider adoption of the proposed amendments after reviewing any comments or suggestions submitted on or before April 14, 2014.