



# UNITED STATES DISTRICT COURT District of Minnesota

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## PUBLIC NOTICE

**Date: July 18, 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](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 LR 7.2, Procedures in Social Security Cases, and proposes a new LR 12.1, Criminal Discovery and Pretrial Motions. A summary of the proposed amendments is provided below.

#### *LR 7.2 Procedures in Social Security Cases*

The proposed amendments add a new subsection (a), which requires that social security cases be initially assigned to only a magistrate judge. Under the proposed process, the court presumes that a party consents to disposition by a magistrate judge unless a party withdraws its consent on or before the date that the answer must be filed. If a timely notice withdrawing consent to disposition by the magistrate judge is filed, the case will be randomly assigned to a district judge and will remain assigned to the magistrate judge to conduct the proceedings as directed by the district judge. The proposed amendments are intended to reduce structural delays in arriving at a final disposition in social security cases. The proposed amendments also delete subsection (d)(2) for providing unnecessary instructions for filing fee petitions.

## *New LR 12.1 Criminal Discovery and Pretrial Motions*

Proposed new LR 12.1 was originally posted for public comment in March 2013. After taking the public's concerns into consideration, the Court now reissues a revised LR 12.1 for public comment.

Proposed LR 12.1 imposes several changes to criminal pretrial practice. The proposed rule is intended to encourage early and comprehensive disclosures in criminal cases and an ongoing exchange of information between the parties, particularly as to discovery and suppression issues to be addressed at a hearing. The deadlines in the proposed rule are all based from the date of the defendant's arraignment.

- 12.1(a) Discovery.
  - Requires the government to fulfill its discovery obligations within 7 days after the arraignment.
  - Requires the defendant to fulfill his or her discovery obligations within 14 days after the arraignment.
- 12.1(b) Requirement to Confer.
  - Requires the moving party to confer with the responding party before filing a motion under Fed. R. Crim. P. 12(b).
  - Instructs the parties to attempt in good faith to clarify and narrow the issues in dispute at the conference.
- 12.1(c) Pretrial Motions.
  - Requires that Fed. R. Crim. P. 12(b) motions be filed within 21 days after arraignment.
  - Instructs that motions to suppress evidence must identify that evidence and the nature of the challenge.
  - Requires that responses to Rule 12(b) motions be filed within 35 days after the arraignment.
  - Instructs that a party who intends to call witnesses at the hearing must file a notice of intent to call witnesses within 35 days after the arraignment. The notice must identify the number of witnesses the party intends to call and the estimated duration of each witness's testimony.
  - Instructs that if another party intends to call witnesses at the hearing, the party must file a responsive notice within 38 days after the arraignment. The responsive notice must identify the number of witnesses the party intends to call and the estimated duration of each witness's testimony.
  - States that a defendant is not required to declare in advance of the hearing whether he or she will testify at the hearing.
- 12.1(d) Motion Hearing.
  - States that the motion hearing will be scheduled no earlier than 42 days after the arraignment.
- 12.1(e) Modification of Schedule.

- States that the court may modify the requirements of the rule for good cause.

The 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 August 18, 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](mailto:MnFedRules@mnd.uscourts.gov). The Court will consider adoption of the proposed amendments after reviewing any comments or suggestions submitted on or before August 18, 2014.