

UNITED STATES DISTRICT COURT DISTRICT OF CONNECTICUT

NOTICE REGARDING LOCAL RULES

(1) Proposed revisions to the following Local Rules have been posted on the USDC website:

- **Local Civil Rule 40 – Assignments**
- **Local Civil Rule 83.10(g)(5) – Civil Pro Bono Panel**

(2) The proposed new Local Rule is posted on the USDC website:

- **Local Criminal Rule 58.1 - Forfeiture of Collateral in Lieu of Appearance in Petty Offense Matters**

The Rules can be reviewed in their entirety at:

www.ctd.uscourts.gov

Comments from members of the Bar are welcomed by the Court and should be directed to:

Robin D. Tabora, Clerk
141 Church Street, New Haven, CT 06510

or sent by email to:

commentstotheclerkofcourt@ctd.uscourts.gov

To be considered, comments must be received by June 13, 2014.

RULE 40

ASSIGNMENTS

~~(Amended February 7, 2014)~~

(a) Place of Assignment of Cases.

The place of assignment of a case will be determined by the Court in accordance with a general policy on assignments adopted from time to time by the active Judges of the Court in the interest of the effective administration of justice.

(b) Individual Calendar System.

(1) All cases will be assigned to a single Judge from filing to termination. In the event that it is subsequently determined that there is pending in this District a related case, or, if one is later filed, such case should normally be transferred to the Judge having the earliest filed case. A case may be reassigned at the discretion of the Chief Judge.

(2) When a civil case is filed or removed, the party filing or removing shall file a Notice of Related Case disclosing the case caption, case number, and presiding judge of all cases that may be related. Such notice must be filed in all cases in which relatedness is suggested.

~~(23)~~ Personnel of the Clerk's office shall not reveal to any person other than a Judge or the Clerk of this Court the order of assignment of cases or the identity of the Judge to be assigned a particular case, until after the case is filed and assigned.

~~(34)~~ All cases transferred to this Court as multidistrict litigation, pursuant to the provisions of 28 U.S.C. § 1407, shall be assigned to a designated Judge.

(c) Assignment to Judge upon Remand

Whenever an appellate Court has remanded a matter to the District Court, and further proceedings not requiring the trial of an issue of fact are appropriate, an application with reference thereto, whether made upon the motion calendar or otherwise, shall be referred for such further proceedings to the Judge who heard the matter below unless the Chief Judge or the appellate Court otherwise directs.

RULE 83.10

CIVIL PRO BONO PANEL

(g) Compensation for Services

5. A fund shall be kept by the Clerk for the purpose of funding expenses that a party is unable to meet, in whole or in part. This fund shall consist of a portion of the fees collected in connection with applications for admission to the Bar of this Court and motions for admission pro hac vice. The presiding judge Clerk shall review all applications of appointed attorneys for advance approval of part or all of a litigation expense and decide whether to authorize the expense and provide for payment from the fund. ~~An appointed attorney may request the presiding Judge to review the Clerk's decision.~~ If the party is subsequently reimbursed for or recovers an expense that had been funded in whole or in part from the Clerk's fund, the party shall be required to reimburse the fund.

PROPOSED LOCAL CRIMINAL RULE 58.1

FORFEITURE OF COLLATERAL IN LIEU OF APPEARANCE IN PETTY OFFENSE MATTERS

(a) Pursuant to Federal Rule of Criminal Procedure 58(d)(1), this Local Criminal Rule 58.1 incorporates the rules of this Court relative to forfeiture of collateral in lieu of appearance in petty offense matters.

For petty offenses originating under the applicable federal statute or regulations or applicable state statute by virtue of the Assimilative Crimes Act, 18 U.S.C. § 13, occurring within the boundaries of United States military installations, federal buildings and grounds, national forests, and property under the charge and control of the Veterans Administration, the person so charged shall post collateral and may, in lieu of appearance, waive appearance before a United States Magistrate Judge, and consent to the forfeiture of collateral. If collateral is forfeited, such action shall be tantamount to a finding of guilt.

(b) If a person charged with a petty offense under subparagraph (a) fails to post and forfeit collateral and is subsequently convicted, any punishment, including fine, imprisonment, or probation may be imposed within the limits established by the applicable law.

(c) If, within the discretion of the law enforcement officer, the offense is of an aggravated nature, the law enforcement officer may require a mandatory appearance before a United States Magistrate Judge of the person charged with the offense. Additionally, some petty offenses require a mandatory appearance before a United States Magistrate Judge, and as such, may not be adjudicated solely through the posting and forfeiture of collateral.

(d) Nothing in this Local Criminal Rule 58.1 shall prohibit a law enforcement officer from arresting a person for committing an offense, including those for which collateral may be posted and forfeited, and requiring the person charged to appear before a United States Magistrate Judge or, upon arrest, taking the person before a United States Magistrate Judge during a regularly scheduled business day or if at a time when the Court is closed, on the next business day thereafter.