

SEP 10 2020

C/E

From:
Sent: Wednesday, September 09, 2020 11:31 AM
To: Colleen McMahon; Denny Chin; Frank Geraci; Geoffrey Crawford; Glenn Suddaby; Jose Cabranes; Peter Hall; Raymond Lohier; Robert Katzmann; Rosemary Pooler; Roslynn Mauskopf; Stefan Underhill
Cc:
Subject: Proposed Revision to Local Rule - District of Connecticut - ACTION REQUESTED
Attachments: Clean Rules for Circuit.pdf; Redlined Rules for Circuit.pdf
Importance: High

Dear Judicial Council:

The District of Connecticut seeks Judicial Council approval for changes to six local rules and one standing order. A clean and redline version of the proposed changes are attached.

Kindly reply with your vote by September 16.

Thank you



Office of the Circuit Executive
Thurgood Marshall U.S. Courthouse
40 Foley Square, Room 2904
New York, NY 10007
(212)-857-8700

RULE 7

MOTION PROCEDURES

(Amended ~~January 18, 2017~~ August 1, 2020)

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(b) Motions for Extensions of Time

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3. All motions for extension of time shall be filed at least three (3) business days before the deadline sought to be extended, except in cases in which compelling circumstances warranting an extension arise during the three days before the deadline. Any motion for extension of time filed fewer than three business days before the deadline sought to be extended shall, in addition to satisfying all other requirements of this Rule, set forth reasons why the motion was not filed at least three business days before the deadline in question.

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RULE 7
MOTION PROCEDURES

(Amended July , 2020)

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(d) Reply Memoranda

Reply memoranda are not required and the absence of a reply memorandum will not prejudice the moving party. Any reply memorandum, including cases brought under 28 U.S.C. § 2254 and 28 U.S.C. § 2255, must be filed within fourteen (14) days of the filing of the responsive memorandum to which reply is being made, as computed under Fed.R.Civ.P. 6. A reply memorandum may not exceed 10 pages. A reply memorandum must be strictly confined to a discussion of matters raised by, and must contain references to the pages of, the memorandum to which it replies. No sur-replies may be filed without permission of the Court, which may, in its discretion, grant permission upon a showing of good cause.

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RULE 83.1

ADMISSION OF ATTORNEYS

(Amended ~~June 1, 2020~~December 1, 2020)

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(b) Procedure for Admission

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When a hearing is held on a petition, a member of the Bar of this District shall move the admission of the petitioner. The petitioner shall take an oath in open Court to support the Constitution and laws of the United States of America, and to discharge faithfully his duties as an attorney according to the law and the recognized standards of ethics of the profession. Under the direction of the Clerk, the newly admitted attorney shall sign the Roll of Attorneys and pay the fee required by law. Additionally, he or she shall pay a fee of \$~~44.00~~52.00, which shall be placed ~~by the Clerk~~ in a fund maintained by the Clerk to be used for expenses incurred pursuant to Rule 83.2 of these Local Rules of Civil Procedure~~the Plan for the Administration of the Non-Appropriated Fund.~~

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RULE 83.1

ADMISSION OF ATTORNEYS

(Amended ~~June 1, 2020~~August 1, 2020)

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(d) Visiting Attorneys

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(3) Each such motion filed on behalf of an attorney shall be accompanied by payment to the Clerk of this Court of a fee of \$200.00, which shall be placed in a fund maintained by the Clerk pursuant to be used for expenses incurred pursuant to Rule 83.2 of these Local Rules the Plan for the Administration of the Non-Appropriated Fund.

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LOCAL RULES FOR MAGISTRATE JUDGES

RULE 72.1

GENERAL JURISDICTION AND DUTIES OF MAGISTRATE JUDGES

(Amended August ____, 2020)

The following general jurisdiction and duties shall be exercised by each Magistrate Judge appointed by the Court:

(A) The Magistrate Judge shall have jurisdiction over the entire District, with such official station as is fixed by the order of appointment.

(B) The Magistrate Judge shall perform all duties authorized by 28 U.S.C. Section 636(a), including, but not limited to, the exercise of all powers and duties previously conferred or imposed upon United States Commissioners, and may also conduct extradition proceedings, and exercise misdemeanor trial and sentencing jurisdiction under 18 U.S.C. Section 3401.

(C) The Magistrate Judge shall have authority to assist the Judges of this Court in the conduct of civil and criminal proceedings in all respects contemplated by 28 U.S.C. Section 636(b)–(c), including, but not limited to, exercise of the following duties:

(1) The review and any necessary hearing of, and issuance of recommended decision on, any motion for injunctive relief, to suppress evidence, to permit or to refuse class action maintenance, to dismiss or for summary judgment, or any other similar application in civil or criminal cases potentially dispositive of a claim or defense;

~~(1)~~(2) The review, any necessary hearing, and determination of nondispositive motions, including, but not limited to, those relating to discovery and other matters of procedure;

~~(2)~~(3) The review and any necessary hearing of, and issuance of recommended decision on, any prisoner petitions challenging conditions of confinement and any applications for post-conviction relief, such review process to the extent pertinent to include also the issuance of preliminary orders and the conduct of incidental proceedings;

~~(3)~~(4) The conduct of pretrial conferences; and

~~(4)~~(5) Service as a special master in any appropriate proceedings on order of reference, and a special master reference may be made by consent of the parties without regard to the limiting provisions of Rule 53(b), Fed.R.Civ.P.; trial or other disposition of a civil case by the Magistrate Judge on consent of the parties is further expressly authorized in accordance with 28 U.S.C. Section 636(c) and L.R. 73 infra.

(D) The Magistrate Judge shall have authority to perform such additional miscellaneous duties as are contemplated by the laws of the United States, rules of procedure governing District Courts, and local court rules and plans, and may also be assigned such other additional duties, not inconsistent with the Constitution and laws of the United States, as the Court may hereafter require.

RULE 50

ASSIGNMENTS

(Amended ~~February 7, 2014~~August 1, 2020)

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(b) Individual Calendar System

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, the later filed ~~such~~ case should normally be transferred to the Judge having the earliest filed case. -A supervised release matter, however, shall not be treated as a pending case for purposes of this rule; generally, a supervised release proceeding involving the same defendant should be transferred to the judge assigned the later filed indictment. A case may be reassigned at the discretion of the Chief Judge.

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CRIMINAL APPENDIX

STANDING ORDER ON DISCOVERY

(Amended ~~May 24, 2017~~ August , 2020)

In all criminal cases, it is Ordered:

(A) Initial Disclosure by the Government.

No later than 14 days after the arraignment, the attorney for the government and the defendant's attorney must confer and try to agree on a timetable and procedures for pretrial disclosure under Rule 16. After the discovery conference, one or both of the parties may ask the court to determine or modify the time, place, manner, or other aspects of disclosure to facilitate preparation for trial.

If any agreement is reached, this agreement shall be reduced to writing and filed with the Court by the government within 3 days of reaching the agreement.

(1) Information subject to disclosure.

Within 14 days after the arraignment, or within the period established by the discovery conference or otherwise established by the court, the attorney for the government shall furnish to defense counsel copies, or allow defense counsel to inspect or listen to and record items which are impractical to copy, of the following items within the government's possession, custody, or control, the existence of which is known or by the exercise of due diligence could be known to the attorney for the government:

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(G) Protected Discovery Material.

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(2) Custody of Protected Discovery Material. Unless otherwise authorized by the Court or the party producing discovery, and except for materials that were obtained from or belong to the party receiving discovery, counsel shall not provide copies of any Protected Discovery Material to any persons, except that defense counsel may provide copies to persons employed by defense counsel in connection with the investigation or defense of the case, and the government may provide copies to law enforcement agents or persons employed by government counsel in connection with the investigation and prosecution of the case. In addition, any person receiving material under this provision from defense counsel or the government shall not provide copies of this Protected Discovery Material to any person.

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