

**NOTICE  
REGARDING  
RULE CHANGES  
EFFECTIVE 12/01/03**

The attached table summarizes the changes that have been adopted by the Court since the Rules of Practice were last published on September 15, 1999.

<u>1999 Local Rule Number</u>	<u>Overview/Explanation</u>
1.2(a)	Amendment. Eliminates inconsistent/duplicative language. A Notice of Service of the disclosures and discovery requests and responses listed in FRCP Rule 5(d) must be filed within a reasonable time after service of such papers.
1.2(c)	Amendment. With the exception of defense counsel, requires any officer of the court who determines that new charge has been filed against defendant under Federal Court supervision to immediately notify presiding judge in the new case.
1.3	Amendment. The Federal Records Center will not accept sealed records without attendant expiration date. Unless ordered by Court, sealed records are eligible for destruction after 23 years from entry of final judgment/disposition if no trial commenced; eligible for unsealing after 23 years if case terminated during or after trial. Excepts sexual abuse cases and juvenile cases.
1.4(b)	Amendment. Revised language properly acknowledges new Courthouse names. Removes reference to Bankruptcy Court, as it no longer occupies any space in the Courthouse.
1.4(f)	Amendment. Expands on the use of electronic equipment in courtroom that is disruptive to proceedings.
1.5(b)(4)	Amendment; technical. Replace reference to Local Rule 1.15 with appropriate reference to 1.14.

1.5(d)	Deletion. Changes of Name, Affiliation, Address -- is deleted, and remaining 1.5(e) and (f) are renumbered 1.5(d) and (e).
1.7(d)	Amendment, Deletion and Renumbering. Requires unrepresented parties and attorneys to timely notify the Court of changes in name, address, and/or firm name.
1.8(a); 4.1	Amendment and Deletion. Requires forty-eight (48) hours notice for any change to the Court calendars, except for trials, unless otherwise directed or scheduled by the Court. Because Local Rule 1.8(a) now applies to both civil and criminal cases, Local Rule 4.1 will be deleted and incorporated into the Rules of General Application - specifically, Local Rule 1.8.
1.9(a)	Amendment. Revised to reference a sample caption incorporated into Appendixes.
1.9(c)(1)	Amendment. Requires bulky documents to be fastened with metal prong.
1.9(c)(2)	Amendment. In civil matters, requires a separate form of order for the convenience of the Judge whenever specific relief is requested, except when the relief requested is a dismissal pursuant to FRCP 12(b) or FRCP 56, Summary Judgment.
1.9(c)(3)	Amendment and Renumbering. No proposed form of order submitted to the Court may contain information that identifies submitting party.
1.9(h)	Amendment. Emanates from recently adopted Federal Rules relating to corporate disclosure statement requirements.

1.10(n)	Amendment. Requires that a party requesting a motion to continue must state the position of all of the parties, except in civil actions in which a party is an unrepresented prisoner. If the moving party is unable to ascertain position of other party, it must be addressed in the motion to continue. Promotes communication among counsel. This information will assist the judge in deciding the motion.
1.10(p)	Amendment. Allows the Court discretion to permit a response and/or reply to motions for reconsideration or clarification. Removes reference to 1.10(f), which addresses the presumption of no oral argument on these types of motions, though a party may request it.
1.10(q)	Amendment. Requires party who moves for leave to amend to attach copy of proposed amended pleading as an exhibit to the motion. Moving party must lodge original of proposed amended pleading and may not incorporate by reference any part of preceding pleading, including exhibits. Unless Court orders otherwise, moving party must serve amended pleading within (ten) 10 days of filing date.
1.16	Amendment. Clarifies that assignment of all misdemeanors filed by indictment or information will be by automated random assignment, except for those filed in Flagstaff or Yuma. Those in Flagstaff or Yuma will be assigned directly to sitting judge.
1.17(d)(7)	Amendment. Allows Magistrate Judge to hold hearing on conditions of release violation, but would not in absence of a referral of matter by a District Judge authorize the release of a detained defendant who has pleaded guilty or who has been found guilty after trial.

1.17(d)(32)	Amendment; technical. Duplicated language is stricken.
1.17(d)(33)	Amendment. Authorizes Magistrate Judges to conduct Rule 11, F.R.Cr.P., colloquies in felony cases.
1.17(d)(35)	Amendment. Renumbering. Amended to be consistent with language in statute. Renumbered as a result of amendment to 1.17(d)(33).
2.5(a)	Amendment, Deletion, and Renumbering. No longer necessary to require propounding party to serve multiple copies to responding party. Deletion of 2.5(a)(1) and renumbering of 2.5(a)(1)-(4)
2.7(a)	Amendment and deletion. Agreements are binding only if in writing and signed or made orally and on the record in Court. The Court has discretion to reject. This provides counsel who practice in District Court guidance as to minimal requirements that the Court will expect before a disputed stipulation will be enforced by the Court. Tracks Arizona Rules of Civil Procedure Rule 80(d) language. Not binding on the trial judge if contrary to the proper exercise of the judge's discretion. See <u>Hamblen v. Hamblen</u> , 54 P.3d 371 (App. 2002).
2.23	Amendment. Clarifies that the entire record of the state court (e.g., all of the parties' pleadings) be removed to the Federal District Court.
4.1	Deletion. Because Local Rule 1.8(a) now applies to both civil and criminal cases, Local Rule 4.1 will be deleted and incorporated into the Rules of General Application - specifically, Local Rule 1.8. (See proposed amendment to 1.8(a).)

4.5	<p>Amendment. Pretrial Service Reports ("PTSR") shall be provided to both the accused and the Government along with a cover letter that states the report is not to be copied, is not a public record and its content may not be disclosed to unauthorized individuals.</p> <p>Existing Local Rule 4.5 states that the PTSR shall be "made available."</p>
4.8 (e)(2)	<p>Amendment. The initial presentence report to counsel and pro se defendant under FRCP Rule 32(e) must <u>not</u> include the Probation Officer's sentencing recommendation, while the <u>subsequent</u> report <u>must</u> include it, unless the Court directs otherwise. The existing Local Rule provides for release of presentence report exclusive of recommendations.</p>
Appendix C	<p>Amendment. See 1.9(a). Provides a sample form of title page to be used on documents presented for filing.</p>