

## **The 10 Most Frequent Violations of the Rules of Practice (“Local Rules”<sup>1</sup>)**

1. Use proper capitalization in the case caption to denote the party names. LRCiv 7.1(a)(3) (also applies in criminal cases pursuant to LRCrim 12.1 which incorporates LRCiv 7.1(a)(3))
2. Use “a fixed-pitch type size no smaller than ten (10) pitch (10 letters per inch) or proportional font size no smaller than 13 point, including any footnotes” for all pleadings, motions and other original documents. The body of all documents shall be typed double-spaced and shall not exceed 28 lines per page and shall not be single-spaced except for footnotes and indented quotations. LRCiv 7.1(b)(1). (applies in criminal cases pursuant to LRCrim 12.1)
3. Motions, responses, briefings and memoranda must not exceed 17 pages and Replies must not exceed 11 pages unless otherwise ordered in advance of filing by assigned judge for good cause shown, exclusive of attachments and required Statement of Facts. LRCiv 7.2(e)
4. For lawyers, all pleadings, motions, memoranda, or other filings shall be created via personal computer with a word processing application, e.g., Microsoft Word® or Corel WordPerfect®, then converted to portable document format (.pdf). See, LRCiv 7.1(c) and definition of “.pdf,” ECF Manual, at I(A), p. 2. (“[E]lectronic documents must be converted to .pdf directly from a word processing program (e.g., Microsoft Word® or Corel WordPerfect®) and must be text searchable.”). Such filings shall not be printed to paper and then scanned and saved as portable document format (.pdf). Documents which exist only in paper form, like exhibits or certain attachments to pleadings may, however, be scanned from a paper copy and saved in a portable document format (.pdf).
5. When filing a motion to continue or for extension of time, state the position of the other party in the motion (except in civil matters when one party is an unrepresented prisoner). “If

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<sup>1</sup> Local rules are “laws of the United States,” *United States v. Hvass*, 355 U.S. 570, 575 (1958), “have the force of law[,] are binding upon the parties and upon the court, and a departure from local rules that affects substantial rights requires reversal.” *Professional Programs Group v. Department of Commerce*, 29 F.3d 1349, 1353 (9th Cir. 1994) (internal quotation marks omitted). “A departure is justified only if the effect is so slight and unimportant that the sensible treatment is to overlook [it].” *Id.* Significantly, the district court is under an obligation to construe local rules so that they do not conflict with federal rules and statutes. *Marshall v. Gates*, 44 F.3d 722, 725 (9<sup>th</sup> Cir. 1995); Rule 83(a)(1), Fed.R.Civ.P.

the moving party's efforts to determine the position of any other party are unsuccessful, a statement to that effect must be included in the motion or stipulation." LRCiv 7.3(b)

6. When specific relief is requested in a motion, the attorney or party must lodge with the Clerk a separate proposed order except for a motion to dismiss or a motion to summary judgment pursuant to Federal Rules of Civil Procedure 12(b) or 56. LRCiv.7.1(b)(2).

7. Proposed orders must **NOT**: LRCiv.7.1(b)(3)

a. contain any information identifying the party submitting the order (leave your name and firm's info off),

b. incorporate by reference, but rather must set forth the relief requested or the terms of the parties' stipulation.

c. contain a date or signature block for proposed orders submitted electronically, and **MUST**:

d. be included as an attachment to the motion or stipulation.

e. the motion or stipulation and proposed order must be sent to the assigned judge in a separate email addressed to the appropriate judge's chambers, e.g., (anderson\_chambers@azd.uscourts.gov)

8. When consenting to a MJ or electing to proceed before a DJ, do not electronically file the consent/election form. LRCiv 3.8(a) Consent/election forms are to be filed in paper form with the Clerk's Office. LRCiv 5.5(b) (incorporates ECF Administrative Manual) (ECF Policies and Procedure Manual, II, ¶ N at p.24).

9. When a settlement conference, discovery dispute, garnishment proceeding, or any other matter is referred to a MJ by the assigned DJ, "counsel shall immediately provide a copy of any filed document relating to the referred matter to the chambers of the referred Magistrate Judge." LRCiv 40.2(d). Note: most, if not all, MJ's do not want settlement conference memoranda filed; use judge's chamber's email box.

10. Many lawyers fail to comply with the specific requirements in substituting in/out as counsel of record or moving to withdraw in a case. Key: (1) Where such application bears the written approval of the client . . . or (2) Where such application does not bear the written approval of the client. . . . LRCiv 83.3(b)

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