

Former Local Rule	Renumbered Local Rule	Note/Explanation Regarding Local Rule Amendments
LOCAL RULES OF PRACTICE RENUMBERING		<p>The Local Rules of Practice have been renumbered pursuant to 28 U.S.C. § 2071, the Federal Rules of Civil and Criminal Procedure, Rules 83 and 57, respectively, and the Judicial Conference of the United States policy. The Local Rules are renumbered to conform with federal procedural rules numbering systems. There are two (2) 'categories' of the Local Rules of Practice: (1) the Local Rules of Civil Procedure ("LRCiv") and (2) the Local Rules of Criminal Procedure ("LRCrim"). Please refer to the <i>foreword/explanatory note</i>, that precedes the table of rules. The Local Rules renumbering will be posted for public comment in the 2004-05 cycle.</p>
1.1(a)	LRCiv 5.1(a) and LRCrim 49.1	<p>The amendment eliminates the designation of specific hours during which the Office of the Clerk will be open to the public. This amendment alleviates the need to change the Local Rule in the event the Clerk's Office must modify its hours.</p>

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1.2 (c) , (d), and (e)	LRCrim 5.1 and LRCiv 3.8	The amendment deletes the term "equally" in paragraphs (c) - (e) (now LRCrim 5.1 and LRCiv 3.8), in acknowledgment of the fact that not all judges participate at equal levels in the automated assignment draw. The amendment does not disturb the requirement that the selection be random and in a manner that discourages predictability.
1.2(c)	LRCrim 5.1(a)	As amended, paragraph (c) (now LRCrim 5.1(a)) acknowledges the court's practice of randomly referring new criminal cases to a magistrate judge at the same time a district judges is assigned to the case.
1.2(e)	LRCiv 3.8(a)	As amended, paragraph (e) (now LRCiv 3.8(a)) substitutes the word "Clerk" for "Court" when referencing the entity responsible for providing the parties with a form to Consent to Proceed Before a Magistrate Judge. Further, the amendment deletes the word "District" in the first sentence of Local Rule 1.2(e) (now LRCiv 3.8(a)) , to provide clarity that there is random assignment of civil cases to all of the judges.

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1.2 (g) (1)	LRCiv 42.1(a) (1) and LRCrim 5.3	<p>The amendment eliminates problems caused in case consolidation as a result of pairing the <i>caption</i> of a lower-numbered case with a <i>number</i> assigned to a higher-numbered case, which have included misfiles and incorrect case caption/case number designations on subsequent filings. Reference to both the lowest numbered case along with the other case number(s), respectively, in each motion filed, reduces the possibility of oversight at the time of ruling. The amendment also requires a notice of filing for each case to be considered for reassignment. Finally, because a magistrate judge may preside over one or some of these cases, the word "District" is deleted where it precedes the word "Judge."</p>

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<p>Abrogation of 1.2 (i) and New Local Rule 1.2(i) relating to bankruptcy appeals pleadings</p>	<p>LRCiv 3.6</p>	<p>Local Rule 1.2(i) imposes special pleading requirements in all civil RICO cases. Recently, the Ninth Circuit published an opinion calling into question the legitimacy of such rules because they can, in certain circumstances, "require far more information from plaintiffs than is required under either Rule 8(a) or 9(b) of the Federal Rules of Civil Procedure." See <i>Wagh v. Metris Direct, Inc.</i>, 2003 WL 22519429 (9th Cir. Nov. 7, 2003). This case supports the abrogation of Local Rule 1.2(i).</p> <p>The new Local Rule (LRCiv 3.6) limits bankruptcy appeals opening and response briefs to seventeen (17) pages and reply briefs to eleven (11) pages, except upon leave of court. Appeals either are to the Bankruptcy Appellate Panel or directly to the US District Court. There is a 30-page limit on briefs to the Appellate Panel (Rule 8010(c)-1, Rules of the US Bankruptcy Appellate Panel), while appeals to the US District Court permit a higher page limit, 50 pages (Bankruptcy Rule 8010(c), 11 USCA). The Advisory Committee Note to Rule 8010(c) states that the rule is derived from the Federal Rules</p>

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		of Appellate Procedure ("F R App P"). The reference, however, is to an obsolete F R App P rule. F R App P since have been amended to limit pages on appeal to the US Court of Appeals for the Ninth Circuit to 30 pages. See Fed R App P 32(a)(7)(A). Rule 8010(c) allows the District Court or Bankruptcy Panel to adopt a local rule concerning page limits.
1.4	LRCiv 43.1; LRCrim 53.1 and 57.9	The Local Rule is amended to properly reference the restrictions and exemptions with regard to the use of technology in courtrooms, courthouse environs, and interiors of offices within the courthouses. "Environs" has been clarified and expanded to include the courthouses occupied by the U.S. Bankruptcy Court in Phoenix and Tucson.
1.5(a)	LRCiv 83.1(a) and LRCrim 57.12	The amendment substitutes the attorney's principal office address and <i>city and state</i> of residence in place of his or her residential address. This proposal is meant to address safety concerns of keeping home addresses private, while giving the Court and Bar the ability to contact the attorney if a circumstance arises when it is necessary.

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1.5(b) (3)	LRCiv 83.1(b) (3) and LRCrim 57.12	This amendment substitutes the pro hac vice attorney's principal office address in place of his or her residential address, due to safety concerns. The proposal also requires the attorney to provide his or her telephone number, facsimile number and electronic mailing address, if any. Further, this amendment requires a current certificate of good standing from another federal court accompany any pro hac vice application.
1.7(c) (1) & (2)	LRCiv 83.3(c) (1) & (2) and LRCrim 57.14	The amendment adds language, in the form of a new subpart (c) (1), affirming that persons appearing without an attorney are bound by the Local Rules, and reference elsewhere in the Rules to 'attorney' or 'counsel' applies to parties appearing without an attorney unless the context requires otherwise. The amendment changes paragraph (c) to paragraph (c) (2) (now LRCiv 83.3(c) (2)) and amends the language of the subsection's heading to clarify the Rule's application to those parties who are represented by an attorney.

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1.9(a)(1)	LRCiv 7.1(a)(1) and LRCrim 12.1	The amendment permits the attorney to optionally include additional contact information on the title page of documents being presented to the Court.
1.9(a)(3)	LRCiv 7.1(a)(3) and LRCrim 12.1	The amendment requires all parties to be nominated in the caption of pleadings and separated by a semicolon; and in "other papers," it is sufficient to state the name of the first party on each side with an appropriate indication of the other parties as provided in Federal Rules of Civil Procedure, Rule 10. The amendment also requires that consolidated cases identify the "lead" case as well as the "affected" case numbers.
Abrogation of 1.9(d)	n/a - Local Rule abrogation	The subject of Local Rule 1.9(d), the filing of amended pleadings, is addressed by the amendment contained within LRCiv 15.1(a)(1).

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1.10 (f)	LRCiv 7.2 (f)	The amendment requires that a party desiring oral argument on any motion must request the same below the title of the motion or response.
Abrogation of 1.10 (h)	n/a - Local Rule abrogation	The amendment eliminates entirely Local Rule 1.10 (h), "Submitted Motions," in light of LRCiv 7.2 (f) (Oral Arguments).
1.10 (j)	LRCiv 7.2 (j) and LRCrim 12.1	The amendment narrows the application of the Local Rule requiring certification of personal consultation to resolve disputes in criminal proceedings, to discovery motions only.
1.10 (q) (1)	LRCiv 15.1 (a) (1)	The amendment requires the party filing an amended pleading to distinguish the amended language through the use of bracketing/striking out and underlining text.

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1.12 (b), (c) & (f)	LRCiv 71A.1 (b) & (c)	<p>The goal of this amendment is to simplify and condense the Local Rule's language, which is intended to provide for a Master File in which a declaration of taking that applies to multiple tracts may be filed. The amendment also removes the word "District" when specifying that the declaration of taking in a land condemnation proceeding shall be assigned to a judge. Because magistrate judges are eligible to receive and in fact do receive these types of cases under the 25% Magistrate Assignment Program, it is inappropriate to limit these assignments to district judges. The amendment also corrects the reference to Local Rule 1.2(d) (now LRCiv 5.1(b)) to accurately reference Local Rule 1.2(e) (now LRCiv 3.8(a)).</p>
1.13	LRCiv 67.1	<p>The amendment reflects changes necessary to conform with General Order 98-63. The amendment sets forth the current practice governing deposits into the registry of the Court in all civil actions. The proposal conforms to language used throughout the judiciary by courts using the "Court Registry Investment System" (CRIS).</p>

Former Local Rule	Renumbered Local Rule	Note/Explanation Regarding Local Rule Amendments
1.16(a)	LRCrim 58.1(a)	<p>The Local Rule is amended to conform with jurisdictional statutes. Prior to its amendment, the final sentence of Local Rule 1.16(a) (now LRCrim 58.1(a)) suggested that a defendant's consent is required for a magistrate judge jurisdiction over Class B and C misdemeanor prosecutions, which is not in accord with 18 U.S.C. § 3401(b). § 3401(b) requires consent for Class A misdemeanors, as follows: "[A]ll misdemeanor cases filed by indictment or information shall be assigned to a full-time magistrate judge who shall proceed in accordance with 18 U.S.C. [§] 3401 and the Rules of Procedure for the Trial of Misdemeanors Before United States Magistrate Judges." The inconsistent language of the Local Rule was promulgated at a time when consent was required for petty offenses. By inserting the amended language, "In the case of a Class A misdemeanor" at the beginning of the final sentence, the Local Rule is consistent with federal statute.</p>

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1.21	LRCiv 83.6 and LRCrim 57.17	The amendment provides for any district or magistrate judge to suspend the Local Rules upon application. The language allows such suspension also upon the court's own motion.
2.3	LRCiv 5.3	The amendment removes the reference to "District" Judges to remedy 28 U.S.C. § 2284, which governs the practice of three-judge courts. 28 U.S.C. § 2284 requires at least one judge be a circuit judge. The amendment modifies the Local Rule in order to remedy conflicts identified by the National Standing Rules Committee's Review of Local Rules to assure conformity with National Rules and Federal Statutes Pursuant to 28 U.S.C. § 2071.

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2.4	LRCiv 24.1	The amendment is meant to clarify the Local Rule's consistency with Rule 24 of the Federal Rules of Civil Procedure and 28 U.S.C. § 2403; and to affirm that it will not affect any constitutional rights timely asserted. The amendment modifies the Local Rule in order to remedy conflicts identified by the Judicial Conference Committee on Rules of Practice and Procedures as a result of their review of Local Rules to assure conformity with National Rules and Federal Statutes Pursuant to 28 U.S.C. § 2071.
2.11	LRCiv 83.10	The Local Rule, which was titled "Arbitration", is abrogated in its entirety and replaced with LRCiv 83.10 (Dispute Resolution). The amendment modifies the Local Rule in order to remedy conflicts identified by the Judicial Conference Committee on Rules of Practice and Procedures as a result of their review of Local Rules to assure conformity with National Rules and Federal Statutes Pursuant to 28 U.S.C. § 2071.

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2.12(b)(1)(C) & (b)(4)(C)	n/a - Local Rule abrogation	<p>The amendment eliminates the subsections relating to Expedited- and Standard-Track Differentiated Case Management. Former Local Rules 2.12(b)(1)(C) ("Expedited Track") and 2.12(b)(4)(C) ("Standard Track") have slightly different presumptive limits on discovery. Prior to its amendment, these Local Rules were in conflict with Rules 26(b)(2), 30(a), 31(a), and 33(a) of the Federal Rules of Civil Procedure, as they were amended <i>subsequent</i> to the Local Rules enactment. Moreover, it is thought to be confusing to the practitioner to have three different sets of presumptive limits for the number of interrogatories and depositions.</p> <p>The amendment also eliminates the reference to "Arbitration" in subsection (b)(3)(A), and eliminates the paragraph regarding Arbitration (former LR 2.12(b)(2)), in light of abrogation of former Local Rule 2.11 (<u>see</u> LRCiv 83.10).</p>

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2.19(a) & (b)	LRCiv 54.1(a) & (b)	The amendment eliminates, in subsection (a), the requirement that a notice of application, containing a date for the taxation, be filed along with the Bill of Costs. Costs are almost always taxed on the papers and without hearing. The need to secure a date for taxation from the Clerk typically results in confusion for the filer and unnecessary inquiries to the Clerk's Office. Next, the amendment to subsection (b) now establishes a date certain by which the parties can expect to have costs taxed. The goal of the amendment is greater efficiency and less confusion for all concerned.
2.21	LRCiv 65.1.2	The amendment reflects change to federal statute. Prior to its amendment, Local Rule 2.21 (now LRCiv 65.1.2) referred to 6 U.S.C. § 15, which was repealed in 1982 and now is addressed in 31 U.S.C. § 9303.

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3.1(a) & (b)	LRCiv 3.4(a) & (b)	The amendment replaces the term "prisoner" with "incarcerated persons." The term "prisoner" as defined in 28 U.S.C. §§ 1915(h) and 1915A(c) and in 42 U.S.C. § 1997e(h), does not include alien detainees. See <i>Agyeman v. INS</i> , 296 F.3d 871, 886 (9th Cir.2002) ("the filing fee requirements of the PLRA [Prison Litigation Reform Act] do not apply to an alien detainee proceeding in forma pauperis"). Although the PLRA does not apply to these detainees, the Court has found that requiring them to comply with the Local Rule 3.1(a) court-approved form requirement (now LRCiv 3.4(a)) is helpful to both the parties and the Court.
4.6(e)	LRCrim 46.1(d)	The amendment adds those defendants who self-surrender to report to pretrial services office and to follow rules and regulations.

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4.11(a) & (b)	LRCrim 16.1(a) & (b)	The amendment removes the time requirement of the prosecutor's written notice of written and oral confessions 15 days prior to trial, and requirement of defense counsel's filing of objections at least ten days prior to trial. Paragraph (a) provides that notice by the U.S. Attorney shall be consistent with Federal Rules of Criminal Procedure, Rule 16(a)(1).
Abrogation of 4.12	n/a - Local Rule abrogation	In light of the language of Federal Rules of Criminal Procedure Rule 12.2, this Local Rule is abrogated.
Abrogation of 4.14	n/a - Local Rule abrogation	This Local Rule is abrogated, and replaced by LRCrim 16.4. The Local Rules amendment abrogating Local Rule 4.14 will be posted for public comment in the 2004-05 cycle.

Former Local Rule	Renumbered Local Rule	Note/Explanation Regarding Local Rule Amendments
New Local Rule with application to criminal proceedings	LRCrim 16.4	LRCrim 16.4 addresses complex cases. It sets forth the procedure for designation of complex cases, and discovery and motions orders. When a case is designated complex within the meaning of 18 U.S.C. § 3161(h)(8)(B)(ii), counsel must confer in good faith to determine the scope of discovery; if the parties are unable to agree, the party seeking to enforce its rights must submit a motion, accordingly, along with a certifying statement of its attempt to confer.
Appendix C	Appendix C	The amendments to Appendix C are to conform with the amendment to Local Rule 1.9(a)(1) (now LRCiv 7.1).