

Proposed Local Rule Amendment	Summary of Proposed Amendments
1.1 (a)	The proposed 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.
1.2 (c) , (d), and (e)	The proposed amendment deletes the term "equally" in subparts (c) - (e), 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. (Applies to sub-parts (c), (d), and (e)).
1.2(c)	As amended, subpart (c) 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)	As amended, subpart (e) 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 proposed amendment deletes the word "District" in the first sentence of Local Rule1.2(e), to provide clarity that there is random assignment of civil cases to all of the judges.
1.2 (g)(1)	The proposed 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 proposed 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 proposed to be deleted where preceding the word "Judge."

<p>Proposed Abrogation of 1.2 (i) and Proposed New Local Rule 1.2(i) relating to bankruptcy appeals pleadings</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." (<i>See Wagh v. Metris Direct, Inc.</i>, 2003 WL 22519429 (9th Cir. Nov. 7, 2003)). In light of this case, Local Rule 1.2(i) is proposed to be deleted. The proposed Local Rule Title reflects proposed deletion of this subsection of Local Rule 1.2.</p> <p>The proposed new Local Rule 1.2(i) limits bankruptcy appeals opening and response briefs to seventeen (17) pages and reply briefs to eleven (11) pages, except upon leave of court. Appeals are either 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 of Appellate Procedure ("F R App P"). The reference, however, is to an obsolete rule of F R App P. 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.</p>
<p>1.5(a)</p>	<p>The proposed 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 both safety concerns of keeping home addresses private, while giving the Court and Bar the ability to contact the attorney if a circumstance arises where this is necessary.</p>
<p>1.5(b)(3)</p>	<p>This proposed amendment substitutes the pro hac vice attorney's principal office address in place of his or her residential address, to address safety concerns. The proposal also requires the attorney to provide his or her telephone number, facsimile number and electronic mailing address, if any.</p>
<p>1.7(c)(1) & (2)</p>	<p>The proposed 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 proposed amendment renumbers 1.7(c) as 1.7(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.</p>
<p>1.9(a)(1)</p>	<p>The proposed amendment permits the attorney to optionally include additional contact information on the title page of documents being presented to the Court.</p>

1.9(a)(3)	The proposed 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 proposed amendment also requires that consolidated cases identify the "lead" case as well as the "affected" case numbers.
1.9(c)(1)	The proposed amendment requires genuine signatures, as opposed to stamped or facsimile signatures, on the original of every pleading, motion or paper filed.
Proposed Abrogation of 1.9 (d)	The proposed amendment abrogates 1.9(d) completely. The subject of 1.9(d), the filing of amended pleadings, is addressed by the proposed amendment contained within Rule 1.10, numbered as proposed Local Rule 1.10(q)(1).
1.10(f)	The proposed language provides that a party desiring oral argument on any motion must request the same below the title of the motion or response.
Proposed Abrogation of 1.10(h)	The proposed amendment deletes entirely Local Rule 1.10(h), "Submitted Motions," in light of proposed Rule 1.10(f). The proposed amendment triggers the renumbering of subsections 1.10(i) - 1.10(q), accordingly.
1.10(j)	The proposed amendment narrows the application of the Rule requiring certification of personal consultation to resolve disputes in criminal proceedings to discovery motions only.
1.10(q)(1)	The proposed amendment requires the party filing an amended pleading to distinguish the amended language through the use of bracketing/striking out and underlining text.
1.12(b), (c) & (f)	The goal of this proposed amendment is to condense and simplify its 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 proposed 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 proposed amendment also corrects the reference to Rule 1.2(d) to accurately reference Rule 1.2(e).
1.13	The proposed amendment almost completely replaces the existing rule, which is outdated and essentially superseded by General Order 98-63. The proposed 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).

1.16(a)	<p>The existing Rule appears to conflict with the jurisdictional statute. The final sentence of 1.16(a) suggests that a defendant's consent is required for Magistrate Judge jurisdiction over Class B and C misdemeanor prosecutions, which is not in accord with 18 USC 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 USC [§] 3401 and the Rules of Procedure for the Trial of Misdemeanors Before United States Magistrate Judges." The inconsistent language of Rule 1.16(a) was promulgated at a time when consent was required for petty offenses.</p> <p>By inserting the proposed amendment language, "In the case of a Class A misdemeanor" at the beginning of the final sentence of subsection (a), the Rule will be consistent with federal statute.</p>
1.21	<p>The proposed amendment provides for any district or magistrate judge to suspend the Local Rules upon application. The proposed language allows such suspension also upon the court's own motion.</p>
2.3	<p>The proposed amendment removes the reference to "District" Judges to conform with 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 proposed amendment modifies the Local Rule to conform with conflicts identified by the National Standing Rules Committee's Review of Local Rules to Assure Conformity with National Rules of Federal Statutes Pursuant to 28 U.S.C. § 2071.</p>
2.4	<p>The proposed amendment is meant to clarify the existing Rule's consistency with Federal Rule of Civil Procedure 24 and 28 U.S.C. § 2403; and to affirm that it will not affect any constitutional rights timely asserted. The proposed amendment modifies the Rule to conform with 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 of federal statutes pursuant to 28 U.S.C. § 2071.</p>
2.12(b)	<p>The proposed amendment abrogates the subsections relating to Expedited- and Standard-Track Differentiated Case Management. Currently Local Rule 2.12(b)(1)(C) ("Expedited Track") and Local Rule 2.12(b)(4)(C) ("Standard Track") have slightly different presumptive limits on discovery. The existing Local Rules 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>

2.19(a) & (b)	The proposed 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 proposed amendment to subsection (b) now establishes a date certain by which the parties can expect to have costs taxed. The goal of the proposed amendment is greater efficiency and less confusion for all concerned.
2.21	Current Local Rule 2.21 refers to 6 U.S.C. § 15, which was repealed in 1982 and now is addressed in 31 U.S.C. § 9303. The proposed amendment reflects this change in federal statute.
3.1(a) & (b)	The proposed 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. <i>See 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 is helpful to both the parties and the Court. The proposed amendment also triggers substitution of "Prisoner" with "incarcerated persons" in the title of the Rule itself (Rule 3).
4.6(e)	The proposed amendment modifies the existing Rule by adding those defendants who self-surrender to report to pretrial services office and to follow rules and regulations.
4.11(a) & (b)	The proposed 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. The proposed amendment provides for a hearing only upon the defendant's showing of specific facts by affidavit or otherwise that there is a genuine issue. Proposed Local Rule 4.11(a) provides that notice by the U.S. Attorney shall be consistent with Federal Rules of Criminal Procedure, Rule 16(a)(1).
Proposed Abrogation of 4.12	In light of the language of Federal Rules of Criminal Procedure Rule 12.2, the proposed amendment will abrogate Rule 4.12.
A proposed new rule (4.14) with application to criminal proceedings	The proposed amendment concerns 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 USC § 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	The proposed amendment to Appendix C is to conform with the proposed amendment to Local Rule 1.9(a)(1).
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