

Title I. Scope of Rules; Form of Action

F.R.Civ.P. 1. Scope and Purpose

LRCiv 1.1

COURT CALENDAR MANAGEMENT

(a) Non-Trial Additions/Deletions to Calendars By Counsel or Unrepresented Parties. Any additions or deletions to the Court calendars other than for trials shall require two business days' notice unless otherwise directed or scheduled by the Court.

(b) Notice of Conflict. Upon learning of a scheduling conflict between different courts within the District of Arizona, or between the United States District Court and the Arizona State Courts, counsel has a duty to promptly notify the Judges involved in order that the conflict may be resolved. Such notice shall be in writing, with a copy provided to all counsel and conflicted courts.

(c) Inter-Division Conflicts. Conflicts in scheduling between divisions of this Court may be governed by local rule or general order.

(d) Resolution of Conflicts. Upon being advised of a scheduling conflict, the Judges involved shall, if necessary, confer personally or by telephone in an effort to resolve the conflict. While neither the United States District Court nor any Arizona Court has priority in scheduling, the following factors should be considered in resolving the conflict:

- (1) The nature of the cases as civil or criminal, and the presence of any speedy trial problems;
- (2) the length, urgency, or relative importance of the matters;
- (3) a case which involves out-of-town witnesses, parties or counsel;
- (4) the age of the cases;
- (5) the matter which was set first;
- (6) any priority granted by rule or statute;
- (7) any other pertinent factor.

LRCiv 7.2
MOTIONS¹

(i) **Briefs or Memoranda of Law; Effect of Non-Compliance.** If a motion does not conform in all substantial respects with the requirements of this Local Rule, or if the unrepresented party or counsel does not serve and file the required answering memoranda, or if the unrepresented party or counsel fails to appear at the time and place assigned for oral argument, such non-compliance may be deemed a consent to the denial or granting of the motion and the Court may dispose of the motion summarily.

(j) **Discovery Motions.** No discovery motion will be considered or decided unless a statement of moving counsel is attached thereto certifying that after personal consultation and sincere efforts to do so, counsel have been unable to satisfactorily resolve the matter. Any discovery motion brought before the Court without prior personal consultation with the other party and a sincere effort to resolve the matter, may result in sanctions.

(k) **Motions to Compel.** With regard to motions to compel discovery brought pursuant to Rule 37(a)(3)(B) of the Federal Rules of Civil Procedure, see Rule 37.1, Local Rules of Civil Procedure.

(l) **Motions in Limine.** No opposed motion in limine will be considered or decided unless moving counsel certifies therein that the movant has in good faith conferred or attempted to confer with the opposing party or counsel in an effort to resolve disputed evidentiary issues that are the subject of the motion. The moving party is not permitted to file a reply in support of its motion in limine.

¹ The time periods prescribed in the Local Rules are to be computed in accordance with Rule 6, Federal Rules of Civil Procedure.

F.R.Civ.P. 51. Instructions to the Jury; Objections; Preserving a Claim of Error
LRCiv 51.1

JURY INSTRUCTIONS

(a) **Proposed Jury Instructions.** Proposed instructions for the jury shall be presented to the Court at the opening of the trial unless otherwise directed by the Court; but the Court, in its discretion, may at any time prior to the opening of the argument, receive additional requests for instructions on matters arising during the trial. The requested instructions shall be properly entitled in the cause, distinctly state by which party presented, and shall be prepared in accordance with Rule 7.1(b), Local Rules of Civil Procedure. They shall be numbered consecutively and contain no more than one (1) instruction per page. Each requested instruction shall be understandable, brief, impartial, free from argument, and shall embrace but one (1) subject, and the principle therein stated shall not be repeated in subsequent requests.

(b) **Failure to Conform.** A willful failure to conform to these requirements in the manner of proposing instructions will, in the discretion of the Court, be deemed sufficient ground for their refusal.

(c) **Citations of Authorities.** All instructions requested of the Court shall be accompanied by citations of authorities supporting the proposition of law stated in such instructions.

(d) **Copies Served on Other Parties.** At the time of presenting the instructions to the Court, a copy shall be served upon the other parties.

(e) **Objections.** Objections to an instruction for the jury, or a refusal to give as a part of such jury instructions requested in writing, shall be made out of the hearing of the jury and shall be noted by the Clerk in the minutes of the trial or by the reporter if one is in attendance.

F.R.Civ.P. 72. Magistrate Judges: Pretrial Order

LRCiv 72.1

ASSIGNMENT OF MATTERS TO MAGISTRATE JUDGES

(c) **Habeas Corpus, Other Post Conviction Petitions, and Prisoner and certain other Civil Rights Complaints.** All petitions for writs of habeas corpus, applications for post-trial relief made by individuals convicted of criminal offenses, civil rights complaints by state or federal prisoners challenging conditions of their confinement, and all other civil actions to which a District Judge has been assigned shall also be referred by the Clerk of the Court to a Magistrate Judge according to Local Rules of Civil Procedure, Rule 3.7(e). The referred Magistrate Judge shall proceed in accordance with the Rules Governing Section 2254 Cases In The United States District Courts, or the Rules Governing Section 2255 Proceedings For The United States District Courts, as the case may be, and with 28 U.S.C. § 636 (b)(1)(A) and (B).

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ATTORNEY DISCIPLINE

(a) **Authority.** Any attorney admitted or otherwise authorized to practice before this Court may be disbarred, disciplined, or have the order of appointment revoked after such hearing as the Court may in each particular instance direct.

(b) **Report of Action in Any Other Jurisdiction.** Any attorney admitted or otherwise authorized to practice before this Court who is disbarred or subjected to other disciplinary action in any other jurisdiction shall promptly report the matter to this Court.

(c) **Discipline in Another Jurisdiction.** If an attorney admitted or otherwise authorized to practice before this Court has been suspended or disbarred from practice by any court of competent jurisdiction, the Court (by the Chief Judge, or designee) may enter an order directing the attorney to show cause as to why the attorney should not be suspended or disbarred from practice before this Court. Unless otherwise ordered by the Court, the attorney must respond in writing to the order within fourteen (14) days after the date on which a notice of the order is sent to the attorney. After considering any response, the attorney may submit and undertaking any other inquiry the Court deems appropriate, the Court will decide whether any further action should be taken. If the facts warrant such action, the Court may disbar the attorney from practice in this Court or impose other appropriate limitations or conditions on the attorney, including the suspension of the attorney for a fixed period of time. Notice of such action, and all other notices required under this Rule, will be sent to the attorney at the address shown in the Clerk's records.

LRCrim 12.2

EXCLUDABLE TIME AND MOTIONS - SPEEDY TRIAL ACT

(a) Content of Motions. Any motion submitted for filing in a criminal case, other than in a petty offense case, must contain a statement as follows:

"Excludable delay under 18 U.S.C. § 3161(h)____ will occur as a result of this motion or of an order based thereon." (In the blank space provided, the counsel will insert the specific subparagraph involved, e.g., (1)(A), competency examination of defendant; (3)(A), absence or unavailability of defendant or essential witness.)

(b) Content of Orders. Except in a petty offense case, any proposed or signed written order must contain the following final paragraph or statement:

"The Court finds excludable delay under 18 U.S.C. § 3161(h)____ from ____ to ____."

(c) Content of Minute Entries. All minute orders relating to disposition of criminal motions ruled upon in open court, other than in a petty offense case, shall contain a statement comparable to that outlined in (b) above.

(d) Waiver of Statement. In any case, or in the case of a defendant proceeding pro per, the Court may, in the interest of justice, waive the necessity of a statement of excludable time.

(e) Motions for Joinder of Motions. Any motion for joinder must specifically identify the motions to be joined, and motions for joinder of motions to be filed in the future will not be considered.

F.R.Crim.P. 57. District Court Rules

LRCrim 57.1

PRETRIAL SERVICES

Pursuant to the Pretrial Services Act of 1982 (18 U.S.C. § § 3152-3155), the Court establishes an independent Pretrial Services Office for the District of Arizona.

Upon notification that a defendant has been arrested, pretrial service officers will conduct a prerelease interview as soon as practicable. The judicial officer setting bail or reviewing a bail determination shall receive and consider all reports submitted by pretrial service officers.

A copy of the pretrial service report and all supplemental reports prepared by the Pretrial Services Office shall be provided to and may be retained by the attorneys for the accused and the Government, and shall be used only for the purpose of fixing conditions of release, including bail determinations. When a copy is provided, it will have a header on the first page advising the attorneys that (a) the report is not to be copied, (b) the report is not a public record, and (c) that the content may not be disclosed to unauthorized individuals. Otherwise, the reports shall remain confidential, as provided in 18 U.S.C. § 3153, subject to the expectations provided therein.

Pretrial service officers shall supervise persons released on bail at the discretion of the judicial officer granting the release or modifications of the release.

LRCrim 57.2

FREE PRESS - FAIR TRIAL DIRECTIVES

(f) **Duty of Court in Special Cases.** In a widely publicized or sensational criminal case, the Court on motion of either party or on its own motion, may issue a special order governing such matters as extrajudicial statements by parties and witnesses likely to interfere with the rights of the accused to a fair trial by an impartial jury, the seating and conduct in the courtroom of spectators and news media representatives, the management and sequestration of jurors and witnesses, and any other matters which the Court may deem appropriate for inclusion in such order. Such a special order might be addressed to some or all of the following subjects:

(7) Specific provisions regarding the seating of spectators and representatives of news media, including:

(A) an order that no member of the public or news media representative be at any time permitted within the bar railing;

(B) the allocation of seats to news media representatives in cases where there is an excess of requests, taking into account any pooling arrangement that may have been agreed to among the news reporters.

LRCrim 57.4

**HABEAS CORPUS, OTHER POST CONVICTION PETITIONS, AND
PRISONER AND CERTAIN OTHER CIVIL RIGHTS COMPLAINTS**

With regard to habeas corpus, other post-conviction petitions, and prisoner and certain other civil rights complaints, see Rule 72.1(b), Local Rules of Civil Procedure.

LRCiv 3.7

ASSIGNMENT OF CASES; CIVIL

(d) **Assignment of Capital Habeas Corpus Cases.** The Clerk of Court must randomly assign capital habeas corpus cases to a District Judge. The Clerk of Court must assign any civil rights action filed by a prisoner who has an active warrant of execution, or for whom the state is currently seeking a warrant of execution from the Arizona Supreme Court, to the same District judge who presided over the prisoner's capital habeas corpus petition, regardless of division.

F.R.Civ.P. 7.1. Disclosure Statement

LRCiv 7.1.1

~~CORPORATE~~ DISCLOSURE STATEMENTS

The disclosure statements^s required by Rule 7.1(a) of the Federal Rules of Civil Procedure and Rules 12.4(a) of the Federal Rules of Criminal Procedure must be made on a form provided by the Clerk and must be supplemented if new information is obtained.

F.R.Civ.P. 16. Pretrial Conferences; Scheduling; Management

LRCiv 16.1

PROCEDURE IN SOCIAL SECURITY CASES

In ~~all~~ cases pursuant to 42 U.S.C. § 405(g) that present an individual claim seeking judicial review of decisions by the Commissioner of Social Security ~~pursuant to 42 U.S.C. § 405(g)~~, the parties must observe the following briefing procedures, rather than filing motions/cross-motions for summary judgment:

(a) **Opening Brief.** Within sixty (60) ~~thirty~~ (30) days after the answer is filed or thirty (30) days after entry of an order disposing of the last remaining motion filed under Rule 4(c) of the Supplemental Social Security Rules, whichever is later, Plaintiff must file an opening brief addressing why the Commissioner's decision is not supported by substantial evidence or why the decision should otherwise be reversed or the case remanded. Plaintiff's opening brief must set forth all alleged errors. The brief must also contain, under appropriate headings and in the order indicated below, the following:

(1) A statement of the issues presented for review, set forth in separate numbered paragraphs.

(2) A statement of the case. This statement should indicate briefly the course of the proceedings and its disposition at the administrative level.

(3) A statement of facts. This statement of the facts must include Plaintiff's age, education, and work experience; a summary of the physical and mental impairments alleged; a brief outline of the medical evidence; and a brief summary of other relevant evidence of record. Each statement of fact must be supported by reference to the page in the record where the evidence may be found.

(4) An argument. The argument, which may be preceded by a summary, must be divided into sections separately treating each issue. Each contention must be supported by specific reference to the portion of the record relied upon and by citations to statutes, regulations, and cases supporting Plaintiff's position. If any requested remand is for the purpose of taking additional evidence, such evidence must be described in the opening brief, and Plaintiff's argument must show that the additional evidence is material

and that there is good cause for the failure to incorporate such evidence into the record in a prior proceeding. If such additional evidence is in the form of a consultation examination sought at Government expense, Plaintiff's opening brief must make a proffer of the nature of the evidence to be obtained.

(5) A short conclusion stating the relief sought.

(b) Answering Brief. Defendant must file an answering brief within thirty (30) days after service of Plaintiff's opening brief. Defendant's brief must (1) respond specifically to each issue raised by Plaintiff and (2) conform to the requirements set forth above for Plaintiff's brief, except that a statement of the issues and a statement of the case and a statement of the facts need not be made unless Defendant is dissatisfied with Plaintiff's statement thereof.

(c) Reply Brief. Plaintiff may file a reply brief within ~~fifteen (15)~~fourteen (14) days after service of Defendant's brief.

(d) Length of Briefs. Unless otherwise ordered by the Court, the opening and answering briefs may not exceed twenty-five (25) pages, including any statement of facts, with the reply brief limited to eleven (11) pages. The case will be deemed submitted as of the date on which Plaintiff's reply brief is filed or due.

(e) Oral Argument. If either party desires oral argument, it must be requested in the manner prescribed by Rule 7.2(f) of the Local Rules of Civil Procedure upon the filing of the opening or answering brief. Whether to allow oral argument is at the discretion of the Court.

LRCiv 72.2

OTHER DUTIES OF MAGISTRATE JUDGES

(a) **Other Duties.** Subject to the Constitution and laws of the United States, Magistrate Judges in the District of Arizona shall perform the following duties:

(1) Assist the District Judges in the conduct of pretrial discovery proceedings in civil actions. A Magistrate Judge may hear and determine a procedural or discovery motion or other pretrial matter in a civil case other than the motions ~~which~~ that are specified in 28 U.S.C. § 636 (b)(1)(A). As to such specified motions so assigned, a Magistrate Judge shall, upon designation by a District Judge, submit to that District Judge a report containing proposed findings of fact and recommendations for disposition by the District Judge. In any motion in which the parties are seeking ~~the~~ sanctions provided for in Rule 37(b)(2)(A), (B), or (C), Federal Rules of Civil Procedure, if the Magistrate Judge is inclined to grant such requests regarding dispositive sanctions, the Magistrate Judge shall be limited to filing a report and recommendation with the District Court; a Magistrate Judge may enter an order granting requests for nondispositive sanctions (including monetary sanctions) or denying any ~~such~~ sanctions request. A Magistrate Judge may, when designated by a District Judge, conduct any necessary hearings, including evidentiary hearings, or other proceedings arising in the exercise of the authority conferred by 28 U.S.C. § 636 and by these Local Rules.

F.R.Civ.P. 79. Records Kept by the Clerk

LRCiv 79.1

CUSTODY AND DISPOSITION OF NON-ELECTRONICALLY SUBMITTED EXHIBITS, ADMINISTRATIVE RECORDS, AND SEALED DOCUMENTS

(e) **Sealed Documents – Search Warrants, Tracking Warrants, and Orders on Pen Registers, ~~Orders on~~ Trap and Trace Devices, and ~~Mobile Tracking Device Warrants §2703(d) Applications.~~** Unless otherwise ordered by the Court, any search warrant, tracking warrant, or order on pen register, order on trap and trace device, or mobile tracking device warrant application under 18 U.S.C. §2703 (d) ordered sealed by a Magistrate Judge in a criminal matter on or after December 1, ~~2014~~2022, will be unsealed 180 days one year after the file date of the search warrant or §2703(d) order, or the expiration date of the pen/trap order or tracking warrant. At least 60 days before the expiration of the sealing order, the Clerk of Court must notify the Criminal Chief at the Office of the United States Attorney, or designee, of the date when the documents will be unsealed. Before the expiration of the sealing order, the government may move the court to unseal the documents or to extend the sealing order. A motion to unseal or to extend a sealing order may be filed ex parte. Documents that have been unsealed may be destroyed when eligible under the Records Disposition Schedule in the *Guide to Judiciary Policy*.

APPENDIX A. -- MOTIONS TIME CHART

CATEGORY ONE..... ALL MOTIONS (except Motions for Summary Judgment and Motions to Dismiss for Lack of Jurisdiction)

Authority Rule 6 of the Federal Rules of ~~Criminal~~Civil Procedure and Rules 7.2 and 7.3, Local Rules of Civil Procedure

Type of Motion	Response Time (to previous action)	Mailing Time <u>(not applicable when ECF service)</u>	Notice Time
Motion and Memorandum by Moving Party	(Initiating Action)	3 days	37 days from filing of the Motion, then the following Monday
Responsive Memorandum	14 days	3 days	
Reply Memorandum	7 days	3 days	
Court Review Time	7 days		

CATEGORY TWO..... Motions for Summary Judgment and Motions to Dismiss for Lack of Jurisdiction

Authority Rule 6 of the Federal Rules of ~~Criminal~~Civil Procedure and Rules 12.1 and 56.1, Local Rules of Civil Procedure

Type of Motion	Response Time (to previous action)	Mailing Time <u>(not applicable when ECF service)</u>	Notice Time
Motion, Memorandum and Statement of Facts	(Initiating Action)	3 days	68 days from filing of the Motion, then the following Monday
Responsive Memorandum	30 days	3 days	
Reply Memorandum	15 days	3 days	
Court Review Time	14 days		

APPENDIX B. -- U.S. DISTRICT COURT LEGAL HOLIDAYS

New Year's Day.....	January 1*
Martin Luther King Day	3rd Monday in January
Washington's Birthday	3rd Monday in February
Memorial Day	Last Monday in May
<u>Juneteenth National Independence Day</u>	<u>June 19*</u>
Independence Day.....	July 4*
Labor Day	1st Monday in September
Columbus Day	2nd Monday in October
Veteran's Day	November 11*
Thanksgiving Day	4th Thursday in November
Christmas Day.....	December 25*

*In accordance with 5 U.S.C. § 6103, whenever a holiday occurs on Sunday, the following Monday is treated as a holiday and whenever a holiday occurs on Saturday, the Friday immediately before is treated as a legal holiday.