

The 10 Most Frequent Violations of the Rules of Practice (“Local Rules”¹)

1. Use proper capitalization in the case caption to denote the party names. See 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. (emphasis added). The body of all documents must be typed double-spaced and shall not exceed 28 lines per page and must not be single-spaced except for footnotes and indented quotations. *See* LRCiv 7.1(b)(1). (applies in criminal cases pursuant to LRCrim 12.1) While footnote type size must be no smaller than 13 point, footnotes may be single spaced.
3. Except for Social Security appeals, motions, responses, briefings and memoranda must not exceed 17 pages and replies must not exceed 11 pages unless otherwise authorized in advance of filing by the assigned judge for good cause shown, exclusive of attachments and any Rule 56 Statement of Facts. *See* LRCiv 7.2(e).
4. For lawyers or *pro se* litigants authorized to file electronically, all pleadings, motions, memoranda, or other filings must be filed in text-searchable format. *See* LRCiv 7.1(c) and definition of “.pdf,” ECF Manual, at I(A). (“[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, contracts, 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 an 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 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.” *See*

¹ 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 (9th Cir. 1995); Rule 83(a)(1), Fed.R.Civ.P.

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. *See* LRCiv.7.1(b)(2).

7. According to LRCiv.7.1(b)(3), proposed orders must **NOT**:

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 district judge or magistrate judge in a separate e-mail addressed to the appropriate judge's chambers e-mailbox, e.g., (anderson_chambers@azd.uscourts.gov)

8. When a case is filed and randomly assigned to a U.S. Magistrate Judge, the form Consent to Exercise of Jurisdiction by United States Magistrate Judge/District Judge Option is provided by the Clerk to the individual or attorney who is filing the case. LRCiv 3.7(b) requires that each party must indicate his or her consent or election on the form. The form must be electronically filed in the pertinent civil case. The event for e-filing the form is located in the Other Documents category: Consent/Election Form LRCiv 3.7(b). If a party has not been authorized to e-file in ECF, the party must submit the completed paper form to the Clerk's Office.

9. Filing parties should be aware of LRCiv.15.1(a) and (b):

a. **Amendment by Motion.** A party who moves for leave to amend a pleading must attach a copy of the proposed amended pleading as an exhibit to the motion, which must indicate in what respect it differs from the pleading which it amends, by bracketing or striking through the text to be deleted and underlining the text to be added. The proposed amended pleading must not incorporate by reference any part of the preceding pleading, including exhibits. If a motion for leave to amend is granted, the party whose pleading was amended must file and serve the amended pleading on all parties under Rule 5 of the Federal Rules of Civil Procedure within fourteen (14) days of the filing of the order granting leave to amend, unless the Court orders otherwise.

b. **Amendment as a Matter of Course or by Consent.** If a party files an amended pleading as a matter of course or with the opposing party's written consent, the amending party must file a separate notice of filing the amended pleading. The notice must attach a copy of the amended pleading that indicates in what respect it differs from the pleading which it amends, by bracketing or striking through the text that was deleted and underlining the text that was added. The amended pleading

must not incorporate by reference any part of the preceding pleading, including exhibits. If an amended pleading is filed with the opposing party's written consent, the notice must so certify.

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