

**SUMMARY OF 2008-2009 LOCAL RULE AMENDMENTS  
DISTRICT OF ARIZONA**

<b>Local Rule Amendment</b>	<b>Note/Explanation Regarding Amendment</b>
LRCiv 3.8	<b>ASSIGNMENT OF CASES; CIVIL.</b> Amendment to subpart (a) reduces the length of time from 20 days to 14 days after appearance in which each party must execute and file either a written consent to the exercise of authority by a Magistrate Judge, or a written election to have the action assigned to a District Judge. (NOTE: This is an emergency amendment pursuant to LRCiv 83.9(c) and adopted by General Order 09-18. This amendment will be circulated to the bar and the public for comment and reevaluated by the Local Rules Advisory Committee and the Court for possible revision in 2010 according to the deadlines set forth in sections (b)(3) and (b)(4) of LRCiv 83.9.)
LRCiv 7.1	<b>FORMS OF PAPERS; Pleadings and Other Papers.</b> Amendment to subpart (b)(3) requires parties to specifically recite the relief requested or the terms of the parties' stipulation.
LRCiv 15.1	<b>MOTIONS FOR LEAVE TO AMEND PLEADINGS.</b> Amendment incorporates the procedure followed in state court. Under Ariz.R.Civ.P. 15(a)(2), a moving party must attach a redline copy of the proposed amended pleading to the motion. If granted, the movant then files and serves the amended pleading on the other parties. Subparts (b) and (c) of the existing Rule are repealed. The amendment also makes it clear that the Rule applies to stipulations.
LRCiv 42.1	<b>RELATED CASES; CONSOLIDATION; SERVICE; ASSIGNMENT.</b> Sentence added to "Related Cases" subsection, that in situations where the cases are assigned to Magistrate Judges, the motion to transfer will be heard by the Magistrate Judge assigned to the lowest numbered case. The word "shall" has been inserted in subpart (b). Includes a "housekeeping" amendment to address the current inconsistency of having a subpart (a) but no (b) by substituting the sequencing of (b) through (d) in place of (2) through (4). Also updates references to these subparts and section numbering found in 42.1(d), as amended.
LRCiv 43.1	<b>CONDUCT IN COURTROOM AND ENVIRONS; Computers, Cellular Phones, and Other Equipment.</b> Amendment to subpart (b) explicitly permits attorneys to access the Internet in the courtroom.

LRCiv 53.1	<p><b>DUTIES OF MAGISTRATE JUDGES; SPECIAL MASTER.</b>  Amendment deletes references to “full-time” Magistrate Judges. Clarifies that parties may consent to have Magistrate Judge serve as a special master in any civil case without regard to F.R.Civ.P. 53. Also includes some technical amendments, i.e., “shall” changed to “must”; correction of reference to F.R.Civ.P. 53(b) to conform to 12/07/07 Federal Rule changes; addressed inconsistency of having a subpart (a) but no (b), and; some minor style changes for clarity.</p>
LRCiv 72.1	<p><b>ASSIGNMENT OF MATTERS TO MAGISTRATE JUDGES.</b>  Amendment adds a new subpart (d) which provides that the only limitations on the duties and responsibilities delegated to part-time magistrate judges are those specifically set forth in applicable statute. Also inserts the word “for” in the last sentence of subpart (a).</p>
LRCiv 83.9	<p><b>AMENDMENT OF THE RULES OF PRACTICE.</b> Housekeeping amendment to subpart (a)(2) to correct the underlying section identifiers by replacing the small Roman numerals with capital letters.</p>
LRCrim 10.2	<p><b>TRUE NAME TO BE GIVEN.</b> Amendment requires defendant to state his or her true name at initial appearance.</p>
LRCrim 12.2	<p><b>EXCLUDABLE TIME AND MOTIONS - SPEEDY TRIAL ACT; Content of Motions; Content of Orders; Content of Minute Entries.</b>  Amendment conforms each of subparts (a), (b) and (c) to 18 U.S.C. § 3172, as the Speedy Trial Act does not apply to petty offenses.</p>
LRCrim 32.1 - <i>New Rule (repeals LRCrim 32.1.1)</i>	<p><b>SENTENCING - PRESENTENCE INVESTIGATIONS.</b> Amendment promulgates LRCrim 32.1.1 as LRCrim 32.1, and includes revisions governing presentence investigation and disclosure of the presentence report, to achieve consistency with F.R.Crim.P. 32 and effectively supersedes General Orders 98-10 and 98-21.</p>
LRCrim 32.1.1 - <i>Repealed &amp; promulgated by LRCrim 32.1</i>	<p><b>PROBATION - PRESENTENCE INVESTIGATIONS.</b> Amendment repeals LRCrim 32.1.1, which does not complement or serve to supplement F.R.Crim.P. 32 (Sentencing and Judgment). Rule is repealed by and promulgated as new LRCrim 32.1.</p>
LRCrim 57.6	<p><b>UNITED STATES MAGISTRATE JUDGES.</b> Amendment deletes reference to subsection (a) of 28 U.S.C. § 636, and provides that the only limitations on the duties and responsibilities delegated to part-time magistrate judges are those specifically set forth in applicable statute.</p>
LRCrim 58.1	<p><b>ASSIGNMENT OF CRIMINAL MATTERS TO MAGISTRATE JUDGES (MISDEMEANORS).</b> Rule title amended. Amendment also deletes references to “full-time” Magistrate Judges. Inserts “complaint” in reference to misdemeanor cases assigned to Magistrate Judges. Deletes reference to “petty offense cases processed by the Central Violations Bureau.” Technical amendment to address having a subpart (a) but no (b).</p>

<p>LR crim 58.2</p>	<p><b>REVIEW AND APPEAL OF JUDGMENTS OF MAGISTRATE JUDGES.</b> Housekeeping amendments to amend Rule title, correction of subpart numbering to address inconsistencies, along with the addition of subpart titles for clarity. Clarifies how to request oral argument. Deletes final sentence in current subpart (3) regarding service upon the appellee as there is no similar language in subparts (4) or (5).</p>
<p>Amendments to Local Rules to Reflect Changes to Federal Rules. Affects the following Local Rules of Civil Procedure: 5.5, 7.2, 37.1, 53.2, 77.1</p>	<p><b>HOUSEKEEPING AMENDMENTS RE LOCAL RULE REFERENCES.</b> Various Local Rules were amended to update references to F.R.Civ.P. in accordance with the December 2007 amendments to the Federal Rules of Civil Procedure, which changed the subdivision numbering of the referenced rules. In addition, LRCiv 37.1 was amended to correct a sequencing inconsistency by assigning subpart (b) to the last paragraph.</p>
<p>Amendments to LRCiv and LRCrim Rules to Update Time Computations. Affects the following: Local Rules of Civil Procedure 5.6, 7.2, 15.1, 40.2, 52.1, 54.1, 54.2, 56.1, 83.2, 83.3, &amp; Appendix A; Local Rule of Criminal Procedure 58.2</p>	<p><b>HOUSEKEEPING AMENDMENTS RE FEDERAL RULE TIME COMPUTATIONS.</b> Various Local Rules were amended to follow the same methodology used in the federal rules that will become effective on December 1, 2009: 3-day deadlines are changed to 5 days; 5-day deadlines are changed to 7 days; and 10-day deadlines are changed to 14 days. The intent underlying the changes is to ensure that practitioners do not lose the response time they currently have. In some instances, the proposed changes are intended to make sure that the Court and/or the Clerk's Office still receive the same amount of notice they currently get.</p>