

LOCAL RULES

- ◉ Existing Rule with Highlighted Amendments
- ◉ New Rules



EXISTING RULE WITH HIGHLIGHTED AMENDMENTS



EXISTING RULE

LOCAL CIVIL RULE 5 - SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(c) **Filing of Extraordinary Pleadings.** The attorneys filing any pleading of an extraordinary nature (e.g., temporary restraining orders, vessel seizures, writs of attachment, and other pleadings requiring immediate judicial action) shall make themselves available by telephone to the Judge to whom the matter is assigned and shall provide a current cellular telephone number on the pleading.

HIGHLIGHTED AMENDMENT

LR5(c) - SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(c) shall make themselves available by telephone to the Judge to whom the matter is assigned and shall provide a current cellular telephone number on the pleading.



EXISTING RULE

LOCAL CIVIL RULE 5 - SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

- (f) Certificate of Service.
- (3) The certificate of service must identify the method of service upon each party.

HIGHLIGHTED AMENDMENT

LR5(f)(3) - Certificate of Service: The certificate of service must identify the method of service upon each party.



EXISTING RULE

LOCAL CIVIL RULE 7 - PLEADINGS ALLOWED; FORM OF MOTIONS

(g) Memoranda. All initial memoranda filed by a party (including briefs, memoranda in support of a motion, and appeals to District Judges) shall be limited to twenty pages excluding attachments. Subsequent memoranda (including memoranda in response or in opposition), if any, shall not exceed ten pages excluding attachments. The form of the memorandum shall comply with LR10(a). Reply and surreply memoranda, if permitted, shall be limited to five pages. Leave of Court must be obtained to file memoranda in excess of the limit above.

HIGHLIGHTED AMENDMENT

LR7(g) - Memoranda: Page limitations for memoranda are as follows: Initial (20 pages); Subsequent (10 pages); Reply and Surreply, if filed by leave of Court (5 pages).



EXISTING RULE

LOCAL CIVIL RULE 11 - SIGNING OF PLEADINGS, MOTIONS, AND OTHER PAPERS; REPRESENTATIONS TO COURT; SANCTIONS

(a) Signing of Pleadings, Motions and Other Papers.

(1) Every pleading, motion, or other document presented for filing shall, in accordance with the Federal Rules of Civil Procedure, be signed by counsel admitted to practice before this Court. If the document is submitted by a *pro hac vice* attorney, the document must also be signed by local counsel associated with such *pro hac vice* attorney in accordance with LR83(b)(8).

HIGHLIGHTED AMENDMENT

LR11(a)(1)- Signing of Pleadings, Motions and Other Papers

If the document is submitted by a *pro hac vice* attorney, the document must also be signed by local counsel associated with such *pro hac vice* attorney in accordance with LR83(b)(8).



EXISTING RULE

LOCAL CIVIL RULE 16 - PRETRIAL CONFERENCES; SCHEDULING; MANAGEMENT

(c) **Notice of Settlement.** Whenever a civil case is settled or otherwise disposed of, counsel shall immediately file a Joint Notice of Settlement, signed by counsel for Plaintiff, into the record. Additionally, counsel shall immediately inform the Clerk's office, the Judge to whom the case is assigned, and shall comply with LR45(b) relative to all persons subpoenaed as witnesses. If a civil case is settled as to fewer than all of the parties or all of the claims, the Joint Notice shall also set forth the remaining parties and unsettled claims. The Joint Notice may also include a request for a conditional order of dismissal, allowing for reinstatement of the matter if the settlement is not consummated within the time stated in the order of dismissal.

HIGHLIGHTED AMENDMENT

LR16(c) - Notice of Settlement: Joint Notice of Settlement must be signed by Plaintiff's counsel and filed into the record.



EXISTING RULE

LOCAL CIVIL RULE 65 - INJUNCTIONS AND RESTRAINING ORDERS

An application or a motion for a temporary restraining order or for a preliminary injunction shall be made in a document separate from the complaint and if not, may not be considered by the Court. An application for a temporary restraining order shall be accompanied by a certificate of the applicant's attorney, or by an affidavit, or by other proof satisfactory to the Court, stating (1) that actual notice of the time of making the application, and copies of all pleadings and other papers filed in the action to date or to be presented to the Court at the hearing, have been furnished to the adverse party's attorney, if known, otherwise to the adverse party; or (2) the efforts made by the applicant to give such notice and furnish such copies.

HIGHLIGHTED AMENDMENT

LR65 - Injunctions and Restraining Orders: Applications for injunctions or TROs shall be made in a document separate from complaint or else may not be considered by the Court.



EXISTING RULE

LOCAL CIVIL RULE 83 - RULES BY DISTRICT COURTS; JUDGES' DIRECTIVES

(b) Attorneys.

(8) Visiting Attorneys.

(D) The applicant attorney shall pay a fee to the Clerk of Court in an amount to be determined by the Court and shall submit the following oath:

I DO SOLEMNLY SWEAR (OR AFFIRM OR PROMISE) that I will conduct myself as an attorney and counselor of this Court, uprightly and according to law; and that I will support the Constitution of the United States.

HIGHLIGHTED AMENDMENT

LR83(b)(8)(D) - Visiting Attorneys: The language for the Pro Hac Vice oath has changed.



EXISTING RULE

LOCAL CRIMINAL RULE 32 - SENTENCE AND JUDGMENT

(b) **Sentencing Memoranda.** A party may submit a sentencing memorandum addressing any factor taken into account for sentencing purposes. The memorandum may contain, but is not limited to, sentencing factors enumerated in 18 U.S.C. § 3553(a); factors for upward or downward departure including those considered pursuant to U.S.S.G. § 5K1.1; argument on unresolved objections to the presentence report; and any information concerning the background, character, and conduct of the defendant, in accordance with 18 U.S.C. § 3661. Sentencing memoranda shall be filed UNDER SEAL by counsel through the Court's electronic filing system using the applicable event "Sealed Sentencing Memorandum by the Government" or "Sealed Sentencing Memorandum by the Defense." The filing attorney is responsible for providing conventional service to the U. S. Probation Office and to opposing counsel, indicating on the Certificate of Service how the document was served. All such sentencing memoranda shall be filed at least fourteen days prior to the date of sentencing.

HIGHLIGHTED AMENDMENT

LR32(b) - Sentencing Memoranda: Sentencing memoranda shall be filed UNDER SEAL by counsel through the Court's electronic filing system using the applicable event and must provide conventional service to the U. S. Probation Office and to opposing counsel. All such sentencing memoranda shall be filed at least fourteen days prior to the date of sentencing.



NEW RULES



NEW RULE

LOCAL CIVIL RULE 5.2 - Protection of Personal and Sensitive Information; Public Access to Court files; Redacted Information; Sealed Information.

(a) **In General.** Counsel should advise clients of the provisions of this Rule and Federal Rule of Civil Procedure 5.2 so that an informed decision may be made about the inclusion of protected information.

(b) **Remote Access.** Counsel and parties must consider that the E-Government Act of 2002 (as amended) and the policies of the Judicial Conference of the United States require federal courts eventually to make all pleadings, orders, judgments, and other filed documents available in electronic format accessible over the Internet and the Courts' PACER [Public Access to Court Electronic Records] systems. Consequently, personal and sensitive information and data that formerly were available only by review of the Court's physical case files will be available openly and publicly.

(c) **Redacted Filings.** If a redacted document is filed, it is the sole responsibility of counsel and the parties to ensure that all pleadings conform to Federal Rule of Civil Procedure 5.2, and the General Orders of this Court. Neither the Court nor the Clerk of Court will review pleadings or other documents for compliance with this Rule.



NEW RULE

LOCAL CIVIL RULE 26 - GENERAL PROVISIONS GOVERNING DISCOVERY; DUTY OF DISCLOSURE

(b) **Initial Disclosure.** Within the time designated in the Court's initial order setting the Fed. R. Civ. P. 16 conference, the parties must make the disclosures required by Fed. R. Civ. P. 26(a)(1). Disclosures must be made no later than seven days before the Case Management Conference, unless a different time is set by court order or unless a party objects during the attorney conference and states the objection in the proposed case management order.

(c) **Withholding Privileged or Protected Information.** A party withholding information claimed privileged or otherwise protected must submit a privilege log that contains at least the following information: name of the document, electronically stored information, or tangible things; description of the document, electronically stored information, or tangible thing, which description must include each requisite element of the privilege or protection asserted; date; author(s); recipient(s); and nature of the privilege.

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NEW RULE

LOCAL CIVIL RULE 26 - GENERAL PROVISIONS GOVERNING DISCOVERY; DUTY OF DISCLOSURE

(d) Discovery Deadlines.

(1) Unopposed discovery may continue after the applicable deadline for discovery contained in the scheduling order, provided that discovery does not delay other pretrial preparations or the trial setting. Absent exceptional circumstances, no motions relating to discovery, including motions under Fed. R. Civ. P. 26(c), 29, and 37, shall be filed after the expiration of the discovery deadline, unless they are filed within seven days after the discovery deadline and pertain to conduct occurring during the final seven days of discovery.

(2) Written discovery is not timely unless the response to that discovery would be due before the discovery deadline. The responding party has no obligation to respond and object to written discovery if the response and objection would not be due until after the discovery deadline. Discovery depositions must be completed before the discovery deadline. Notices served before the discovery deadline which purport to schedule depositions after the discovery deadline will not be enforced.



NEW RULE

LOCAL CIVIL RULE 34 - REQUEST FOR PRODUCTION

Answers and/or objections to requests for production must state in full the request for production immediately preceding each answer or objection.



NEW RULE

LOCAL CIVIL RULE 35 - MOTIONS FOR PHYSICAL OR MENTAL EXAMINATION

Motions for physical and/or mental examination of a party shall include, in addition to the requirement of Fed. R. Civ. P. 35(a)(2):

- Whether a personal and/or medical history will be obtained;
- Whether a physical examination will be undertaken;
- A description of the written, verbal-administered and/or physical tests to be performed, both invasive and non-invasive;
- The identities of any persons administering and/or interpreting the test results, if different from the person identified in the motion; and
- The anticipated duration of the examination.



NEW RULE

LOCAL CIVIL RULE 37 - DISCOVERY VIOLATIONS

Motions addressed to issues concerning discovery propounded under Fed. R. Civ. P. 33, 34, 36 and 37 must quote verbatim each interrogatory, request for production, or request for admission to which the motion is addressed, followed immediately by the verbatim response or objection which provided thereto.



NEW RULE

LOCAL CIVIL RULE 39 - TRIAL BY JURY OR BY THE COURT

All counsel of record and parties to the litigation must be present in court at all stages of trial, unless leave of Court is granted by the presiding Judge.



NEW RULE

LOCAL CIVIL RULE 79 - BOOKS AND RECORDS KEPT BY THE CLERK OF COURT AND ENTRIES THEREIN

(b) **Electronic Evidence for Trials.** Evidence offered during trial shall be provided by each party in electronic format as described in the Court's Administrative Procedures, court orders, and notices.

(c) **Electronic Evidence for All Other Proceedings.** Evidence offered during proceedings other than trial shall be provided by each party in electronic format as described in the Court's Administrative Procedures, court orders and notices.



NEW RULE

LOCAL CIVIL RULE 79 - BOOKS AND RECORDS KEPT BY THE CLERK OF COURT AND ENTRIES THEREIN

(d) Custody of Exhibits With the Clerk of Court.

(1) These rules provide for all exhibits offered and received in evidence to be submitted in electronic format; therefore, the electronic evidence becomes the official record.

(2) After being received in evidence, all exhibits shall be placed in the custody of the Clerk of Court, in electronic format, as outlined in the Court's Administrative Procedures, court orders and notices, unless otherwise ordered by the Court.

(e) Custody of Exhibits With the Offering Party.

(1) Offering parties are required to submit digital photographs of all oversized or physical exhibits, received into evidence (e.g., models, enlarged diagrams), properly showing significant features of those exhibits.

(2) At the conclusion of a trial or proceeding, the party offering such exhibits shall retain custody of the physical exhibits and be responsible to the Court for preserving them in their condition as of the time admitted until any appeal is resolved or the time for appeal has expired.

(3) The party retaining custody shall make such exhibits available to opposing counsel for use in preparation of an appeal and be responsible for their safe transmission to the appellate court, if required.



NEW RULE

LOCAL CIVIL RULE 83 - RULES BY DISTRICT COURTS; JUDGES' DIRECTIVES

(b) Attorneys.

(12) Attorney Discipline.

(A) After notice and an opportunity to show cause to the contrary, any Judge including active Judges, Senior Judges, Bankruptcy Court Judges, and Magistrate Judges may sanction any attorney for failure to comply with these rules, the Louisiana Rules of Professional Conduct, or any other rule of court.

(B) A Judge initiating disciplinary proceedings against an attorney shall provide written notice in the form of an Order to Show Cause. The Order to Show Cause shall (1) state the alleged grounds for discipline, (2) state the range of possible sanctions to be imposed, and (3) inform the attorney of the right to counsel throughout the disciplinary proceedings. The Clerk of Court shall assign the Order to Show Cause a miscellaneous action number, and shall forward a copy of the Order to Show Cause to the attorney named in the Order, and to the Chief Judge.

(C) Unless otherwise indicated in the Order to Show Cause, the attorney named in the Order to Show Cause shall have fourteen days to file a response, if any. After the period for filing a response has elapsed, the Court shall conduct a hearing on the disciplinary action. The hearing shall be public and on the record.

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NEW RULE

LOCAL CIVIL RULE 83 - RULES BY DISTRICT COURTS; JUDGES' DIRECTIVES

(b) Attorneys.

(12) Attorney Discipline.

(D) If, after a hearing, it is shown by clear and convincing evidence that the attorney committed the violations that are the basis of the Order to Show Cause, the initiating Judge shall have discretion to impose such disciplinary action as the Judge may see fit. Possible sanctions include, but are not limited to, reprimand, ethics training, suspension from practice in the Middle District, and/or civil fines. However, before an attorney may be suspended from practice in the Middle District for a period exceeding sixty days, the approval of the Chief Judge or the approval of the active Judges of the Middle District must be obtained.

(E) Upon imposition of any sanction which includes suspension from practice in the Middle District, the Clerk of Court shall report the attorney and the sanction(s) imposed to the Clerks of Court for the U.S. Fifth Circuit Court of Appeals, the Eastern District of Louisiana, the Western District of Louisiana, and the Bar of the State of Louisiana.



NEW RULE

LOCAL CIVIL RULE 83 - RULES BY DISTRICT COURTS; JUDGES' DIRECTIVES

(c) Building Security.

(12) Cameras and Electronic Equipment.

(B) Attorneys appearing before the Court and serving as counsel of record and law enforcement officers are allowed to enter the courthouse with a cell phone, pager, smart phone, laptop, or tablet without seeking permission from the Chief Judge or any other judicial officer. While in the courtroom or chambers the use of the cell phone is limited to accessing the calendar feature, provided the Judge has so directed. Attorneys and law enforcement officers seated in the courtroom may not use cell phones, pagers, smart phones, laptops or tablets, unless otherwise permitted by the presiding Judge.

(C) The permission to bring a cell phone, pager, smart phone, laptop or tablet into the building is subject to the following sanction: Any cell phone, pager, smart phone, laptop or tablet which rings or makes any other noise in the courtroom, chambers or in the hallways outside of a courtroom shall be subject to seizure and may not be returned to the owner.



NEW RULE

LOCAL ADMIRALTY RULE 4 - SUMMONS AND PROCESS

(a) Process

- (5) To ensure timely service, Plaintiffs are required to contact the United States Marshal's Service before proceeding for a complete list of instructions.
- (6) Absent specific instructions from the Court as stated in the Court's orders, the United States Marshal's Service will not arrest a vessel that is sinking or sunk, on fire, leaking oil, or emitting hazardous cargo.
- (7) Staffing limitations, the priority of criminal matters, and the coordination necessary to effect the arrest of a vessel make it advisable to deliver all documents and fees to the United States Marshal's Service at least two business days in advance of the requested date of arrest. Due to the dangers associated with the seizure of a vessel in waters after dark, seizures will not be executed after sundown unless specifically ordered by the presiding Judge. All properly completed and signed documents, and all fees must be delivered to the United States Marshal's Service no later than 2:00 p.m. Monday through Friday to effect a seizure on the same day, or no later than 2:00 p.m. on Friday to effect a seizure on the weekend.
- (8) Any party seeking the arrest of a vessel or attachment of property must deposit a sum with the United States Marshal sufficient to cover the United States Marshal's or substituted custodian's estimated fees and expenses of arresting and keeping the property for at least ten days. The United States Marshal is not required to execute process until the deposit is made.



NEW RULE

LOCAL CRIMINAL RULE 23 - JURY OR NON-JURY TRIAL

All counsel of record and parties to the litigation must be present in court at all stages of trial, unless leave of Court is granted by the presiding Judge.



NEW RULE

LOCAL CRIMINAL RULE 32 - SENTENCE AND JUDGMENT

(c) **USSG § 5K1.1 Motions.** Government motions, pursuant to USSG § 5K1.1 (Substantial Assistance to Authorities) and accompanying memorandum, should be filed **UNDER SEAL** by counsel through the Court's electronic filing system. The filing attorney is responsible for providing conventional service to the U. S. Probation Office and to opposing counsel, indicating on the Certificate of Service how the document was served. All such USSG § 5K1.1 motions shall be filed at least fourteen days prior to the date of sentencing and must be accompanied by a proposed order.



NEW RULE

LOCAL CRIMINAL RULE 44 - CONTINUING REPRESENTATION, WITHDRAWALS, SUBSTITUTION OF COUNSEL

The original counsel of record shall be held to represent the party for whom counsel appears unless the Court permits said counsel to withdraw from the case. Counsel may obtain permission only upon joint motion to substitute counsel or upon a written motion served on opposing counsel and the client before the Court acts. If other counsel is not thereby substituted, the motion to withdraw shall contain the present address of the client and the client's telephone number, if the client can be reached by telephone. The motion shall contain a certification by counsel that the client has been notified of all deadlines and pending court appearances. The certificate of service accompanying the motion shall indicate that it was served on the client by certified mail or an affidavit shall be included stating why such service has not been made.



NEW RULE

LOCAL CRIMINAL RULE 55 - RECORDS

- (a) **Withdrawal of Files.** Files in the office of the Clerk of Court may be removed from it only for the use of the Court or with leave of Court or permission of the Clerk of Court first obtained.
- (b) **Electronic Evidence for Trials.** Evidence offered during trial shall be provided by each party in electronic format as described in the Court's Administrative Procedures, court orders, and notices.
- (c) **Electronic Evidence for All Other Proceedings.** Evidence offered during proceedings other than trial shall be provided by each party in electronic format as described in the Court's Administrative Procedures, court orders, and notices.

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NEW RULE

LOCAL CRIMINAL RULE 55 - RECORDS

(d) Custody of Exhibits With the Clerk of Court.

- (1) These rules provide for all exhibits offered and received in evidence to be submitted in electronic format; therefore, the electronic evidence becomes the official record.
- (2) After being received in evidence, all exhibits shall be placed in the custody of the Clerk of Court, in electronic format, as outlined in the Court's Administrative Procedures, court orders, and notices, unless otherwise ordered by the Court.

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NEW RULE

LOCAL CRIMINAL RULE 55 - RECORDS

(e) Custody of Exhibits With the Offering Party.

- (1) Offering parties are required to submit digital photographs of all oversized or physical exhibits, received into evidence (e.g. models, enlarged diagrams), properly showing significant features of those exhibits.
- (2) At the conclusion of a trial or proceeding, the party offering such exhibits shall retain custody of the physical exhibits and be responsible to the Court for preserving them in their condition as of the time admitted until any appeal is resolved or the time for appeal has expired.
- (3) The party retaining custody shall make such exhibits available to opposing counsel for use in preparation of an appeal and be responsible for their safe transmission to the Appellate Court, if required.

(f) Disposition of Exhibits. All exhibits in the custody of the Clerk of Court shall be removed within thirty days of the final disposition of the case. The party offering exhibits shall be responsible for their removal and shall give a detailed receipt for the clerk's records. If the parties or their attorneys fail or refuse to remove exhibits within thirty days, the exhibits may be destroyed or otherwise disposed of by the Clerk of Court.

