


**United States District Court**  
**District of South Dakota**  
**Andrew W. Bogue United States Courthouse**

Office of the Clerk  
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Rapid City, SD 57709-6080  
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MEMORANDUM

TO: Judge Schreier

FROM: Tammy Wilka, Operations Committee 

DATE: November 28, 2012

RE: Proposed Changes to Civil and Criminal Local Rules

Pursuant to your instructions, we have prepared proposed revisions to Civil LR 5.1(B)(3) and Criminal LR 49.1(B)(3). The proposals provide that the NEF generated by CM/ECF constitutes a certificate of service with respect to those parties to whom electronic notice of the filing is sent, and no separate certificate of service need be filed. We are also recommending several other housekeeping measures. All of the proposed revisions are outlined below:

- Updated addresses and removed Judges Battey and Jones on pages v and vi (Civil and Criminal)
- Changed effective date (Civil and Criminal)
- Civ. LR 5.1(B)(2)(c) struck current language and referenced exceptions to filing methods set out in CM/ECF User Manual and Administrative Procedures
- Changed Civ. LR 5.1(B)(3) consistent with MN LR 5.4 at judges' request
- Civ. LR 5.1(B)(5)(b) struck this exception and renumbered remaining paragraph
- Civ. LR 5.2(B) struck "either," "or a reference sheet containing a key to the redacted personal data identifiers" and "Such documents will be retained by the clerk of court as part of the record."

- Civ. LR 7.1 modified by striking filing instructions and added reference to the CM/ECF User Manual and Administrative Procedures
- Civ. LR 29.1 struck requirement that stipulation made in open court be “entered in the minutes”
- Civ. LR 47.2 struck language “ in various instances, including but not limited to, the instance of a hung jury.”
- Civ. LR 83.3(C)(1) removed requirement that application be filed in division of residence or division in which trial will be heard.
- Civ. LR 83.3.(E) deleted last sentence (“It shall be sufficient to make service of any motion, pleading, order, notice, or any other paper upon the attorney admitted to practice in this court who shall assume responsibility for advising the pro hac vice attorney of such service.”) since PHV counsel now receive NEFs
- Civ. LR 83.8(B) corrected typo
- Civ. LR 83.9(B) and (C) clarified that notice shall be provided “by the withdrawing attorney.”
- Crim. LR 24.2 struck language “ in various instances, including but not limited to, the instance of a hung jury” consistent with proposed changes to Civ. LR 47.2
- Crim. LR 28.1(A) added “If counsel for either party believes that interpreter services for court proceedings are needed for more than an hour, counsel shall give the clerk of court at least two weeks’ notice”, struck dollar amount and added reference to Guide to Judicial Policy and 18 U.S.C. § 3006A(e)
- Crim. LR 41.1(D) struck “miscellaneous”
- Crim. LR 44.1(C)(1) removed requirement that application be filed in division of residence or division in which trial will be heard consistent with proposed changes to Civ. LR 83.3(C)(1)
- Crim. LR 44.1(E) deleted last sentence (“It shall be sufficient to make service of any motion, pleading, order, notice, or any other paper upon the attorney admitted to practice in this court who shall assume responsibility for advising the pro hac vice attorney of such service.”) since PHV counsel now receive NEFs consistent with proposed changes to Civ. LR 83.3(E)

- Struck Crim. LR 45.1 (additional time after electronic service) because subject is adequately addressed in Fed. R. Crim. P. 45(c)
- Crim. LR 47.1(B) modified by striking filing instructions and added reference to the CM/ECF User Manual and Administrative Procedures consistent with proposed changes to Civ. LR 7.1
- Crim. LR 49.1(B)(2)(c) struck current language and referenced exceptions to filing methods set out in CM/ECF User Manual and Administrative Procedures consistent with proposed changes to Civ. LR 5.1(B)(2)(c)
- Changed Crim. LR 49.1(B)(3) consistent with MN LR 5.4 at judges' request and consistent with proposed changes to Civ. LR 5.1(B)(3)
- Crim. LR 49.1(B)(5)(b) struck this exception and renumbered remaining paragraph consistent with proposed changes to Civ. LR 5.1(B)(5)(b)
- Crim. LR 49.1.1(B) struck "either," "or a reference sheet containing a key to the redacted personal data identifiers" and "Such documents will be retained by the clerk of court as part of the record" consistent with proposed changes to Civ. LR 5.2(B)
- Changed Crim LR 49.1.1(D) consistent with the practice in the Western Division, which clarifies the government's obligation to provide the clerk's office with redacted copies of indictments.
- Crim. LR 57.4(B) and (C) clarified that notice shall be provided "by the withdrawing attorney" consistent with Civ. LR 83.9(B) and (C)