

**Proposed Amendments to the Criminal Local Rules of Practice-Summary of Changes  
May 2011**

NOTE: The Criminal Local Rules of Practice were revised to include several substantive changes to existing rules along with the adoption of a new rule. Other changes were adopted for consistency with the Civil Local Rules of Practice, style or other reasons.

**1. Substantive Changes**

- LR 41.1 This rule was revised to change the procedure regarding search warrants. Under the new procedure, when a search warrant is issued, a miscellaneous case is opened but the case is sealed until the warrant is returned, at which point it is unsealed unless otherwise ordered. Other style changes were also made.
- LR 44.1 Subsection (F) was changed to require government attorneys who reside in the state to be admitted to the South Dakota bar before being admitted to practice before the court. Notwithstanding this requirement, such attorneys may be admitted provisionally for 12 months from the date of their oath of office for the position. Another new provision allows nonresident government attorneys to be admitted without prepayment of fees under certain circumstances. Subsection (I) was also changed to include a specific reference to the Federal Public Defender's Office and there were style changes throughout the rule.
- LR 47.1 This rule was changed to require the submission of a written brief with most motions that raise questions of law. Other changes were made consistent with Rules 37.1 and 7.1 of the Civil Local Rules of Practice.
- LR 49.1 This rule addresses serving and filing documents. As amended, it requires electronic notice and filing consistent with Civil LR 5.1 for most documents. The following rules were deleted as they are addressed in the amendments to this rule: 49.2, 49.3, 49.4 and 49.5.
- LR 49.1.1 This rule was formerly LR 7.1. It was renumbered consistent with Fed. R. Crim. P. 49.1. Subsection (D) now requires that when personal data identifiers are included in an indictment, information, or complaint for purposes of complying with federal law, such documents be filed under seal and the attorney for the government must file a redacted version of the sealed document. Other style changes were also made.
- LR 57.4 This is a new rule that addresses withdrawal and substitution of counsel. It is similar to Civil LR 83.9.

## 2. Other Changes

The Individual Calendars section was updated to reflect case assignments.

LR 1.1	Style changes
LR 3.1	Style changes
LR 7.1	Renumbered 49.1.1 consistent with Fed. R. Crim. P. 49.1; <u>See</u> Substantive Changes
LR 10.1	Style changes
LR 12.1	“Standing order” replaced with “scheduling and case management order”
LR 16.1	Changed requirement from declaration to certification
LR 17.1	Style changes
LR 24.2	Style changes
LR 28.1	Style changes
LR 32.1	Style changes
LR 45.1	Style changes
LR 55.1	Deleted as it is no longer necessary in light of LR 49.1(B)(1) (“When a document has been filed electronically, the official record is the electronic document as stored by the court . . . .”)
LR 57.2	Style changes