

NEWS FROM U.S. DISTRICT COURT

December 10, 2015

NEW LOCAL RULES: The Civil and Criminal Local Rules of Practice have been updated and are now available on our website at www.sdd.uscourts.gov. Judge Lange has prepared a comprehensive memo outlining all of the changes. There are some substantial changes. Among others, D.S.D. Civ. LR 10.1.B prohibits headers or footers containing a law firm's name and address from appearing on the pages of a document. D.S.D. Civ. LR 12.1 allows parties to stipulate to a 14-day extension to answer a civil complaint, and D.S.D. Civ. LR 40.1.A allows parties to file a joint motion for a continuance when counsel can agree on enlarged deadlines. D.S.D. Civ. LR 47.2 and its criminal counterpart, D.S.D. Crim. LR 24.2, clarify the procedure for questioning jurors after a jury trial.

The most significant change to the Criminal Rules is D.S.D. Crim. LR 49.1.B.2(c). This rule, read in conjunction with the new CM/ECF User Manual and Administrative Procedures, which is also available on our website, has the effect of requiring the electronic filing of documents signed by a criminal defendant. This is a substantial departure from the current practice of manually delivering these documents to the Clerk's Office for filing. D.S.D. Crim. LR 32.1.B has also been updated. It identifies confidential sentencing documents and clarifies to whom and by what means they may be distributed.

DOCUMENTS SIGNED BY CRIMINAL DEFENDANTS: In the past, documents signed by criminal defendants had to be manually delivered to the Clerk's Office for filing. Attorneys are now required to electronically file these documents themselves in CM/ECF. These documents include the following: plea agreements, sealed plea agreement supplements, statements of factual basis, petitions to plead guilty, invocations of rights, sealed allocution statements, waivers, consents, etc.

EXCEPTIONS TO MANDATORY FILING: Electronic filing is not allowed in sealed cases, including criminal cases involving juvenile defendants. The following types of documents are also excluded from mandatory electronic filing in unsealed cases:

- Criminal charging documents
- Civil case initiating documents
- Sealed documents (with the exception of some sentencing-related documents filed in criminal cases)
- Motions to seal (and the documents to be sealed)

Documents containing a criminal defendant's original signature are no longer excluded.

The above-listed documents must be manually filed with the Clerk's Office and must be manually served on those parties entitled to receive notice in accordance with the Federal Rules of Procedure and the local rules of this court. Additionally, documents manually filed with the Clerk's Office must contain an attorney's original wet signature.