

## **NEWS FROM U.S. DISTRICT COURT**

**March 9, 2018**

**FORMS AVAILABLE ON WEBSITE:** Did you know there are a variety of national, local, and CJA forms available on the District Court's public website. These forms have been approved by the Judicial Conference of the United States and the Clerk's Office for use in District Court in the District of South Dakota. These forms are kept up-to-date. Rather than risking using an outdated form, please use the forms located on the District Court's website under the Forms tab on the blue menu bar. The national forms include a Civil Cover Sheet form and various summons and subpoena forms. The local forms include an Exhibit List form, a Motion for Admission Pro Hac Vice form, a CM/ECF Information Update form, and forms and instructions for requesting a writ of execution. Along with some helpful CJA and CJA eVoucher instructions, the CJA forms include a CJA Vendor Form and a form for requesting an advanced authorization for excess funds at the Eighth Circuit Court of Appeals.

**ACCESS TO CRIMINAL DOCUMENTS AND TRANSCRIPTS:** Standing Order 16-04 restricts access to certain documents filed in a criminal case. If you represent a criminal defendant in district court, you may review sealed and restricted portions of the criminal file with your client, however, you may NOT allow your client to keep copies of sealed or restricted documents. Such documents include, but are not limited to, transcripts of change of plea hearings, transcripts of sentencing hearings, plea agreement supplements, presentence reports, sentencing memoranda, motions for departure, and motions for variance.

**CM/ECF FILING TIP OF THE MONTH – Docketing a Motion in a Multi-Defendant Criminal Case:** After entering the case number in a multiple defendant criminal case, a checkbox for the main case and checkboxes for each of the individual co-defendants' subcases appear for selection. Defense counsel should ONLY select their client's individual subcase. Defense counsel should NEVER select a co-defendant's subcase and rarely, if ever, should select the main case. Government counsel should only select the subcase(es) of the defendants for whom a particular motion pertains. Government counsel should not select the main case UNLESS the motion pertains to all of the defendants in the case. If a defendant's subcase is selected, the motion will appear on the docket sheet in that one defendant's subcase AND on the docket sheet in the main case. It will NOT appear on the docket sheets in any of the co-defendants' subcases. Otherwise, when the main case is selected, the motion will appear on the docket sheet in the main case and on the docket sheets in all of the co-defendants' subcases. Even more important than on whose docket sheet a motion will appear is the fact that certain Speedy Trial excludable intervals will inadvertently be started for the erroneously selected defendants.