

NEWS FROM U.S. DISTRICT COURT

January 8, 2021

Updated Civil Jury Instructions: The 2020 edition of the Manual of Model Civil Jury Instructions for the District Courts of the Eighth Circuit is now available. The latest edition reflects all changes made through October 22, 2020. To access these instructions, go to the district court's website located at www.sdd.uscourts.gov. On the blue menu bar, click on the **For Attorneys** tab and go to **Jury Instructions → Eighth Circuit Model Jury Instructions → Civil Instructions**. The manual is available in PDF format and Word format.

Restrictions on Disclosure of Presentence Documents: If you practice criminal law, you may have noticed presentence reports have a new look. They now include two boxes outlined in red with the following warnings to attorneys about restrictions on the disclosure and use of PSRs:

Disclosure Restriction under District of South Dakota Standing Order. This Presentence Investigation Report must NOT be retained by the defendant/inmate nor reviewed with another inmate present. When the attorney reviews the report with the defendant/inmate, the attorney may personally show the report to the defendant/inmate, allow the defendant/inmate to go over it in the attorney's presence, and may choose to read any or all of it to the defendant/inmate. Violation of the Standing Order restricting the defendant/inmate from retaining a copy of this report may result in sanctions imposed on the attorney involved, including possible monetary sanctions and/or removal from the Criminal Justice Act panel.

Restrictions on Use and Redisclosure of Presentence Investigation Report. Disclosure of this presentence investigation report to the Federal Bureau of Prisons and redisclosure by the Bureau of Prisons is authorized by the United States District Court solely to assist administering the offender's prison sentence (i.e., classification, designation, programming, sentence calculation, pre-release planning, escape apprehension, prison disturbance response, sentence commutation, or pardon) and other limited purposes, including deportation proceedings and federal investigations directly related to terrorist activities. If this presentence investigation report is redisclosed by the Federal Bureau of Prisons upon completion of its sentence administration function, the report must be returned to the Federal Bureau of Prisons or destroyed. It is the policy of the federal judiciary and the Department of Justice that further redisclosure of the presentence investigation report is prohibited without the consent of the sentencing judge.

The warnings are designed to protect the safety of federal inmates and the integrity of ongoing investigations or related prosecutions consistent with [Amended Standing Order 16-04](#).

The warnings appear on the following documents filed by the U.S. Probation and Pretrial Services Office in CM/ECF:

- Presentence Reports
- Addendums to Final Presentence Reports
- Supplemental Presentence Reports
- Addendums to Final Supplemental Presentence Reports

New Criminal Justice Act Rates: The Consolidated Appropriations Act of 2021 enacted late last month includes increases to the non-capital hourly rate for attorneys and case compensation

maximums under the Criminal Justice Act (CJA). The hourly rate for attorneys increased from \$152 to \$153. The case compensation maximum also increased from \$11,800 to \$11,900.

The new hourly rate is effective for services performed on or after January 1, 2021. If you were appointed under the CJA prior to January 1, the new rate applies to that portion of your services provided on or after the effective date.