



NEWS FROM U.S. DISTRICT COURT

October 14, 2022

Obligation of counsel to review confidential and restricted documents with their criminal clients. If you handle criminal cases in federal court, please remember that it is the responsibility of counsel to review discovery and confidential sentencing documents **with** their clients.

Pursuant to Local Rule 32.1 these types of documents must not be distributed beyond the court and counsel unless otherwise ordered by the court. Recently, there were two instances where defense attorneys allowed their out of custody clients to review restricted documents when counsel was not present. In both cases, the defendants took photos and sent them to others or posted cooperator information on Facebook. Allowing defendants to review these documents outside the presence of counsel clearly violates LR 32.1 and puts cooperators at risk of being injured or killed. At a minimum, defendants can lose their points for acceptance of responsibility and attorneys risk being removed from the CJA Panel.

Standing Orders. The Court recently reviewed seven dozen standing orders and whittled them down so there are just 17 currently in effect . Some orders, such as Amended Standing Order 16-04 (Access to Criminal Documents and Transcripts) and Standing Order 21-10 (Procedures in Social Security Cases), were replaced by new local rules (D.S.D. Crim. LR 57.10 and D.S.D. Civ. LR 83.9). Others, especially those related to COVID or the CARES Act, are now superseded or expired. Please note that if you are using the Stipulation for Entry of Standard Discovery Order form that cites Amended Standing Order 16-04, you are using the old form. The [new form](#) can be found on our website.

Magistrate Judge reappointed. Effective October 16, 2022, Magistrate Judge Veronica Duffy will begin her second eight-year term as a full-time magistrate judge for the Southern Division. Prior to becoming a full-time magistrate judge, Judge Duffy served as a part-time magistrate judge for the Western Division.

Holiday Schedule. The Court will be closed for Veterans Day on Friday, November 11. It will also be closed for Thanksgiving November 24-25. Next month's newsletter will be published on Thursday, November 10.