

## NEWS FROM U.S. DISTRICT COURT

December 10, 2021

**Proposed Rule Changes.** The Court is in the process of updating its civil and criminal local rules. The local rules were last updated in 2015. The updates were prompted by changes in the Federal Rules. The Federal Practice Committee has reviewed the proposed new rules and its suggested changes have been incorporated. The [proposed new rules](#) are posted on the Court's website. If you have any comments or suggestions, please email them to [matt\\_thelen@sdd.uscourts.gov](mailto:matt_thelen@sdd.uscourts.gov).

**Renewed Standing Order 21-02.** With active COVID-19 cases continuing to rise in South Dakota, Chief Judge Lange has entered another standing order renewing authorization for video hearings for changes of plea and sentencing hearings if a defendant consents. The [Third Renewed Standing Order 21-02](#) authorizes the use of videoconferences through March 9, 2022.

**Offers of Judgment.** Rule 68(a) of the Federal Rules of Civil Procedure provides a procedure under which a party defending against a claim may serve on opposing counsel an offer of judgment. Although rare, offers of judgment are problematic for the Clerk's Office because they fly under the radar. To solve this problem, we have created a new CM/ECF event entitled "**Rule 68 Offer and Notice of Acceptance**" to notify the Court. The new event is located in CM/ECF under:

**Civil Events → Other Filings → Notices**

[Rule 68 Offer and Notice of Acceptance](#)

If an offer of judgment is accepted, either party may file the offer and notice of acceptance, along with proof of service, using the new event. When the new event is used, it will automatically provide a notice of electronic filing to the clerk who will then enter the judgment.

**TIP OF THE MONTH—Bill of Costs Guide.** If you represent a prevailing party in a federal lawsuit, you might find the [Bill of Costs Guide](#) on our website helpful. It addresses the procedure for electronically filing bills of costs in CM/ECF and identifies both taxable and non-taxable costs. It also includes a section on how to seek review of the Clerk's Taxation of Costs. Generally, the Clerk will deny costs that are beyond the Clerk's authority to tax or where the authority to tax such costs is unclear.

**Reminder.** The Clerk's Office and the U.S. Probation and Pretrial Services Office will be closed on Christmas Eve and New Year's Eve.