



NEWS FROM U.S. DISTRICT COURT

March 10, 2023

New Local Rules. The [Civil and Criminal Local Rules of Practice](#) have been updated. Most of the changes appear in the criminal rules. Some of those changes are discussed below. Next month, we will highlight changes to the civil local rules. All of the new rules can be found on the District Court's website.

Expert Witness Disclosure, Confidential Sentencing Documents, and Access to Criminal Documents. Criminal Local Rule 16.1 has been amended to incorporate Standing Order 22-06. The rule requires parties in a criminal case to disclose expert witnesses and their reports no later than twenty-one (21) calendar days before trial. Rebuttal experts, if any, must be disclosed seven days before trial. The rule was prompted by a change to Rule 16 of the Federal Rules of Criminal Procedure.

The next two changes address the disclosure and distribution of confidential documents. D.S.D. Crim. R 32.1 now requires counsel or an employee of counsel to review confidential pretrial services and sentencing documents with their clients and requires their presence during any client review "to ensure that the documents are not copied, photographed, retained, or removed." D.S.D. Crim. LR 57.10 previously precluded attorneys from distributing restricted or sealed documents to their custodial clients. The rule now precludes attorneys from distributing restricted or sealed documents to *all* criminal clients regardless of custodial status. Under the rule, inmates may continue to request copies of sealed or restricted documents from their court files, but copies will be forwarded by the court to the warden for review by the inmate in a designated area. Sealed or restricted documents may not be retained by inmates or reviewed in the presence of other inmates.