

Chapter 1 : Local Rules | Middle District of Florida | United States District Court

The provisions of Rule 16(b) of the Federal Rules of Civil Procedure shall be inapplicable to cases or proceedings in this court. [Comment: See Federal Rule 16(b) (opt-out provision) and Local Rule of the United States District Court (bankruptcy court's authority to enact local rules).].

Adversary Proceeding Primer Adversary Proceedings Primer Certain actions in bankruptcy court require the filing of an adversary proceeding. Although called by a different name, an adversary proceeding is in reality just a civil lawsuit in bankruptcy court. An adversary proceeding is commenced by the filing of a complaint. After filing of the complaint and issuance of a summons by the clerk of court, the summons and complaint must be served upon the named defendants. If service is not accomplished, the action may be dismissed for failure to prosecute. Assuming service is timely accomplished, the defendant must respond to the complaint within 30 days of the issuance of the summons. If a response is not filed with the clerk of court within 30 days, the plaintiff may move for entry of default and for a default judgment. After the filing and service of all pleadings, the court will set a preliminary pretrial conference. All parties will receive a notice of the hearing location, date, and time from the clerk. At this conference, the parties discuss various aspects of the adversary proceeding with the judge assigned to the case. This discussion will cover, among other things,:

- Once the preliminary pretrial conference has been held, the court will enter a scheduling order. This order sets expected deadlines for the completion of discovery, filing of motions, final pretrial conference, and trial of the proceeding. Prior to and after the preliminary pretrial conference, but prior to the deadline set in the scheduling order, the parties are free to conduct discovery. Discovery consists of depositions, interrogatories, production of documents, and other means of collecting information from the opposing party regarding the case, as set forth in the Rules mentioned above. Various motions may be heard by the court prior to the trial of the proceeding. These motions include motions to dismiss part or all of the pending actions, motions regarding discovery, and motions for summary judgment. A motion for summary judgment will only be allowed if there are no issues of material fact between the parties, but rather only issues of law. Assuming that the parties are unable to reach a settlement of the proceeding through their own negotiations, or through the formal process of arbitration or mediation, and assuming that no ruling on a motion has resolved all issues in the proceeding, the parties will participate in a final pretrial conference. If the proceeding goes to trial, the court will follow the following procedures:

- Opening statements – each party will be allowed to make an opening statement to the court. This statement should be used to summarize for the court the claim of the party and to preview for the court the evidence the party will present during the trial. Please note that this is not the appropriate time to make arguments or to present evidence. It is merely an opportunity to let the judge know what to expect from the party during the course of the trial. Each party also will be given the opportunity to question witnesses for the opposing party and to object to the admissibility of exhibits offered by the opposing party. After the trial, the judge may render a ruling from the bench regarding the proceeding. The judge may choose to take the proceeding under advisement, in which instance an opinion and judgment should be entered within 60 days of the trial.

Chapter 2 : General FAQs | District of New Jersey | United States District Court

The Court will order a presentence report following a verdict of guilty at trial or the entrance of a guilty plea. While the probation office compiles this report, defendants continue to report to and be supervised by the Pretrial Services Office.

Magistrate Judge What are the types of bond ordered by U. There are a variety of bond types ordered in the Federal Courts. The surety must have a current certificate of Authority from the State of Missouri on file with the Court. The agent appointed by the surety must have a valid power of attorney filed with the Court. In addition to the above-mentioned bonds, the Court typically orders pretrial supervision and reporting as a condition of release for all defendants. Other special conditions may be ordered, including, but not limited to: Additionally, all defendants are ordered to not possess any firearm or dangerous device while on pretrial release. What does it mean when someone is a third party custodian? This is a condition of release that designates an individual who agrees to assume supervision of the defendant and report any violations of release conditions to the Court. What does my participation in a substance abuse program cost? What happens if I am out of range? This issue will be discussed with the court. What happens if my phone service is disconnected? If services are not re-connected, alternative sites home plan will be explored. What happens if the bond is revoked? Forfeiture of bond may occur if the defendant fails to appear and bond is revoked. The Judge may issue a bench warrant and declare a revocation of the bail bond or appearance bond. If a defendant is charged in the Eastern District of Missouri, but lives in another area, the Pretrial Services Office will make arrangements for the Pretrial Services Office in the District of residence to provide supervision. The Officer will provide specific instructions on how to make contact with the supervising office prior to the defendant leaving the Eastern District of Missouri. What if I test positive for an illegal substance? Testing positive for drug use is a violation of conditions of release and as such, a violation would be submitted to the Court which could result in revocation of release. What if the assigned Pretrial Services Officer is not available on call-in day or for office visits? If the assigned Officer is not available when a defendant calls in, a voice mail message is accepted. The message should provide a telephone number where the defendant may be contacted and leave a brief message stating there are no problems and no change in residence, job, or employment status. There is no need for a defendant to return to see the assigned Officer, unless directed to do so. What is a Detention Hearing? Detention hearings are conducted when the U. At the detention hearing, the Government must prove there is reason to detain the defendant. What is a home visit? Home visits are unannounced visits by the assigned Pretrial Services Officer, with another Officer. The Officer will tour the residence and visit with the defendant and any family members at home during the visit. If a defendant is not home at the time of the visit, the Officer will leave a business card or note. The defendant is to call the office to confirm receipt of the note. What is a monthly reporting form? What is a Presentence Report? The Court will order a presentence report following a verdict of guilty at trial or the entrance of a guilty plea. While the probation office compiles this report, defendants continue to report to and be supervised by the Pretrial Services Office. All previously ordered conditions of release remain in effect. What is an Appointed Attorney? Magistrate Judge finds the defendant is unable to afford an attorney, an Order will be entered appointing an attorney. Defendants are not required to remit payment to an appointed attorney. What is an Arraignment? Arraignments are conducted in open court and consist of the reading of the indictment or the information to the defendant or stating the substance of the charge. The defendant must enter a plea to the charge s at that time. A trial date is then set. What is an Initial Appearance? The initial appearance before a U. An initial appearance will occur in one of the following situations: Magistrate Judge an arrest on a warrant issued following the return of an indictment of the Grand Jury an information is filed by the U. Attorney an appearance on a citation or violation notice in a misdemeanor offense an appearance in response to an informal agreement between the U. Attorney and Defense Counsel The defendant will be read the charges being filed or the complaint against them during the initial appearance. Additionally, they will be provided a copy of the charges. The Court will determine if there is a need for an appointed attorney at this time. What is Electronic Monitoring? Electronic monitoring is a system used to increase effectiveness in supervising defendants who are required to abide by curfew or remain

in their homes as a condition of pretrial release. The Home Monitoring Unit is part of an electronic monitoring system designed to increase the effectiveness of supervising clients who are required to abide by curfew restrictions or stay at home as part of pretrial release. What is inpatient treatment? A defendant could also be referred to inpatient treatment when released on bond. What is involved in pretrial supervision? Home visits will be conducted throughout bond supervision. Additional instructions may be given to a defendant, based on the conditions of release ordered by the U. What is needed to post a property bond? The property owner posting the bond must provide the following items to the Court: Copy of the deed to the property, The most recent paid real estate tax receipt, Copy of the property insurance policy; and, A statement of the balance due on the mortgage shown on a payment book, monthly statement or letter from the mortgage company. The property bond MUST be signed by all parties named on the deed. Anyone posting a property bond with the Court should check with the Judge ordering the release for additional requirements. What is pretrial diversion? The pretrial diversion program is a tool utilized by the U. The pretrial services office receives referrals, collects and verifies information and prepares a report under an agreement with the U. What is required for Electronic Monitoring in a home? The EM specialist must verify that a private telephone line exists within the home and there are no party lines. If the telephone has call forwarding, call waiting, or caller ID. Cordless telephones should be a desk type model and not a wall mount. The wall mount telephone may not be functional after the unit is installed. Verification of the types of telephone services may be done through the security office of Southwestern Bell Telephone. The in-home part of the monitoring system consists of the monitoring unit, telephone cables, power pack and an ankle transmitter. The ankle transmitter attached to the client sends a continuous coded signal that identifies the individual participant and contains a security circuitry that is able to detect tampers or removal, and sends a special signal to the monitoring center when either occurs. The home monitoring unit determines when the participant enters or leaves the residence by recording the time when the ankle transmitter comes into or goes out of range. Electronic monitoring is also appropriate for use with defendants who have violated the terms of previously imposed release conditions. Community and familial stability are important given the potential for long term enforced togetherness. Persons residing with the participant must be willing to make sacrifices demanded by the electronic monitoring program. Participants must have a residence and a telephone. Restitution may be collected from an individual based on the nature of their original offense. No cash or personal checks are accepted as payment. What is substance abuse counseling? The supervising Pretrial Services Officer can allocate up to four individual sessions per month for any defendant. What is substance abuse testing? Substance abuse testing consists of a defendant submitting to randomly announced urine collections which are observed by employees of the vendor providing the service or by a Pretrial Services officer if the test is required during an office visit. The supervising Pretrial Services Office can allocate up to four random urine tests per month for any defendant in a substance abuse testing program. What is termination from the diversion program contingent upon? Termination from the diversion program is contingent upon a subject repaying any and all restitution to the victim owed if restitution was ordered. It is also contingent upon the subject remaining in full compliance throughout the twelve month period of supervision which includes contacting the supervising officer as directed and submitting monthly reporting forms as instructed. What is the term of supervision? The term of supervision in the diversion program commences the day the diversion agreement is signed and continues for a period of twelve months but not to exceed eighteen months. If restitution is still outstanding or other matters are still unresolved, the subject will be extended an additional six months in the program for a total of eighteen months of supervision. What is Voluntary Surrender or Self-Surrender? At sentencing, if a defendant is not remanded to the custody of the U. A defendant remains under Pretrial Services supervision until he reports to the Bureau of Prisons facility designated by the U. Defendants are notified by mail of the surrender information 4 - 6 weeks in advance.

Chapter 3 : Pretrial Services

district court judges and magistrates have jurisdiction 1 For more detailed information on this topic, see the Michigan Judicial Institute's Criminal Proceedings Benchbook, Vol. 1.

CRM - The Eighth Amendment to the United States Constitution provides that "[e]xcessive bail shall not be required. The United States Supreme Court has interpreted this amendment to prohibit the imposition of excessive bail without creating a right to bail in criminal cases. See *United States v. In federal criminal proceedings, release and detention determinations are governed by the Bail Reform Act of These sections contain specific guidelines that "judicial officers" must follow in considering whether a defendant should be detained or released pending federal criminal proceedings. Title 18, United States Code, Section a gives "judicial officers" authority to make determinations regarding bail in all stages of a criminal case, up to and including the trial stage. The term "judicial officers" is defined in Title 18, United States Code, Section , along with other terms relevant to the matter of bail in criminal cases. Once a defendant has been convicted of the federal charges, Title 18, United States Code, Section b vests authority with district judges and the appellate courts to make bail determinations pending the imposition or execution of sentence, or pending appeal of the same. Title 18, United States Code, Sections through pertain to the administration and the supervision authority of pretrial services officers in the federal criminal system. Section specifically empowers pretrial services officers with the authority to collect information from defendants and other sources relative to the matter of bail. Pretrial services officers are authorized to make recommendations as to whether a defendant should be detained or released, including specific recommendations regarding conditions of release. Pretrial services officers are also authorized to establish facilities for and conduct the supervision of defendants released under the provisions of Section Remember, however, these reports are not supposed to be seen by case agents, and there usually is a statement to that effect somewhere on the front page of the report. For a lengthy discussion regarding the procedures and theories of pretrial release and detention, see Ailemen, F. Categories Of Pretrial Release and Detention: Title 18, United States Code, Section defines the categories of "release and detention" a defendant may be subject to and contains the rules under which the court and parties must proceed relating to bail matters. In this event, the judicial officer must follow the provisions of Title 18, United States Code, Section c. Once a judicial officer has made the determination that a defendant does not qualify for release under Section b , then the judicial officer must follow Section c. When structuring the release of a defendant under Section c , the judicial officer must order that the defendant "not commit a Federal, State, or Local crime during the period of release. It is important to note that "Section speaks only of conditions that will "reasonably" assure appearance, not guarantee it". A judicial officer is not permitted to impose any financial conditions of release which result in the pretrial detention of a defendant. The conditions of release imposed on a defendant under a Section c order may be amended at any time to impose additional or different conditions of release. When making a determination regarding the eligibility of a defendant for pretrial release whether personal recognizance , unsecured appearance bond, or release on conditions , the judicial officer must consider the factors listed in Section g , including: In addition to considering evidence of the factors set forth above, the court may upon its own motion, or upon the motion of the government attorney, conduct an inquiry into the source of any property to be designated for potential forfeiture or offered as collateral to secure any bond. If the court determines that any such collateral or property, because of its source, will not reasonably assure the appearance of the defendant as required, the designation or use of the collateral or property as security for a bond shall be refused. Considerations Regarding Temporary Detention Orders: Title 18, United States Code, Section d requires a judicial officer to enter an order of temporary detention in cases where a factual determination is made that: The formula for calculating the 10 day temporary detention period is set forth in Section d. In the event that the "notified authority" declines to take the defendant into custody, then the judicial officer must make an independent determination regarding bail under the provisions of Sections b , c , and e if the government moves for detention. Consider the use of a form "notification letter" to both the agency involved in the case and the appropriate authority responsible for the matters listed in*

Section d. Also, consider the use of a form "notification letter" to the court setting forth communications between the government attorney and the appropriate authorities so that the case file is properly documented. Of course, the government attorney must consult the local rules in the jurisdiction of practice to ensure the court is given the proper response to a Section d inquiry. Pretrial Motions for Detention: The Bail Reform Act requires the pretrial detention of a defendant only if a judicial officer determines that no conditions or combination of conditions exist which will "reasonably assure the appearance of the person", see *United States v. Section f* defines specific situations under which a judicial officer may hold a detention hearing. Those situations are as follows: Upon the motion of the government attorney, in a case that involves: Section f "does not authorize a detention hearing in the absence of one of the six situations set forth above. Thus, the government may not request a detention hearing only on the allegations of danger to the community or another person. The "government is required to demonstrate that there are grounds for a hearing under the specific provisions of either f 1 or f 2. Section f may fairly be interpreted as authorizing pretrial detention "only upon proof of a likelihood of flight, a threatened obstruction of justice or a danger of recidivism in one or more of the crimes actually specified by the bail statute. Detention considerations are then guided by the factors set forth in 18 U. Accordingly, the government must first prove one or more of the grounds listed in f 1 or 2 as a prerequisite to the court considering the factor of danger to the community whether there exist appropriate conditions of release in the case. In reaching a decision in favor of pretrial detention, the Butler court stated: This is particularly true where the possessor has a lengthy criminal history, has not been deterred from the commission of crime by prior convictions and appears to be involved in ongoing drug offenses. Timing Of Detention Hearing: Title 18, United States Code, Section f 2 contains specific guidelines regarding the timing of detention hearings. However, given the fact that a defendant may lack representation at this initial appearance, the detention hearing is not likely to go forward unless the court has made other arrangements for the defendant to be represented by counsel. Section f 2 also permits a 3 day delay of the detention hearing upon the motion of the government attorney. A defendant may request a continuance of up to 5 days under this section, for good cause shown. The government may proceed in a detention hearing by way of proffer. The rationale for permitting detention hearings to proceed by way of proffer is that such hearings are "neither a discovery device for the defense nor a trial on the merits. Application of the Rebuttable Presumption: Title 18, United States Code, Section e contains three categories of criminal offenses that give rise to a rebuttable presumption that "no condition or combination of conditions" will 1 "reasonably assure" the safety of any other person and the community if the defendant is released; or 2 "reasonably assure" the appearance of the defendant as required and "reasonably assure" the safety of any other person and the community if the defendant is released. These three categories are: A judicial officer finds that: A judicial officer finds that there is probable cause to believe that the person committed an offense for which a maximum term of imprisonment of 10 years or more is prescribed. A judicial officer finds that there is probable cause to believe that the person committed an offense under 18 U. The rebuttable presumption relating only to the safety of any other person and the community pertains to those cases meeting the criteria of Section e 1 - 3. It is important to note, that all 3 of these conditions must be met for the proper application of the rebuttable presumption of "danger to the community. Burden of Proof At Detention Hearing: It is not necessary that the government prove both flight risk and danger to the community to warrant detention. Title 18, United States Code, Section h lists the requirements for the contents of a "release order. When a defendant moves for release on bail following pretrial detention, the court must consider three factors: Roseto, WL S. Regarding the length of pretrial detention, there is no doubt that the longer the pretrial detention the more likely the denial of due process. Typically, this factor weighs in favor of the moving defendant. See Millan, 4 F. Regarding the reason or "responsibility" for delay factor, the court will consider information relating to pretrial events such as motions for continuance, discovery disputes, complexity of the case, plea discussions, and other matters relating to the progress or lack thereof of the case. Regarding the reasons for the pretrial detention, the court will examine the findings from the detention hearing. Title 18, United States Code, Sections through describe the penalties a defendant may be subject to for: In addition, Title 18, United States Code, Section empowers a surety with arrest authority over offenders, and requires that the surety promptly deliver the offender to the custody of the

United States Marshal for proceedings under Section In this instance, judicial officers are also bound by Federal Rule of Criminal Procedure Federal Rule of Criminal Procedure 46 e provides that "[i]f there is a breach of condition of a bond, the district court shall declare a forfeiture of the bail. This language is broad, and reaches any condition of release. The Bail Reform Act of does not supersede Rule 46 e. Other provisions of Title 18 are relevant to matters concerning release and detention in criminal cases. For example, Section contains the framework for release or detention of a defendant pending sentence or appeal. Likewise, Section pertains to the release or detention of a material witness. Finally, Sections and discuss the applicability of the Bail Reform Act to those State cases which are removed to Federal Court, and the issue of forfeited bail.

Chapter 4 : Washington State Courts - Court Rules

Download the Local Rules for the United States District Court Middle District of Florida (PDF). Chapter 3 - Motions, Discovery, and Pretrial Proceedings Rule - Motions, Briefs, and Hearings.

Except as provided in this rule and under D. Work parity shall be maintained among active district judges and among full-time magistrate judges, provided that a majority of active district judges may adjust the assignment of cases to the Chief Judge as may be necessary for the performance of the duties of that office, and may, for good cause, approve special assignment or reassignment of cases among the judicial officers of the court. All other reassignments of cases shall be subject to the approval of the Chief Judge. The clerk shall maintain a computerized program to achieve work parity among judicial officers through random and public assignment of new cases. A senior judge may decline assignment of cases and, on notice to the Chief Judge, limit participation in the random draw by a stated percentage. If any added party does not consent to magistrate judge jurisdiction within 21 days from the date of the notice, the civil action shall be assigned to a district judge under D. The civil action shall be assigned to the judicial officer to whom the criminal case is assigned. A by reassignment on a majority vote of the active district judges under D. On the filing of an AP case, the clerk shall assign a case number without random selection to any district judge designated by the Chief Judge for pre-merits management under Section IV of these rules. Recusal of an active judicial officer shall be by written order stating the reasons. On recusal under this rule or D. Each judicial officer shall maintain a trial calendar that preserves the priorities required by law. When the parties have agreed to settle or otherwise resolve a pending matter, they shall notify the court immediately. If good cause is not shown, a district judge or a magistrate judge exercising consent jurisdiction may enter an order of dismissal with or without prejudice. Administrative closure of a civil action terminates any pending motion. Reopening of a civil action does not reinstate any motion. A notice of filing of a motion to consolidate shall be filed by the movant as a party or, with the assistance of the clerk, as an interested party in all other cases proposed for consolidation. A motion to consolidate shall be given priority. Consolidated cases shall be reassigned to the judicial officer s to whom the lowest numbered consolidated case was assigned. Judicial practice standards are [HERE](#). The seven-day period shall be calculated under Fed. Unless otherwise ordered, the clerk shall tax costs in favor of a prevailing party or parties. A bill 15 of costs shall be filed on the form provided by the court [HERE](#) no later than 14 days after entry of the judgment or final order. After filing a bill of costs and prior to appearing before the clerk, counsel and any unrepresented party seeking costs shall file a written statement that they have conferred as to disputes regarding costs. If all disputes are resolved, a stipulation specifying costs shall be filed with the court. Unless otherwise ordered, a motion for attorney fees shall be supported by affidavit. The motion shall include the following for each person for whom fees are claimed: To obtain a default judgment under Fed. A is not a minor or an incompetent person; B is not in the military service, as set forth in the Service members Civil Relief Act, 50 App. The moving party shall submit a proposed form of judgment that recites: A motion under Fed. Unless otherwise ordered, a response shall be filed no later than 21 days of the date of service of the motion, and a reply may be filed no later than 14 days of the date of service of the response. A cross motion for summary judgment shall be filed as a separate motion subject to Subdivision a. Voluminous exhibits are discouraged. Parties shall limit exhibits to essential portions of documents. Unless otherwise ordered, copies of documents attached as exhibits to a motion shall not be attached as exhibits to a response, and copies of documents attached as exhibits to a response shall not be attached as exhibits to a reply. Any additional exhibit shall be attached to the corresponding response or reply and consecutively numbered or lettered. A temporary restraining order shall be requested by motion filed separately from the complaint. The motion shall be accompanied by a certificate of counsel or an unrepresented party, stating: Except as provided by Fed. A proposed temporary restraining order shall be submitted with a motion for temporary restraining order. A party individual or entity , a spouse of a party, or an attorney for a party in a civil action, shall not serve as a personal surety on any bond in that civil action. If the surety on a bond is a surety company approved by the United States Department of the Treasury, a power of attorney evidencing the

authority of the agent signing the bond shall be filed with the clerk. Unless a statute requires otherwise, funds shall be tendered to the court or its officers for deposit into the registry only under court order. Unless otherwise ordered, all funds deposited into the registry shall be deposited in an interest bearing account through the Court Registry Investment System CRIS. Registry fees shall be deducted under 28 U. Funds in the registry shall be disbursed only by court order. Except as restricted by these rules, a magistrate judge may exercise all powers and duties authorized by federal statutes, regulations, and the Federal Rules of Civil Procedure. A magistrate judge may: On reference or order by a district judge, a magistrate judge may: No judicial officer, court official, or court employee may attempt to influence the granting or withholding of consent to the reference of any civil matter to a magistrate judge. The form of notice of the right to consent to disposition by a magistrate judge shall make reference to the prohibition and shall identify the rights being waived. On the filing of any civil action, the clerk shall deliver to the plaintiff s written notice of the right of the parties to consent to disposition of the civil action by a magistrate judge under 28 U. A copy of the notice shall be attached to the summons and served on the defendant s. A failure to serve a copy of such notice on a defendant shall not affect the validity of the service of process or personal jurisdiction over the defendant s. To consent to the jurisdiction of a magistrate judge under 28 U. Unless otherwise ordered by the assigned district judge, written consent to proceed before a magistrate judge must be filed no later than 1 seven days before the scheduling conference, if any; or 2 45 days after the filing of the first response, other than an answer, to the operative complaint, whichever is earlier. When there is such consent, the magistrate judge shall forthwith notify the assigned district judge, who will then determine whether to enter an order of reference under 28 U. On entry of an order of reference under 28 U. Any party added to the action or served after reference to a magistrate judge under this rule shall be notified by the clerk of the right to consent to the exercise of jurisdiction by the magistrate judge under 28 U. If an added party does not file a consent to proceed before the magistrate judge within 21 days from the date of mailing of the notice, the action shall be returned to the assigned district judge for further proceedings. A reference of a civil matter to a magistrate judge may be vacated under 28 U. A full-time magistrate judge is designated specially to make final determination of a dispositive motion with the unanimous consent of the parties and approval of the assigned district judge. Dispositive motions include motions to amend, to dismiss, for transfer or for change of venue, to remand, for summary judgment, and for partial summary judgment. The parties may consent to the final determination of a dispositive motion by the assigned magistrate judge by filing a notice of consent. The district judge may enter an order approving the notice. No judicial officer, court official, or court employee may attempt to influence the granting or withholding of consent to the reference of a dispositive motion to a magistrate judge. On entry of an order of reference of a dispositive motion under 28 U. A reference of a dispositive motion to a magistrate judge may be vacated for good cause. If a magistrate judge grants a dispositive motion and directs the entry of final judgment, an appeal shall be to the United States Court of Appeals for the Tenth Circuit in the same manner as an appeal from any other judgment of this court. Mountain Time on the day required. Unless otherwise ordered, all other pleadings and documents shall be filed during the business hours of the office of the clerk from 8: Mountain Time Monday through Friday. Unless otherwise ordered, pleadings, documents, conventionally submitted materials, and exhibits in a court file or submitted to a judicial officer shall not be removed from the office or custody of the clerk or judicial officer. If no objection is filed within 14 days of the notice, the clerk may dispose of the conventionally submitted material or exhibit. The clerk may limit or prohibit inspection or copying to preserve the evidence.

Chapter 5 : Pretrial Services | Eastern District of Missouri | United States District Court

the United States District Court for the Northern District of Georgia pursuant to LR They must complete and submit an Attorney Registration Form online at calendrierdelascience.com, or they may use the Attorney Registration Form attached to.

All proceedings shall be divided into classes, viz.: Proceedings in mandamus, habeas corpus, quo warranto, prohibition and any other proceedings not specifically included herein shall be classified under special proceedings. Amended May 31, , effective July 1, These rules shall be construed and administered to secure the just, speedy, and inexpensive determination of every action. Added August 26, , effective January 1, Upon the filing of the initial pleading or other documents, and before the issuance of process, the clerk shall classify and assign a number to such proceeding. All subsequent pleadings and documents to be filed shall bear the number assigned to the initial documents, which shall appear on the first page. The clerk shall promptly stamp the time and date upon all documents filed. Upon the filing of any documents, an appropriate entry shall be made in a docket sheet kept for each case. Each case shall be filed separately and its file shall contain an index sheet identifying particularly each document in such file and stating the date of filing. Original kept on file; copies for service. Subject to subsection 2 of this subsection d , pertaining to interrogatories and other discovery documents, when a pleading or other document requiring service is presented for filing, the original shall be accompanied with a sufficient number of copies for service. The original shall be kept on file by the clerk, provided, however, the original summons may be withdrawn by the serving officer. Service may be made with the certified copy or copies of the documents together with the certified copy or copies of the summons, and the serving officer shall make proof of service to the court promptly by returning the original summons to the clerk. B A party seeking admissions or answers to interrogatories shall serve 2 copies of the request for admissions or interrogatories upon the party from whom the admissions or answers are sought. C A discovery request shall be served on all parties. The discovery response shall also be served on all parties, except as provided in D. D Copies of documents produced pursuant to a request for production need not be served upon a party that did not make, or join in, the request and pay for the costs of production. In domiciliary probate cases, the original and a certified copy of the will shall be filed, together with the initial petition. Pleadings and documents for filing shall be presented to the Office of the Clerk except as otherwise directed by the court. The clerk shall furnish certified copies of all documents filed if so requested at the time of filing. Amended March 6, , effective March 6, , further amended March 16, , partly effective March 16, , fully effective May 1, ; further amended August 26, , effective January 1, The respective clerks of the circuit courts shall be ex officio clerks of all the courts of record and as such may accept documents for filing and may issue summons returnable in all such courts. Added July 26, , effective September 1, ; further amended March 20, , effective July 1, For copies of any document in any public record maintained by the clerk: For telefaxing of any document in any public record, the applicable charges plus:

Enrollment in the program occurs after a Pretrial Diversion investigation is completed by the Pretrial Services office. If the investigation reveals the individual is in compliance with the guidelines for referrals to the diversion program, the individual will be contacted to schedule an appointment to sign the diversion agreement.

Pretrial Conferences; Scheduling; Management Rule In any action, the court may order the attorneys and any unrepresented parties to appear for one or more pretrial conferences for such purposes as: Except in categories of actions exempted by local rule, the district judge or a magistrate judge when authorized by local rule must issue a scheduling order: The judge must issue the scheduling order as soon as practicable, but unless the judge finds good cause for delay, the judge must issue it within the earlier of 90 days after any defendant has been served with the complaint or 60 days after any defendant has appeared. The scheduling order must limit the time to join other parties, amend the pleadings, complete discovery, and file motions. The scheduling order may: A represented party must authorize at least one of its attorneys to make stipulations and admissions about all matters that can reasonably be anticipated for discussion at a pretrial conference. If appropriate, the court may require that a party or its representative be present or reasonably available by other means to consider possible settlement. At any pretrial conference, the court may consider and take appropriate action on the following matters: After any conference under this rule, the court should issue an order reciting the action taken. This order controls the course of the action unless the court modifies it. The court may hold a final pretrial conference to formulate a trial plan, including a plan to facilitate the admission of evidence. The conference must be held as close to the start of trial as is reasonable, and must be attended by at least one attorney who will conduct the trial for each party and by any unrepresented party. The court may modify the order issued after a final pretrial conference only to prevent manifest injustice. On motion or on its own, the court may issue any just orders, including those authorized by Rule 37 b 2 A ii vii , if a party or its attorney: A fails to appear at a scheduling or other pretrial conference; B is substantially unprepared to participate or does not participate in good faith in the conference; or C fails to obey a scheduling or other pretrial order. Notes As amended Apr. Notes of Advisory Committee on Rules 1. Similar rules of pre-trial procedure are now in force in Boston, Cleveland, Detroit, and Los Angeles, and a rule substantially like this one has been proposed for the urban centers of New York state. For a discussion of the successful operation of pre-trial procedure in relieving the congested condition of trial calendars of the courts in such cities and for the proposed New York plan, see A Proposal for Minimizing Calendar Delay in Jury Cases Dec. Supreme Court Rules, 2 N. Rule 12 g Consolidation of Motions , by requiring to some extent the consolidation of motions dealing with matters preliminary to trial, is a step in the same direction. In many respects, the rule has been a success. For example, there is evidence that pretrial conferences may improve the quality of justice rendered in the federal courts by sharpening the preparation and presentation of cases, tending to eliminate trial surprise, and improving, as well as facilitating, the settlement process. However, in other respects particularly with regard to case management, the rule has not always been as helpful as it might have been. Thus there has been a widespread feeling that amendment is necessary to encourage pretrial management that meets the needs of modern litigation. Major criticism of Rule 16 has centered on the fact that its application can result in over-regulation of some cases and under-regulation of others. In simple, run-of-the-mill cases, attorneys have found pretrial requirements burdensome. This is especially likely to be true when pretrial proceedings occur long before trial. At the other end of the spectrum, the discretionary character of Rule 16 and its orientation toward a single conference late in the pretrial process has led to under-administration of complex or protracted cases. Without judicial guidance beginning shortly after institution, these cases often become mired in discovery. Four sources of criticism of pretrial have been identified. First, conferences often are seen as a mere exchange of legalistic contentions without any real analysis of the particular case. Second, the result frequently is nothing but a formal agreement on minutiae. Third, the conferences are seen as unnecessary and time-consuming in cases that will be settled before trial. Fourth, the meetings can be ceremonial and ritualistic, having little effect on the trial and being of minimal value, particularly when the attorneys attending

the sessions are not the ones who will try the case or lack authority to enter into binding stipulations. See generally *McCargo v.* There also have been difficulties with the pretrial orders that issue following Rule 16 conferences. When an order is entered far in advance of trial, some issues may not be properly formulated. Counsel naturally are cautious and often try to preserve as many options as possible. If the judge who tries the case did not conduct the conference, he could find it difficult to determine exactly what was agreed to at the conference. But any insistence on a detailed order may be too burdensome, depending on the nature or posture of the case. Given the significant changes in federal civil litigation since that are not reflected in Rule 16, it has been extensively rewritten and expanded to meet the challenges of modern litigation. Empirical studies reveal that when a trial judge intervenes personally at an early stage to assume judicial control over a case and to schedule dates for completion by the parties of the principal pretrial steps, the case is disposed of by settlement or trial more efficiently and with less cost and delay than when the parties are left to their own devices. Thus, the rule mandates a pretrial scheduling order. However, although scheduling and pretrial conferences are encouraged in appropriate cases, they are not mandated. Discussion Subdivision a ; Pretrial Conferences; Objectives. The amended rule makes scheduling and case management an express goal of pretrial procedure. This is done in Rule 16 a by shifting the emphasis away from a conference focused solely on the trial and toward a process of judicial management that embraces the entire pretrial phase, especially motions and discovery. In addition, the amendment explicitly recognizes some of the objectives of pretrial conferences and the powers that many courts already have assumed. Rule 16 thus will be a more accurate reflection of actual practice. Subdivision b ; Scheduling and Planning. The most significant change in Rule 16 is the mandatory scheduling order described in Rule 16 b , which is based in part on Wisconsin Civil Procedure Rule The idea of scheduling orders is not new. It has been used by many federal courts. Although a mandatory scheduling order encourages the court to become involved in case management early in the litigation, it represents a degree of judicial involvement that is not warranted in many cases. Thus, subdivision b permits each district court to promulgate a local rule under Rule 83 exempting certain categories of cases in which the burdens of scheduling orders exceed the administrative efficiencies that would be gained. Logical candidates for this treatment include social security disability matters, habeas corpus petitions, forfeitures, and reviews of certain administrative actions. A scheduling conference may be requested either by the judge, a magistrate when authorized by district court rule, or a party within days after the summons and complaint are filed. If a scheduling conference is not arranged within that time and the case is not exempted by local rule, a scheduling order must be issued under Rule 16 b , after some communication with the parties, which may be by telephone or mail rather than in person. While personal supervision by the trial judge is preferred, the rule, in recognition of the impracticality or difficulty of complying with such a requirement in some districts, authorizes a district by local rule to delegate the duties to a magistrate. In order to formulate a practicable scheduling order, the judge, or a magistrate when authorized by district court rule, and attorneys are required to develop a timetable for the matters listed in Rule 16 b 1 â€” 3. As indicated in Rule 16 b 4 â€” 5 , the order may also deal with a wide range of other matters. The rule is phrased permissively as to clauses 4 and 5 , however, because scheduling these items at an early point may not be feasible or appropriate. Even though subdivision b relates only to scheduling, there is no reason why some of the procedural matters listed in Rule 16 c cannot be addressed at the same time, at least when a scheduling conference is held. Item 1 assures that at some point both the parties and the pleadings will be fixed, by setting a time within which joinder of parties shall be completed and the pleadings amended. Item 2 requires setting time limits for interposing various motions that otherwise might be used as stalling techniques. Item 3 deals with the problem of procrastination and delay by attorneys in a context in which scheduling is especially importantâ€”discovery. Scheduling the completion of discovery can serve some of the same functions as the conference described in Rule 26 f. Item 4 refers to setting dates for conferences and for trial. Scheduling multiple pretrial conferences may well be desirable if the case is complex and the court believes that a more elaborate pretrial structure, such as that described in the Manual for Complex Litigation, should be employed. On the other hand, only one pretrial conference may be necessary in an uncomplicated case. As long as the case is not exempted by local rule, the court must issue a written scheduling order even if no scheduling conference is called. After consultation with

the attorneys for the parties and any unrepresented parties” a formal motion is not necessary” the court may modify the schedule on a showing of good cause if it cannot reasonably be met despite the diligence of the party seeking the extension. Otherwise, a fear that extensions will not be granted may encourage counsel to request the longest possible periods for completing pleading, joinder, and discovery. The district courts undoubtedly will develop several prototype scheduling orders for different types of cases. In addition, when no formal conference is held, the court may obtain scheduling information by telephone, mail, or otherwise. In many instances this will result in a scheduling order better suited to the individual case than a standard order, without taking the time that would be required by a formal conference. Rule 16 b assures that the judge will take some early control over the litigation, even when its character does not warrant holding a scheduling conference. Despite the fact that the process of preparing a scheduling order does not always bring the attorneys and judge together, the fixing of time limits serves to stimulate litigants to narrow the areas of inquiry and advocacy to those they believe are truly relevant and material. Time limits not only compress the amount of time for litigation, they should also reduce the amount of resources invested in litigation. Litigants are forced to establish discovery priorities and thus to do the most important work first. Thus, except in exempted cases, the judge or a magistrate when authorized by district court rule will have taken some action in every case within days after the complaint is filed that notifies the attorneys that the case will be moving toward trial. Subdivision b is reinforced by subdivision f , which makes it clear that the sanctions for violating a scheduling order are the same as those for violating a pretrial order. Subdivision c ; Subjects to be Discussed at Pretrial Conferences. This subdivision expands upon the list of things that may be discussed at a pretrial conference that appeared in original Rule The intention is to encourage better planning and management of litigation. Increased judicial control during the pretrial process accelerates the processing and termination of cases. It has been added in the hope of promoting efficiency and conserving judicial resources by identifying the real issues prior to trial, thereby saving time and expense for everyone. See generally *Meadow Gold Prods.* The notion is emphasized by expressly authorizing the elimination of frivolous claims or defenses at a pretrial conference. There is no reason to require that this await a formal motion for summary judgment. Nor is there any reason for the court to wait for the parties to initiate the process called for in Rule 16 c 1. The timing of any attempt at issue formulation is a matter of judicial discretion. In relatively simple cases it may not be necessary or may take the form of a stipulation between counsel or a request by the court that counsel work together to draft a proposed order. Counsel bear a substantial responsibility for assisting the court in identifying the factual issues worthy of trial. If counsel fail to identify an issue for the court, the right to have the issue tried is waived. Although an order specifying the issues is intended to be binding, it may be amended at trial to avoid manifest injustice. See Rule 16 e.

Chapter 7 : Rule - Final Pretrial Procedures | Middle District of Florida | United States District Court

(a) Final pretrial conferences may be scheduled by the Court pursuant to Rule 16(d), calendrierdelascience.comP., in any civil case on not less than 21 days' notice. (b) In any case in which a final pretrial conference is scheduled by the Court (or in any case in which the Court directs the preparation and filing of a pretrial statement in accordance with this rule, but without scheduling a pretrial.

Click on this link for a list of equipment information. Equipment List Several courtrooms at the Eastern District of Pennsylvania provide a wide array of technical components that support evidence presentation, remote site interactions, language interpreting and audio enhancement. The state-of-the-art technologies include: Upgraded Sound System The upgraded sound system will reinforce sound clarity in the courtroom. Balanced acoustics will be achieved by using a systemized pattern for the placement of the speakers throughout the courtroom. Wireless headphones will amplify proceedings for the hearing impaired. Language Interpreting System Wireless headphones will support the delivery of simultaneous interpretation of court proceedings to multiple litigants or jurors. Multiple Language Interpreting System Wireless headphones will support the delivery of simultaneous interpretation of court proceedings in up to two languages Courtrooms 3A and 3B. Infrared Emitter The infrared emitter transmits audio to wireless headphones on multiple channels for the purpose of amplifying proceedings for the hearing impaired and accommodating the interpretation of a single language. Video Conferencing System The video conferencing system complies with industry standards and is compatible with compliant systems anywhere. Use of video conferencing has provided a viable option to travel and resulted in increased convenience and cost savings for litigants. Teleconferencing Courtrooms are outfitted with teleconferencing equipment with ridge service, capable of supporting up to 32 remote dial-in sites. Evidence Presentation Station The evidence presentation station located near the lectern contains the technologies that will be utilized by counsel during a court presentation such as touch screen annotation, videotape or DVD player, document camera, and VGA and audio connections for laptops. Attention can be drawn to details displayed on the flat monitors throughout the courtroom, as often seen in sports broadcasting. Annotation may also be used as an electronic white board. Document Camera The document camera will transmit the image of paper documents, x-rays, negatives, transparencies and 3-D objects to the monitors throughout the courtroom. Zoom features are included. Videotape Recorder VCR Videotape recorders and DVD players will support the presentation of video depositions or evidence to each monitor in the courtroom. Videotaping In , courtroom 11B began a two year pilot program that had 9 voice-activated video cameras mounted throughout the courtroom which videotaped court proceedings. Videos were available for review by Court staff, counsel and the general public. This technology also allows for viewing the proceedings via a monitor in the prisoner holding cell. Digital Audio Recording System The official court record will be digitally recorded on four audio channels which are reserved for designated speakers. This allows the review of each channel separately for precise transcription of the testimony. In addition, electronic log notes support the easy retrieval of any portion of the court proceedings instantly, eliminating the time-consuming need for searching through audio tapes. This system has been installed in all of the courtrooms. Cabling Infrastructure for Real-Time Court Reporting Cabling is included that will support the use of real-time court reporting. Computer Connection Access A connection to the evidence presentation system is available to counsel for those who use laptop computers at the evidence presentation station and the counsel tables. Courthouse in Philadelphia, Pennsylvania, are scheduled to begin in April Renovations to Courtroom 15A, located in the James A. Courthouse in Philadelphia, Pennsylvania, are scheduled to begin in the fall of Renovations to Courtroom 12B, located in the James A. Courthouse in Philadelphia, Pennsylvania, will be completed in mid-May Training and Additional Information The Court welcomes the bar to make use of these technologies and training is available at the James A. Byrne Courthouse in Philadelphia, PA. To complete an Electronic Courtroom Request Form , please click here or here.

Chapter 8 : Local Rules of Civil Procedure | US District Court of Colorado

) pretrial proceedings IT IS ORDERED that lead counsel for the parties in the captioned case are instructed to meet and confer, in person, and to prepare and file with the Clerk of this.

General FAQs Are there rooms available for attorneys to reserve for trials or other lengthy hearings? No, but there are attorney conference rooms available in all three courthouses for attorneys to use during business hours. The eVoucher program sometimes signs out even though I am entering data. It is good practice to save your work often to prevent loss of data. I am having trouble changing my username or password. Passwords must be at least eight characters in length and contain 1 one lower-case character, 2 one-upper case character, 3 one number, and 4 one special character. It is important that you choose a strong password. How do I receive information regarding services for a communication disability as a federal court participant It is the policy of this Court to provide reasonable accommodations to persons with communications disabilities. Sign language interpreters and other appropriate auxiliary aids and services are provided to participants including parties, attorneys, witnesses and jurors in federal court proceedings who are deaf, hearing-impaired, or have other communications disabilities. She can be reached at You can also contact Julianne Buro at What kind of notification does the attorney of record receive on a case? Can I fax pleadings? Local Civil Rule Faxes are not accepted, unless otherwise authorized by the court. What is a deficient pleading? When deficiencies are found, the pleading is forwarded to the judge for directions on whether to file the pleading or return it. Generally, if the deficient pleading is a motion, it is filed but not listed on the calendar, except at the express direction of the Court. Pursuant to Local Civil Rule Are there special requirements for filing a suit against the federal government? What are the requirements for removing a case from state court? Removal of cases from the state courts is governed by U. The pleading for removing a case from the state court is called a Notice of Removal. Click here for Notice of Removal fee. This is known as the Notice of Removal Package. An original plus one copy of the Notice of Removal Package is required. If you want a file-stamped copy for your records, submit an additional copy and a self-addressed, postage-paid envelope.

Chapter 9 : Electronic Courtrooms | Eastern District of Pennsylvania | United States District Court

*Wyoming Prob/Pretrial Office * There is no Probation/Pretrial website for this location. Please see the U.S. District Court website of this location for further information about Probation and Pretrial services.*

All cases scheduled for jury trial shall be set by the clerk for a pre-trial hearing. The state or city prosecutor, defense counsel and the defendant shall attend the pre-trial hearing to consider such matters as will promote a fair and expeditious trial. Upon agreement that the discovery process has been completed to the satisfaction of the parties and that there are no other issues to be heard by the court at the scheduled pre-trial hearing, a stipulated pre-trial statement of readiness, substantially in the form set forth as "Form 1" below, may be filed by the parties. The filing of a stipulated pre-trial statement of readiness will serve to excuse counsel and the defendant from appearing at the scheduled pre-trial hearing. All amendments to the charges, pleas or pre-trial motions shall be made prior to or at the time of the pre-trial hearing. Motions which should have been heard at a pretrial hearing shall not be considered at the time of trial unless the judge at the time of the pre-trial hearing expressly continues such motions to the time of trial. Absent good cause, motions for dismissal or suppression of evidence in criminal cases shall be in writing and shall be provided to the prosecutor or city attorney at least 24 hours before the pre-trial hearing. Pursuant to CrRLJ 3. All motions filed pursuant to this rule shall be heard by the court at a subsequent 3. The petition for deferred prosecution shall substantially comply with CrRLJ 4. The proposed findings and order shall substantially comply with the form set forth as "Form 2" below. E Stays of Proceedings - Form of Order. In the event the parties enter into a stay of proceedings, the agreement between the parties shall be reduced to writing in a form which substantially complies with the form set forth as "Form 3" below. The purpose of these sanctions is not to punish but rather to insure that the appropriate party is responsible for the predictable costs of unnecessary delay. Comment to section A: The stipulated pre-trial statement of readiness was adopted by the court at the request of counsel who wanted to avoid the necessity of clients appearing at unproductive pre-trial hearings. Attorneys are encouraged to use the pre-trial statement of readiness to avoid the necessity of clients appearing when there are no pre-trial issues requiring his or her presence. Comment to section B: The purpose of this section is to provide a predictable structure to the pre-trial motions process and to insure that the non-moving party has adequate time to prepare for the hearing. However, if counsel desire to avoid multiple hearings, the parties may agree to present evidence and argue pre-trial motions at the scheduled pre-trial hearing rather than following the procedure described by this rule. Comment to section C: See the comments to section B. Comment to section D: Comment to section E: The stay of proceedings form set forth below is generally consistent with the forms currently in use in the Lower Kittitas County District Court. For example, if an agreement between the parties in a specific case does not include the defendant stipulating to the admissibility of the police reports, or a stipulation that the reports are sufficient to convict, the court expects the parties to line out that portion of the stay of proceedings form. [Click here to view in a PDF.](#)