

# LOCAL RULES FOR THE SOUTHERN DISTRICT OF GEORGIA



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## **GENERAL RULES**

### **LR Gen. 1A. Scope, Effective Date, and Modification.**

These Local Rules take effect on \_\_\_\_\_. They apply in all proceedings and shall be read in a manner consistent with the Federal Rules of Civil Procedure and Federal Rules of Criminal Procedure. The Federal Rules prevail in any irreconcilable conflict.

A judge may modify or excuse a party's obligations or any deadlines set forth in these Rules. If a judge modifies an obligation or deadline established by these Rules, the judge's modification controls. Counsel and pro se parties have a duty to remain apprised of and comply with any case-specific modifications.

## **LR Gen. 1B. Attorneys.**

### **(a) Admission to the Bar.**

- (1) Roll of Attorneys.** The bar of this Court shall consist of persons admitted to practice in this Court and those who may be admitted in accordance with this Local Rule, so long as they meet the requirements for continued admission.
- (2) Eligibility.** Any attorney who is an active member in good standing of the State Bar of Georgia is eligible for admission to the bar of this Court. Continued admission is contingent upon an attorney maintaining active membership in good standing with the State Bar of Georgia.
- (3) Procedure for Admission.**
  - (A)** Each applicant shall submit to the Clerk of Court a Petition for Bar Admission, using the form available on the Court's website. The Petition shall be signed by two members in good standing of the bar of this Court.
  - (B)** The Clerk of Court shall provide instructions to the applicant for appearance and admission in open court or in chambers.
  - (C)** The applicant shall pay to the Clerk of Court the prescribed enrollment fee.
- (4) Attorneys No Longer Active and in Good Standing with State Bar of Georgia.** Should an attorney who is admitted to the bar of this Court lose active membership in good standing with the State Bar of Georgia, the attorney shall immediately notify the Chief Judge and shall no longer be a member of the bar of this Court. If an attorney seeks readmission to the bar of this Court after regaining membership in good standing with the State Bar of Georgia, the attorney must petition for readmission under Subsection (j)(3)(7) of this Local Rule.

### **(b) Pro Hac Vice Admission to Practice in a Particular Case.**

- (1) Permitted Attorneys and Procedures.** An attorney in good standing with the bar of another federal district court may appear in a particular case with prior approval of this Court. Counsel seeking pro hac vice admission shall:

- (A) complete and file the Application for Admission Pro Hac Vice available on the Court's website;
  - (B) attach a certificate of good standing from another federal district court;
  - (C) designate a member of the bar of this Court, who shall enter a written appearance in the case; and
  - (D) pay to the Clerk of Court the prescribed fee.
- (2) **Prohibited Attorneys.** Attorneys who reside in this District or maintain their principal place of business in this District are not permitted to appear pro hac vice.
- (c) **Attorneys for the United States Government.**
- (1) **U.S. Attorneys Assigned to District.** The United States Attorney for the Southern District of Georgia, as well as Assistant United States Attorneys and Special Assistant United States Attorneys assigned to the Southern District of Georgia, may appear in proceedings without seeking admission, provided the attorney is a member in good standing with the bar of another federal district court.
- (2) **Other Attorneys Representing the United States Government.** Any other attorney representing the United States Government, or any agency thereof, may appear in proceedings without seeking admission, provided the attorney:
- (A) is a member in good standing with the bar of another federal district court;
  - (B) files a written notice of appearance;
  - (C) certifies to the Court, in writing, he or she has read and is familiar with these Local Rules; and
  - (D) is accompanied in Court by an Assistant United States Attorney of this District who shall also review and approve all papers before filing.
- (d) **Appearance in Civil Cases.**
- (1) **Pleading and Other Filings.** An attorney appears in a case by signing or including their name in the signature block of the following filings:

- (A) a complaint;
  - (B) a petition;
  - (C) an answer;
  - (D) any other pleading listed in Federal Rule of Civil Procedure 7(a);
  - (E) a motion to dismiss in lieu of an answer; or
  - (F) a notice of removal.
- (2) **Notice of Appearance.** An attorney seeking to appear in a case other than by LR Gen. 1B(d)(1) must file a notice of appearance.
- (3) **Removed Cases.** Attorneys for a removing party appear by signing or by including their name in the signature block of a notice of removal. Attorneys representing non-removing parties shall appear by filing a notice of appearance within 14 days of removal.
- (e) **Appearance in Criminal Cases.**
- (1) **Government Counsel.** The signature of an attorney for the Government on an indictment or information shall constitute that attorney's appearance in the case.
  - (2) **Appointed Defense Counsel.** The order of appointment shall constitute the appointed attorney's appearance in the case, and the appointed attorney shall not file a notice of appearance.
  - (3) **Retained Defense Counsel.** An attorney shall file a notice of appearance promptly upon being retained and prior to participation in any proceeding.
  - (4) **Grand Jury Proceedings.** An attorney who is present in a courthouse to represent a person or entity in connection with grand jury proceedings shall notify a representative of the United States Attorney's Office upon arrival at that courthouse.
- (f) **Leaves of Absence.** An attorney requesting a leave of absence shall file a motion stating the dates for the period of requested absence and a brief description of the reason leave is sought. In the

absence of a prompt objection, such leave may be granted as a matter of course.

**(g) Withdrawal of Counsel in Civil Cases.**

- (1) Withdrawal Notice.** An attorney may withdraw from a case by filing a notice of withdrawal if withdrawal (1) would not leave the party without any counsel of record, and (2) would not leave only pro hac vice attorneys representing the party. A notice of withdrawal is not permitted after the final pretrial order has been entered.
- (2) Substitution Notice.** An attorney may withdraw and be replaced by filing a notice of substitution signed by the withdrawing attorney and the new attorney. A notice of substitution shall constitute a notice of appearance for the new attorney. A notice of substitution is not permitted after the final pretrial order has been entered.
- (3) Motion for Withdrawal.** All other withdrawals must be requested by motion. A motion to withdraw must confirm prior service of a notice of intent to withdraw on the represented party, include a copy of the served notice, and state whether the represented party consents or objects to the withdrawal.

**(h) Withdrawal of Counsel in Criminal Cases.**

- (1) Government Counsel.** An attorney for the Government may withdraw without leave of court by filing a notice of withdrawal, so long as another Government attorney continues to serve as counsel of record.
- (2) Defense Counsel.** An attorney representing a Defendant may only withdraw by requesting leave to withdraw by motion. A motion to withdraw must confirm prior service of a notice of intent to withdraw on Defendant, include a copy of the served notice, and state whether Defendant consents or objects to the withdrawal.

- (i) Public Comment on Litigation.** Counsel for a party shall not release or authorize the release of any information or opinion relating to pending or imminent litigation if there is a reasonable likelihood the information or opinion will be publicly disseminated and will prejudice the due administration of justice.

**(j) Disbarment and Discipline.**

- (1) Applicability.** Any attorney who appears in this Court, or who represents a party in interest in a case or a proceeding before this Court, may be the subject of a complaint of professional misconduct and shall be subject to the Court's disciplinary authority.
- (2) Standards of Professional Conduct.** All attorneys shall practice in conformity with the Georgia Rules of Professional Conduct.
- (3) Disciplinary Procedures.**
  - (A)** Allegations of misconduct by an attorney shall be made in writing to the Chief Judge of the District.
  - (B)** An attorney subject to the Court's disciplinary authority shall immediately self-report the following to the Chief Judge of the District:
    - (i)** disbarment or suspension from the practice of law in any federal or state court;
    - (ii)** voluntary surrender of the privilege to practice before a court or in a jurisdiction while the subject of a disciplinary investigation; or
    - (iii)** conviction of a felony, a crime requiring proof of a dishonest act or false statement, or a crime involving moral turpitude.
  - (C)** The Chief Judge shall designate a judge to conduct proceedings consistent with this Local Rule regarding any nonfrivolous allegation under subsection (j)(3)(A) or any self-report under subsection (j)(3)(B).
  - (D)** The designated judge shall notify the attorney of the allegations and afford the attorney an opportunity to show good cause why discipline should not be imposed.
  - (E)** The designated judge may conduct a disciplinary hearing, at which the attorney shall appear and be afforded the opportunity to:
    - (i)** be represented by counsel;

- (ii) present evidence, including testimony and documents;
  - (iii) compel the attendance of witnesses and the production of documents;
  - (iv) cross-examine witnesses; and
  - (v) present argument orally and in writing.
- (F) The designated judge shall issue a written report containing findings of fact, conclusions of law, and any recommended disciplinary measures.
- (G) Upon consideration of the designated judge's report, the district judges (including any senior judges) shall decide by majority vote and issue a final order regarding imposition of any disciplinary measures.
- (4) **Available Forms of Discipline.** The Court may impose any sanction the Court deems appropriate, including but not limited to the following forms of discipline: disbarment; suspension; reprimand; and monetary sanctions.
- (5) **Reporting Attorney Misconduct.** The Court may report alleged attorney misconduct to a state bar, court, or other agency, including referral for criminal prosecution.
- (6) **No Limitation on Judicial Authority.** This Local Rule does not limit the authority of a judge to manage cases, including the authority to hold attorneys in contempt, disqualify attorneys, and impose any other appropriate penalties or sanctions. However, an attorney may only be disbarred or suspended upon a majority vote of the district judges in accordance with the procedures set forth in this Local Rule.
- (7) **Readmission.** Any disbarred or suspended attorney seeking readmission shall submit a petition to the Chief Judge showing the attorney is fit to practice, attaching the order of disbarment or suspension, and attaching supporting affidavits from 5 current members of this Court's bar. Readmission requires a majority vote of the district judges (including any senior judges).

**(k) Law Student Practice.**

- (1) Entry of Appearance.** A law student may appear in cases, while enrolled at an accredited school of law, by filing an entry of appearance through a supervising attorney that includes the following:

  - (A)** certification the student has satisfied all eligibility and registration requirements for student practice established by the Supreme Court of Georgia and State Bar of Georgia;
  - (B)** written consent by the party concerning the law student's representation; and
  - (C)** certification by the supervising attorney, who is a member in good standing of the bar of this Court and has entered an appearance in the case, to assume full responsibility for the case and quality of the law student's work.
- (2) Written Submissions.** All pleadings, motions, and other written submissions signed by the law student shall also be signed by the supervising attorney as lead counsel.
- (3) Court Proceedings and Depositions.** With permission of the presiding judge, an eligible law student may participate in depositions and courtroom proceedings so long as the supervising attorney is present and prepared to intervene.
- (4) Duties of Supervising Attorney.** The supervising attorney shall comply with all requirements established by the Supreme Court of Georgia and State Bar of Georgia for supervision of a registered law student.

**LR Gen. 1C. Electronic Filing.**

Documents should be filed, signed, and verified by electronic means to the extent and in the manner permitted or required by the Administrative Procedures posted on the Court's website.

**LR Gen. 1D. Court Reporters and Transcripts.**

All transcription requests shall be filed on the docket. The court reporter's reasonable cost estimate for the transcription shall be paid in advance, except when requested by the United States Government, Court-appointed counsel, or a party proceeding in forma pauperis.

**LR Gen. 1E. Decorum.**

- (a)** Counsel and parties shall interact with all counsel, parties, witnesses, jurors, and Court personnel with courtesy and civility.
- (b)** Counsel and parties shall never exhibit undue familiarity with judges, Court personnel, witnesses, jurors, or opposing counsel.
- (c)** Counsel and parties shall not make any attempt to divert the attention of the Court or jury, including through facial expression or other conduct.
- (d)** When addressing the Court, witnesses, or the jury, including when making objections, counsel should stand at the lectern or table unless the Court grants permission to approach another area.

## **LR Gen. 1F. Examining Witnesses.**

- (a) In General.** Counsel should not approach a witness for any purpose without asking permission of the Court. When permission is granted for the purpose of working with an exhibit, counsel should resume the examination from the table or lectern when finished with the exhibit.
- (b) Examining Attorneys.** Only one attorney for each party may conduct the examination of a particular witness. Only that attorney may object to questions asked and exhibits offered by opposing counsel during examination of that witness.
- (c) Objections.** Counsel should briefly specify the grounds of an objection and shall not make a speech, recapitulate testimony, or attempt to guide the witness. Argument upon the objection will not be heard unless requested by the Court, and argument will be held at sidebar when appropriate.
- (d) Review of Transcript During Examination.** Counsel shall address requests for re-reading of questions or answers to the Court and not the court reporter.

## **LR Gen. 1G. Photographing, Audio and Video Recording, and Electronic Devices.**

### **(a) Photographing, Recording, Videoing, or Broadcasting.**

Photographing, recording, videoing, or broadcasting in or from Court facilities is prohibited. Photographing, recording, videoing, or broadcasting of any proceedings conducted by any means, including electronic means, is strictly prohibited. A judge may, however, allow use of electronic equipment for: presenting evidence; preserving the record; memorializing ceremonial, investiture, or naturalization proceedings; maintaining security; and other purposes of judicial administration.

### **(b) Electronic Devices.**

- (1) Definition.** “Electronic devices” includes, but is not limited to, recording devices, cellular phones, smart phones, tablets, and computers, as well as devices that connect to and pair with such devices.
- (2) General Prohibition.** Electronic devices will not be allowed into Court facilities except by Court order or by direct escort and supervision of an employee of a federal agency whose offices are located therein.
- (3) Exceptions.** Attorneys admitted to practice in this Court, authorized interpreters, and Court employees are permitted to bring electronic devices into Court facilities; however, they are bound by the same restrictions set forth above regarding photographing, recording, videoing, and broadcasting. Electronic devices, when permitted under this Local Rule or by Court order, shall be silenced at all times within Court facilities and shall not distract from or disrupt proceedings. Electronic devices shall not be used to make a phone call or otherwise communicate audibly within the courtrooms and other public areas of Court facilities. Electronic devices shall not be used to send emails or text messages or to otherwise communicate during court proceedings.
- (4) Inspection.** All electronic devices brought into Court facilities shall be subject to inspection at any time by the United States Marshals Service.

## **LR Gen. 1H. Release of Information by Court Personnel.**

All employees of the federal judiciary and United States Marshals Service, as well as any interns, contractors, and subcontractors, are prohibited from disclosing, without Court authorization, any information relating to a grand jury proceeding or criminal case that is not part of the public record and any information relating to a civil case that is not part of the public record. The public record means the Court's official file as maintained by the Clerk of Court except such parts thereto as may be sealed, secret, impounded, restricted, or specially set aside for in camera inspection. This prohibition specifically applies to in camera arguments and hearings held outside the presence of the public. Court personnel shall limit any contact with media representatives regarding official court business to providing access and copies of the public record, without other commentary, opinion, or assistance.

**LR Gen. 1I. No Weapons Allowed.**

Firearms or other weapons shall not be brought into Court facilities except with the specific authorization of the Court. If a party intends to use a firearm or other weapon as an exhibit during a court proceeding, the party shall file a motion at least 7 days before the subject proceeding requesting permission to bring the item into Court facilities. If such permission is granted, counsel shall make certain that the firearm or other weapon is disabled and maintained securely at all times.

The following are excused from this Local Rule: judges of this District, the United States Marshals Service, court security officers, other security personnel engaged or authorized by the United States Marshals Service, and federal protective officers on assignment or upon call.

**LR Gen. 1J. Magistrate Judges.**

Each magistrate judge serving within the District shall have all civil and criminal judicial powers and duties to the maximum extent allowed by law, including all such powers and duties requiring special designation or assignment, and all such powers and duties allowed by the United States Code, Federal Rules of Criminal Procedure, and Federal Rules of Civil Procedure. This designation of authority includes, but is not limited to, all such powers and duties allowed by 18 U.S.C. §§ 3141 to 3149, 3184, 3401, 4107, 4108, and 4109, and 28 U.S.C. §§ 636 and 7182.

## **LOCAL CIVIL RULES**

### **LR Civ. 3A. Required Submissions for New Civil Action.**

Any party filing an initial complaint or petition must pay the filing fee at the time of filing or submit a request to proceed without prepayment of fees (e.g., in forma pauperis petition). Additionally, the filing party must submit a completed civil action cover sheet (Form JS-44).

**LR Civ. 3B. Divisional Venue.**

- (a) **In General.** A case may be brought in:
- (1) a division in which any defendant resides (using the principles in 28 U.S.C. § 1391(c) to determine residency);
  - (2) a division in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the case is situated;
  - (3) any division, if there is no division in which the case may be brought under subsections (1) and (2); or
  - (4) a division in which the presiding judge determines the case should be brought for the convenience of parties and witnesses, in the interest of justice.
- (b) **Transfer.** The Court may transfer any case from one division to another division within the district.

**LR Civ. 3C. Refiled, Renewed, and Related Cases.**

A party refiling or renewing a case, or filing a case related to a pending case, must file a notice with the new case that provides the name, case number, court, and status of the other case.

## **LR Civ. 5.2. Sealed Court Records.**

### **(a) In General.**

- (1)** No filing or portion of a filing will be placed under seal unless the Court so orders.
- (2)** Requests for sealing should be narrowly tailored to the specific text, page, or portion of any material that warrants sealing. A party should not request sealing an entire filing, unless necessary.
- (3)** Sealed filings or portions of filings shall not be available to the public.

### **(b) Requesting Sealing.**

- (1) Motion Required.** A party requesting sealing must file a motion that includes the following information without disclosing the substance of the information to be sealed:
  - (A)** scope of sealing (e.g., specific text, entire document, existence of a document);
  - (B)** supporting reasons with reference to applicable law;
  - (C)** who may access the sealed information (e.g., Court only; Court and the original filer; Court and parties to the case);
  - (D)** triggering circumstances or date for unsealing;
  - (E)** a copy of the proposed filing that redacts all proposed sealed material, unless sealing of the entire document is requested; and
  - (F)** a proposed order containing items in subparagraphs (A) to (D).
- (2) Submission of Material Sought to Be Filed Under Seal.** Contemporaneous with filing the motion to seal, the movant must provide the Clerk of Court with the material sought to be filed under seal in an unredacted form.
- (3) Sealing of Motion to Seal.** A motion to seal shall itself not be sealed unless the Court provides approval in advance.

- (c) Orders on Motions to Seal.** Unless the Court states otherwise, an order ruling on a motion to seal shall be publicly available.

- (d) **Disposition of Proposed Sealed Material.** If the Court denies a motion to seal, the material sought to be sealed will be returned to the moving party unless that party files a notice of intent to appeal the denial within 14 days, in which case the Clerk of Court will retain the material for purposes of the appeal.

**LR Civ. 6. Clerk's Extensions.**

Where the parties consent, the Clerk of Court may extend the deadline for responding to a pleading or a motion by up to 14 days. The parties' "Consent Motion for Clerk's Extension" must be filed before the original deadline has expired. The Clerk of Court shall not extend any deadline more than once, any deadline set by court order, or any deadline when a case has been set for trial.

## **LR Civ. 7. Motions.**

- (a) **Motion and Brief.** Motions and supporting briefs should be filed as a single combined document.
- (b) **Responses.** Responses to motions for summary judgment must be filed within 21 days of service. Responses to all other motions must be filed within 14 days of service. Failure to timely respond shall indicate no opposition to a motion.
- (c) **Replies.** A party may file a reply within 7 days of service of a response.
- (d) **Further Briefing.** Any party seeking to file a brief beyond the motion, response, and original reply must first seek leave of court.
- (e) **Length.**
  - (1) **Typed Filings.** A combined motion and brief, and a response, shall not exceed 6,500 words. A reply shall not exceed 2,500 words. Anyone who files or signs a motion, response, or reply automatically certifies that the document complies with the word limit in this Local Rule. Exhibits and certificates of service are not subject to these word limitations.
  - (2) **Handwritten Filings.** A combined motion and brief, and a response, shall not exceed 25 pages. A reply shall not exceed 10 pages. Page numbering starts from the first page regardless of its nature. Exhibits and certificates of service are not subject to these page limitations.
- (f) **Legal Authority.** Every motion must specify the statute, rule, or legal principle at issue.
- (g) **Factual Assertions.** Every factual assertion in a motion or brief shall be supported by citation to the record or exhibits attached to the motion.
- (h) **Requests for Hearing.** Any request for a hearing on a motion shall be made in a separate motion, stating the reasons for the request, the time required, and whether the parties will present evidence.
- (i) **Motions Hearings.** Prior to any hearing on a motion, a party shall provide the Court and opposing counsel with a written list of all proposed witnesses and exhibits. Unless otherwise ordered, the

party shall provide the list of witnesses and exhibits at least three business days before the hearing.

- (j) **Proposed Orders.** All motions requesting ministerial relief must be accompanied by a proposed order.
- (k) **Rulings.** Typically, the Court will not rule on a motion until after the time for the reply has elapsed. The Court may immediately rule on a motion for extension of time and any joint or consent motion.

**LR Civ. 11. Pro Se Litigant Mailing Address.**

Each pro se litigant must maintain a current mailing address with the Court where the litigant may be served with pleadings and orders and must notify the Court and all parties of any change of address. Violation of this Local Rule may result in dismissal or other sanctions.

**LR Civ. 16A. Proceedings Exempt from Scheduling Orders.**

The Court is not required to enter a scheduling order in proceedings exempted from initial disclosure under Federal Rule of Civil Procedure 26.

## **LR Civ. 16B. Alternative Dispute Resolution.**

- (a) Mediation by Judge.** By request of the parties or at the Court's direction, a judge in this District may conduct a mediation in a pending case. The parties may request a stay of litigation for mediation. Mediations will typically be conducted by a judge assigned to the case. The parties may request that a judge not assigned to the case serve as mediator.
- (b) Private Mediation and Arbitration.** In accordance with 28 U.S.C. §§ 651–58, parties are authorized and encouraged to use alternative dispute resolution processes, including private mediation and arbitration, in all civil actions. Alternative dispute resolution shall not interfere with or delay the litigation unless the parties request and obtain a stay.

**LR Civ. 17. Settlement of Claims Involving Minors or Incompetent Adults.**

Parties must seek court approval of any settlement, compromise, or dismissal of a claim or action where a minor or an incompetent adult is a party. Approval shall be requested by a motion that provides sufficient evidence for the Court to evaluate the fairness and reasonableness of the proposed settlement. The parties shall provide, at a minimum, a statement of the nature of the evidence relied upon to show liability and damages as well as a statement of the services rendered by counsel, the expenses and costs incurred and to be incurred, and the amount of fees requested.

## **LR Civ. 23. Class Actions.**

- (a) **Complaint Requirements.** For any putative class action, the complaint shall state in the caption “Class Action.” The body of the complaint shall include a section styled “Class Action Allegations,” which shall state the portions of Federal Rule of Civil Procedure 23 under which the case is brought as a class action. “Class Action Allegations” shall also include allegations supporting entitlement to class relief, including but not limited to:
- (1) the approximate size and definition of the alleged class;
  - (2) the adequacy of representation by the representative(s) of the class;
  - (3) the alleged questions of law and fact common to the class;
  - (4) in actions brought as class actions under Federal Rule of Civil Procedure 23(b)(3), allegations that support the findings required by that subdivision; and
  - (5) in actions requiring a jurisdictional amount, the basis of determining that amount.
- (b) **Time to Seek Class Certification.** Any motion seeking class certification must be filed within 90 days from the commencement of discovery.
- (c) **Discovery in Putative Class Actions.** Parties to a putative class action shall discuss at the Rule 26 Conference whether phased discovery (e.g., completion of class-related discovery prior to merits discovery) is appropriate. Parties shall include any proposals for phased discovery in their Rule 26 Report.

## **LR Civ. 26. Discovery.**

### **(a) Preliminary Rule 26 Obligations.**

- (1) Start of Rule 26 Duties.** Parties are not required to conduct a Rule 26(f) conference, prepare a Rule 26(f) Report, or provide initial disclosures until at least one defendant in the action has filed an answer. Pre-answer motions, where no answer has been filed by any defendant, will not trigger Rule 26 obligations.
  - (2) Rule 26(f) Conference.** The parties shall conduct the Rule 26(f) conference within 28 days from the date the first answer is filed. In removed cases, the parties shall conduct the conference within 28 days of removal regardless of whether an answer has been filed.
  - (3) Rule 26(f) Report.** Parties shall file their joint Rule 26(f) report within 7 days of the conference. The parties must use the appropriate report form provided by the Court.
  - (4) Initial Disclosures.** Parties shall serve their initial disclosures under Rule 26(a)(1) within 14 days of the Rule 26(f) conference.
- (b) Start of Discovery.** The parties are not required to conduct any discovery, aside from the obligations in subsection (a), until the Court issues a scheduling order or notice.
- (c) Discovery Period.** All discovery shall be completed within 6 months of discovery commencement unless the Court orders otherwise.
- (d) Discovery Disputes.** For any discovery dispute, the parties must request an informal discovery dispute resolution conference with the Court before filing any motion to compel, to quash, or for protective order.

**LR Civ. 40. Scheduling Cases for Trial.**

The presiding judge will typically schedule a case for trial at or before the pretrial conference.

**LR Civ. 41. Sua Sponte Dismissal.**

Upon notice to the parties, the Court may of its own accord dismiss an action for failure to participate in discovery, violation of a court order, or any failure to prosecute.

## **LR Civ. 45. Enforcing, Modifying, and Quashing Subpoenas.**

- (a) In-District Subpoenas.** This section applies to subpoenas issued in cases pending in this District.

  - (1) Informal Dispute Resolution Conference.** Before filing a motion to enforce, modify, or quash an in-District subpoena, the party or subpoena recipient must request an informal dispute resolution conference with the Court.
  - (2) Special Appearance for In-District Subpoenas.** Counsel for non-party subpoena recipients need not seek admission under LR Gen. 1B if counsel is in good standing in another federal district court. An attorney appearing pursuant to this provision is subject to these Local Rules. The Court may, in its discretion, require a subpoena recipient to obtain counsel admitted to this District.
  
- (b) Out-of-District Subpoenas.** This section applies to subpoenas issued by another federal district court, but where compliance is required in this District.

  - (1) Initiating Miscellaneous Action.** A party or non-party seeking to enforce, modify, or quash an out-of-district subpoena shall initiate a miscellaneous action by filing a motion to compel, motion for protective order, or motion to quash.
  - (2) Special Appearance for Out-of-District Subpoenas.** Counsel of record in the out-of-district case may appear in this District and need not seek admission under LR Gen. 1B. Additionally, counsel for subpoena recipients need not seek admission under LR Gen. 1B if counsel is in good standing in another federal district court. An attorney appearing pursuant to this provision is subject to these Local Rules. The Court may, in its discretion, require a subpoena recipient to obtain counsel admitted to this District.

## **LR Civ. 47. Jury Selection and Contact with Jurors.**

- (a) Examination of Jurors.** The Court shall examine prospective jurors. Counsel for the parties may submit further questions the Court may ask.
- (b) Challenges for Cause.** Challenges for cause of individual prospective jurors shall be made out of the hearing of prospective jurors and shall be made immediately upon counsel learning of the basis for the challenge.
- (c) Contact with Jurors.** Attorneys, parties, or anyone acting on their behalf shall not directly or indirectly contact any juror, including any alternate or excused juror, without express permission of the Court.

**LR Civ. 51. Jury Instructions.**

Proposed jury instructions shall be numbered, include the full text of the requested instruction, and cite the authority on which the instruction is based. The parties are encouraged to use the Eleventh Circuit Pattern Jury Instructions and any applicable state pattern instructions. The parties shall identify any proposed modification to a pattern instruction in the request.

**LR Civ. 54. Bill of Costs Deadlines.**

- (a) Trial Costs.** Any bill of costs under Federal Rule of Civil Procedure 54 must be filed by the prevailing party within 14 days after entry of judgment or other final order from which an appeal may be taken.
- (b) Costs Related to Appeals.** Any bill of costs on appeal that are taxable in the district court under Federal Rule of Appellate Procedure 39 must be filed within 14 days of the filing of the appellate court's mandate in this Court.

## **LR Civ. 56. Summary Judgment.**

- (a) **Motions for Summary Judgment.** Motions for summary judgment shall be filed as a combined motion and brief with the following items attached in the following order:
- (1) Supporting exhibits marked with sequential Arabic numerals, (e.g., Exhibit 1, Exhibit 2, etc.). Supporting exhibits should be given a title in the Court’s electronic docketing system that describes the exhibit (e.g., “Exhibit 1 Plaintiff’s Deposition Transcript”). Parties should submit complete deposition transcripts, not excerpts.
  - (2) A separate “Statement of Undisputed Material Facts.” Each individual statement of fact must be separately numbered and supported by a pinpoint citation to the record.
  - (3) A certificate of service.
- (b) **Responses.** Responses to motions for summary judgment are due 21 days from the date the motion was served. The following items shall be attached in the following order to all response briefs:
- (1) Supporting exhibits (following the same conventions stated in LR Civ. 56(a)(1)).
  - (2) A response to movant’s statement of material facts that responds to each separately numbered fact identified by the moving party and is supported by a pinpoint citation to the record, where appropriate.
  - (3) A certificate of service.
- (c) **Replies.** Replies are not required but, if filed, shall be filed within 7 days from the date the response was served.
- (d) **Further Briefing.** Any party seeking to file a brief beyond the motion, response, and original reply must first seek leave of court.
- (e) **Length.** Combined motions and briefs for summary judgment, responses, and replies are subject to the word and page limitations in LR Civ. 7. Attachments, including the items in LR Civ. 56(a)(1)–(3), are not subject to these word and page limitations.

**LR Civ. 67. Registry of the Court.**

The Court shall maintain a standing order concerning procedures for the Court's Registry.

## LOCAL CRIMINAL RULES

### **LR Crim. 12. Motions.**

#### **(a) Timing of Motions and Responses.**

- (1)** All pretrial motions described in Federal Rule of Criminal Procedure 12(b)(3) shall be filed within 14 days from arraignment. Responses to such motions shall be filed within 14 days of the last day for filing motions. In a multi-Defendant case, the Government's deadline to respond to all motions is 14 days from the latest Defendant's motions deadline.
- (2)** For all other pretrial motions, responses shall be filed within 7 days of the filing, or as soon as possible if the motion requests relief sooner than 7 days.

#### **(b) Length.**

- (1) Typed Filings.** A combined motion and brief, and a response, shall not exceed 6,500 words. A reply shall not exceed 2,500 words. Anyone who files or signs a motion, response, or reply automatically certifies that the document complies with the word limit in this Local Rule.
- (2) Handwritten Filings.** A combined motion and brief, and a response, shall not exceed 25 pages. A reply shall not exceed 10 pages. Page numbering starts from the first page regardless of its nature.

**(c) Failure to Respond to a Motion.** Failure to respond timely to a motion may result in the Court granting the motion without any further notice.

**(d) Combined Responses.** A party responding to 2 or more motions may file a combined response.

**(e) Legal Authority.** Every motion must specify the statute, rule, or legal principle at issue.

**(f) Factual Assertions.** Every factual assertion in a motion or brief shall be supported by citation to the record or exhibits attached to the motion.

**(g) Proposed Orders.** All motions requesting ministerial relief must be accompanied by a proposed order.

- (h) **Requests for Oral Argument.** Any request for oral argument or evidentiary hearing on a motion shall be made in a separate motion, stating the reasons for the request and estimating the time required.
- (i) **Motions Hearings.** Prior to any hearing on a motion, a party shall provide the Court and opposing counsel with a written list of all proposed witnesses and exhibits.
- (j) **Motions to Continue.** A motion to continue a filing deadline, hearing, or trial (and the accompanying proposed order) shall state facts demonstrating the ends of justice served by a continuance outweigh the best interests of the public and Defendant in a speedy trial or provide some other reason the continuance will not violate the Speedy Trial Act. The motion should also state whether the opposing party consents. Any response shall be filed within 7 days, or as soon as possible if the filing deadline, hearing, or trial will occur earlier than 7 days.

**LR Crim. 16A. Discovery, In General.**

Nothing in these Local Rules shall be construed to limit any party's existing discovery obligations as set forth in Federal Rules of Criminal Procedure 16 and 26.2, Brady, Agurs, Giglio, 18 U.S.C. § 3500, or any other controlling law.

## **LR Crim. 16B. Information Subject to Disclosure by the Government.**

- (a) **The Government's Initial Disclosure Obligations.** The Government shall disclose and make available for inspection the following within 7 days of Defendant's arraignment, or promptly after acquiring possession:
- (1) **Federal Rule of Criminal Procedure 16(a)(1) Information.** If requested by a Defendant, the information described in Federal Rule of Criminal Procedure 16(a)(1).
  - (2) **Brady Material.** All information within the scope of Brady v. Maryland, 373 U.S. 83 (1963) and United States v. Agurs, 427 U.S. 97 (1976), and their progeny.
  - (3) **Defendant's Identification.** A description of the procedure and participants involved in any lineup, showup, photo spread, or similar procedure used in attempting to identify Defendant, and any pictures and photographs used.
  - (4) **Vehicles, Vessels, or Aircraft.** Any vehicle, vessel, or aircraft in the Government's custody that was allegedly utilized in the commission of any offense charged.
  - (5) **Wire and Electronic Intercepts.** All recordings and line sheets of intercepted communications relevant to the charged offense that were obtained in accordance with Title III of the Omnibus Crime Control and Safe Streets Act of 1968.
  - (6) **Grand Jury Transcripts.** Transcripts of the grand jury testimony of all witnesses who will testify in the Government's case-in-chief, if subject to Federal Rule of Criminal Procedure 26.2 and to 18 U.S.C. § 3500.
- (b) **The Government's Later Pretrial Disclosure Obligations.** No later than 14 days before trial, the Government shall disclose and make available for inspection the following:
- (1) **Giglio Material.** All information within the scope of Giglio v. United States, 405 U.S. 150 (1972), and its progeny.
  - (2) **Prior Acts Evidence.** A description of the general nature of any crime, wrong, or other act the Government intends to offer at trial under Federal Rule of Evidence 404(b) or other criminal activity the Government contends is intrinsic to the charged offense.

- (c) **Government's Decision to Not Disclose.** If the Government declines to disclose any information described in this Local Rule, it shall promptly file a notice specifying the information withheld and the grounds for withholding. The notice may be filed ex parte and under seal.

**LR Crim. 16C. Additional Discovery Obligations of the Government.**

- (a) Notice to Prosecution Team.** Prior to arraignment, the attorney for the Government shall inform all federal, state, and local law enforcement agencies involved in the investigation and prosecution of the discovery obligations in these Local Rules and obtain any information subject to disclosure.
- (b) Preservation Obligations.** The attorney for the Government shall advise law enforcement agencies involved in the investigation and prosecution to preserve all contemporaneous notes, memoranda, statements, reports, surveillance logs, recordings, and other documents memorializing matters relevant to the criminal case.

**LR Crim. 16D. Information Subject to Disclosure by Defendant.**

Upon request by the Government, and if a Defendant is required to disclose information under Federal Rule of Criminal Procedure 16(b)(1), Defendant shall disclose the information not more than 7 days after the Government's request, or promptly after acquiring possession.

## **LR Crim. 16E. Obligations of All Parties.**

- (a) Discovery Motions.** Counsel must confer with opposing counsel in a good-faith effort to resolve any discovery dispute prior to filing a discovery motion, including, for example, any motion to compel disclosure of Brady materials, Giglio materials, confidential informants, Jencks Act materials, and reciprocal discovery. Counsel shall certify the good-faith effort in an exhibit attached to the discovery motion.
- (b) Voluminous Production.** A party producing a voluminous collection of discovery materials shall provide a table of contents generally describing the documents by origin, type, and location within the production.
- (c) Conference and Stipulations.** At least 7 days prior to the pretrial conference, or if no pretrial conference is held, 7 days prior to trial, counsel shall confer regarding any stipulations of fact and stipulations to the authenticity or admissibility of exhibits. All stipulations shall be in writing and signed by Defendant, Defendant's counsel, and counsel for the Government. The parties shall file all stipulations at least 2 days before trial. The presiding judge may permit additional stipulations at trial.
- (d) Demonstrative, Summary, and Composite Exhibits.** A party shall disclose all demonstrative, summary, and composite exhibits intended to be used in a party's opening statement, case-in-chief, or cross-examination, including evidence under Federal Rule of Evidence 1006, at least 2 days before trial.
- (e) Electronic Surveillance or Consensual Interception Recording Transcripts.** Preliminary and final transcripts of electronic surveillance or consensual interception recordings should be disclosed promptly once the transcript has been prepared. Nothing in this Local Rule shall be construed to require a party to prepare preliminary or final transcripts.

## **LR Crim. 16F. Limitations Concerning Sharing of Discovery.**

- (a) **Distribution.** Parties and their counsel shall not distribute materials received in discovery, or copies of such materials, except to the following:
- (1) members of the litigation team (e.g., the party, counsel, paralegals, investigators, and support staff);
  - (2) experts or consultants retained or appointed to testify or assist in the preparation of the litigation, including their support staff;
  - (3) the United States Marshals Service;
  - (4) the United States Probation Office; and
  - (5) the Court.
- (b) **Prohibition on Further Distribution.** Recipients listed in subsection (a) shall not further distribute discovery materials to anyone not listed in subsection (a). Counsel shall inform recipients of this requirement.
- (c) **Permitted Review.** Notwithstanding the above, counsel for a party may review information received in discovery with individuals who are not listed in subsection (a), but that review shall be conducted in the presence of that attorney and the individual shall not retain possession of the information following the review.
- (d) **Requests for Modification.** A party may file a motion seeking modifications to the limitations contained herein. Such a motion may be filed ex parte.

## **LR Crim. 17. Subpoenas.**

- (a) Purpose.** Subpoenas are not discovery tools. Rather, they are designed to secure the presence of witnesses and evidence at a scheduled trial, hearing, or other proceeding.
- (b) Timing of Production.** Subpoenas issued under Federal Rule of Criminal Procedure 17(c) may require a witness to produce documents or objects at a scheduled trial, hearing, or other proceeding. A subpoena may not command earlier production unless authorized by a Court order.
- (c) Location of Production.** All documents and objects produced in response to a subpoena issued under Federal Rule of Criminal Procedure 17(c) shall be delivered to the Court at the date and time specified in the subpoena.
- (d) Grand Jury Subpoenas.** Subpoenas issued by a grand jury may command production of documents prior to a scheduled grand jury session.

### **LR Crim. 23. Trials.**

- (a) Exhibit List.** At the commencement of trial, counsel for each party shall submit to the judge, the courtroom deputy clerk, the court reporter, and opposing counsel a typed list of the exhibits they plan to introduce, designated by trial exhibit numbers.
- (b) Witness List.** At the commencement of trial, counsel for each party shall submit to the judge, the courtroom deputy clerk, the court reporter, and opposing counsel a typed list of the witnesses expected to be called in that party's case-in-chief.
- (c) Conferral and Stipulations.** Counsel shall endeavor to narrow issues in dispute by conferring with opposing counsel concerning potential stipulations of fact. Conversations concerning proposed stipulations shall not occur in the presence of the jury.

**LR Crim. 24. Jury Selection and Contact with Trial Jurors.**

- (a) **Proposed Voir Dire.** Unless otherwise ordered by the Court, the parties shall file any requests for special voir dire no later than 7 days prior to trial.
- (b) **Examination of Jurors.** Unless otherwise ordered, the Court shall examine prospective jurors. Counsel for the parties may submit further questions the Court may ask.
- (c) **Challenges for Cause.** Challenges for cause of individual prospective jurors shall be made out of the hearing of prospective jurors and shall be made immediately upon counsel learning of the basis for the challenge.
- (d) **Peremptory Challenges.** Unless ordered otherwise, peremptory challenges under Federal Rule of Criminal Procedure 24 shall be exercised in the following manner:
  - (1) Non-Capital Felony Cases

Round	Government Challenges	Defendant(s) Challenges
1	1	1
2	1	2
3	1	2
4	1	2
5	1	2
6	1	1

- (2) In capital and misdemeanor cases, the Government may exercise the first challenge and Defendant(s) may exercise the second challenge, alternating in this fashion until all challenges have been exercised.
- (3) Regarding additional peremptory challenges to prospective alternate jurors, the Government may exercise the first challenge and Defendant(s) may exercise the second

challenge, alternating in this fashion until all challenges have been exercised.

- (e) **Contact with Trial Jurors.** Attorneys, parties, or anyone acting on their behalf shall not directly or indirectly contact any juror, including any alternate or excused juror, without express permission of the Court.

**LR Crim. 30. Jury Instructions.**

Proposed jury instructions shall be numbered, include the full text of the requested instruction, and cite the authority on which the instruction is based. The parties are encouraged to use the Eleventh Circuit Pattern Jury Instructions. The parties shall identify any proposed modification to a pattern instruction in the request.

## **LR Crim. 32A. Sentencing Procedures.**

- (a) **Filing Documents.** Sentencing-related documents shall be filed in the Court's electronic docketing system with access limited to Defendant's counsel, the Government, and the Court. Such documents include:
- (1) draft presentence investigation reports, final presentence investigation reports, and addenda to reports;
  - (2) objections to presentence investigation reports;
  - (3) sentencing memoranda;
  - (4) motions filed in accordance with United States Sentencing Guideline § 5K1.1; and
  - (5) letters to the judge.

Given their confidential nature, the Clerk of Court shall file the items listed in subsections (a)(1) and (a)(2) under seal automatically without any need for a motion or order.

- (b) **Presentence Reports and Addenda.** No person shall disclose, share, disseminate, copy, or reproduce these documents, other than to the parties and the Court. Any unauthorized disclosure may be treated as an act of contempt.
- (c) **Objections.** Within 14 days of the filing of the draft presentence investigation report, the Government and Defendant shall each file all respective objections to the draft presentence investigation report. If a party files objections to the draft presentence investigation report, the objecting party shall confer with the probation officer in an effort to resolve the objections before issuance of the final presentence investigation report. A party with no objections shall file a notice stating there are no objections.
- (d) **Sentencing Memoranda.** Unless otherwise ordered by the presiding judge, a party may file a sentencing memorandum concerning any complex sentencing issue no later than the day prior to the sentencing hearing.

**LR Crim. 32B. Duty of Post-Conviction Consultation.**

- (a) Scope of Consultation.** Defendant's counsel must fully explain to the client the appellate process, the advantages and disadvantages of taking an appeal, and the attorney's obligation to file an appeal if requested by the client, regardless of the attorney's view of the likelihood of success.
- (b) Filing Requirement.** Defendant's counsel shall complete and file a Post-Conviction Consultation Certification memorializing counsel's compliance with this Local Rule, not later than 14 days after sentencing. The certification form may be found on the Court's website. If a Defendant refuses to sign the certification form, counsel shall so state in a supplemental filing.

**LR Crim. 32.1. Revoking or Modifying Probation or Supervised Release.**

- (a) **Notice.** Upon issuance of a warrant or summons related to alleged probation or supervised release violations, the United States Probation Office shall notify the United States Attorney's Office of the warrant or summons and the alleged violations.
- (b) **Filing of Supervised Release Revocation Reports.** All supervised release revocation reports shall be filed in the Court's electronic docketing system. Electronic access to these documents shall be limited to Defendant's counsel, the Government, and the Court.
- (c) **Government Disclosure Obligations.** The Government shall disclose and make available for inspection evidence against Defendant at least 72 hours before the final revocation hearing.
- (d) **Conferral Requirement.** Defendant's counsel and the Government shall confer regarding any stipulations, withdrawals, and evidentiary issues at least 48 hours before the final revocation hearing.

**LR Crim. 44A. Indigent Defendants.**

The appointment of counsel and counsel's obligations to the representation of indigent Defendants in criminal proceedings pursuant to Rule 44 of the Federal Rules of Criminal Procedure shall be in accordance with the Court's plan under the Criminal Justice Act. A copy of the Court's plan may be obtained from the Clerk of Court.

**LR Crim. 44B. Filings by Represented Defendants.**

A Defendant represented by an attorney may not file any motion, brief, or other paper pro se, except a motion for appointment of new counsel or a motion to proceed pro se.

### **LR Crim. 44C. Duties of Defendant's Counsel.**

- (a) Appearance.** Counsel for Defendant shall personally appear at all Court proceedings. Counsel shall not delegate his or her appearance to other counsel except with prior approval of the Court and consent of Defendant.
- (b) Notice to Defendant.** Defendant's counsel shall notify the Defendant of all proceedings requiring appearance of the Defendant.
- (c) Counsel's Obligations.** Defendant's counsel shall fulfill his or her professional responsibility as an officer of the court irrespective of compensation.
- (d) Duration of Representation.** Defendant's counsel shall continue representing the Defendant through conclusion of all trial-court proceedings and any appeal unless terminated by this Court or the appellate court.
- (e) Change in Financial Status.** Court-appointed counsel shall report any change in the financial status of Defendant suggesting the ability to pay for all or part of the representation. Counsel is not obligated to report information protected by the attorney-client privilege.

#### **LR Crim. 44D. Conflicts of Interest.**

- (a) Joint Representation.** When 2 or more Defendants in the same criminal matter seek to be represented by the same attorney or by attorneys associated in law practice, counsel shall file a motion requesting permission to do so. The attorney shall certify to the Court that, after careful investigation of potential conflicts of interest, it is clear no actual conflict exists or is foreseeable. The attorney also shall file a written certification by each person to be represented, giving informed consent to such joint representation, waiving the right to separate representation and, when applicable, waiving the attorney-client privilege. Any response to the motion shall be filed by the Government within 7 days.
- (b) Government's Obligations.** The Government shall promptly notify Defendant's counsel upon becoming aware of a potential conflict of interest. The Government may file a notice informing the Court of any potential conflict.

**LR Crim. 46. Pretrial Services Report.**

The United States Probation Office shall prepare and file a pretrial services report prior to a Defendant's initial appearance and detention hearing. Access to this report shall be limited to Defendant, Defendant's counsel, the Government, and the Court.

**LR Crim. 49. Notices.**

- (a) Notices by Clerk of Court.** The Clerk of Court shall notify pro se Defendants, and any guarantors or sureties, of all conferences, hearings, and trials. The Clerk of Court shall keep a record of the date, time, and manner of the notice.
- (b) Service and Filing by Nonparties.** A nonparty shall serve every party as required by Federal Rule of Criminal Procedure 49(a) and may use the Court's electronic docketing system.

## **LR Crim. 49.1. Sealed Court Records.**

### **(a) In General.**

- (1)** No filing or portion of a filing will be placed under seal unless the Court so orders.
- (2)** Requests for sealing should be narrowly tailored to the specific text, page, or portion of any material that warrants sealing. A party should not request sealing an entire filing, unless necessary.
- (3)** Sealed records shall not be available to the public.

### **(b) Requesting Sealing.**

- (1) Motion Required.** A party requesting sealing must file a motion that includes the following information without disclosing the substance of the information to be sealed:
  - (A)** scope of sealing (e.g., specific text, entire document, existence of a document);
  - (B)** supporting reasons with reference to applicable law;
  - (C)** who may access the sealed information (e.g., Court only; Court and the original filer; Court and parties to the case);
  - (D)** triggering circumstances or date for unsealing;
  - (E)** a copy of the proposed filing that redacts all proposed sealed material, unless sealing of the entire document is requested; and
  - (F)** a proposed order containing items in subparagraphs (A) to (D).
- (2) Submission of Material Sought to Be Filed Under Seal.** Contemporaneous with filing the motion to seal, the movant must provide the Clerk of Court with the material sought to be filed under seal in an unredacted form.
- (3) Sealing of Motion to Seal.** A motion to seal shall itself not be sealed unless the Court provides approval in advance, except a motion to seal the following shall be sealed without need for a Court order:
  - (A)** Search, seizure, and arrest warrants and affidavits;

- (B) Applications for pen/trap devices; and
  - (C) Applications for orders for wire, oral, or electronic communication interception.
- (c) **Orders on Motions to Seal.** Unless the Court states otherwise, an order ruling on a motion to seal shall be publicly available.
- (d) **Disposition of Proposed Sealed Material.** If the Court denies a motion to seal, the material sought to be sealed will be returned to the moving party unless that party files a notice of intent to appeal the denial within 14 days, in which case the Clerk of Court will retain the material for purposes of the appeal.
- (e) **Exceptions.** The following records shall be automatically sealed without any sealing motion or order:
  - (1) motions, orders, notices, and other matters occurring before a grand jury;
  - (2) affidavits submitted in support of a request for appointment of counsel based on indigency;
  - (3) requests and orders for authorization of investigative, expert, or other services pursuant to the Criminal Justice Act;
  - (4) pleadings and documents involving the Juvenile Delinquency Act;
  - (5) pretrial services reports;
  - (6) psychiatric or psychological evaluations;
  - (7) sentencing related documents described in LR Crim. 32A(a)(1) and (2); and
  - (8) other documents required by law to be filed under seal.

**LR Crim. 50. Criminal Calendars.**

Criminal proceedings shall be scheduled in accordance with the Speedy Trial Act of 1974 and the Court's plan for the prompt disposition of criminal cases. A copy of the Court's plan may be obtained from the Clerk of Court.

**LR Crim. 58. Forfeiture of Collateral.**

For certain petty offenses and misdemeanors, an accused may pay a fixed sum in lieu of appearing in Court. The Court's collateral forfeiture schedule governs the amount of such sums. Payment of collateral forfeiture may be considered a conviction on the charged offense. Payment of collateral forfeiture for certain offenses may also result in the offense and disposition being reported to the state agency charged with administering drivers' licenses. A copy of the Court's schedule may be obtained from the Clerk of Court and is available on the Court's website.