

# **Proposed Amendments to Local Rules and Invitation to Comment**

## **CIVIL RULES**

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## **CRIMINAL RULES**

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## **LAPR RULES**

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## CIVIL RULES

### D.C.COLO.LCivR 1.1 SCOPE OF THE LOCAL RULES

- A. Title and Citation.** These rules shall be known as the Local Rules of Practice of the United States District Court for the District of Colorado-Civil. These rules shall be cited as D.C.COLO.LCivR Rule, Section, Subsection, and Paragraph (e.g., D.C.COLO.LCivR 72.1A.1.a.).
- B. Effective Date.** These rules became effective on December 1, 2012.
- C. Scope.** These rules apply in all civil actions filed in the United States District Court for the District of Colorado except as specifically addressed in Section III - AP Rules. Section III - AP Rules apply to any social security appeal, a case commenced or reviewed under 5 U.S.C. § 706 concerning an action or final decision of an administrative agency, board, commission or officer, or a bankruptcy appeal ("AP Case").
- D. Relationship to Prior Rules.** Except as otherwise provided in D.C.COLO.LCivR 83.4, concerning standards of professional responsibility governing conduct of attorneys, these rules supersede all previous local rules.
- E. Numbering and Indexing.** These rules are numbered and indexed in accordance with the Judicial Conference Uniform Numbering System.
- F. Judicial Officer.** A judicial officer refers to a district judge or to a magistrate judge.
- G. Clerk.** Reference in these rules to the clerk refers to the Clerk of the Court or a deputy clerk, unless otherwise specified.
- H. Forms.** Forms are subject to modification without notice.
- I. Pilot Programs or Special Projects.** A pilot program or special project may be authorized by the court following reasonable public notice and opportunity for public comment.
  - 1. Public notice shall specify:
    - a. the purpose of the pilot program or special project;
    - b. the term of the pilot program or special project;

- c. the effect upon any local rule of practice; and
  - d. any requirement necessary to implement or facilitate the pilot program or special project.
2. The term for a pilot program or special project shall not exceed one year, but may be extended for one six-month period in conjunction with the promulgation of a corresponding local rule.

## **CRIMINAL RULES**

### **D.C.COLO.LCrR 1.1 SCOPE OF THE LOCAL RULES**

- A. Title and Citation.** These rules shall be known as the Local Rules of Practice of the United States District Court for the District of Colorado-Criminal. These rules shall be cited as, D.C.COLO.LCrR Rule, Section, Subsection, and Paragraph (e.g., D.C.COLO.LCrR 57.1B.23.a.).
- B. Effective Date.** These rules became effective on December 1, 2012.
- C. Scope.** These rules apply in all criminal actions filed in the United States District Court for the District of Colorado.
- D. Relationship to Prior Rules.** Except as otherwise provided in D.C.COLO.LCrR 57.6, concerning standards of professional responsibility governing conduct of attorneys, these rules supersede all previous local rules.
- E. Numbering and Indexing.** These rules are numbered and indexed in accordance with the Judicial Conference Uniform Numbering System.
- F. Judicial Officer.** A judicial officer refers to a district judge or to a magistrate judge.
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  - a. the purpose of the pilot program or special project;
  - b. the term of the pilot program or special project;
  - c. the effect upon any local rule of practice; and
  - d. any requirement necessary to implement or facilitate the pilot program or special project.
2. The term for a pilot program or special project shall not exceed one year, but may be extended for one six-month period in conjunction with the promulgation of a corresponding local rule.

#### **D.C.COLO.LCrR 11.1 PLEAS**

- A. Written Notice.** Unless otherwise ordered, notice of disposition shall be filed no later than 14 days before the date set for the trial.
- B. Pleas Before District Judge.** A plea of guilty or nolo contendere in a felony case shall be made before the district judge assigned to the case.
- C. Plea Agreement.** A plea agreement shall be presented in writing in accordance with the form entitled “Plea Agreement” found at <http://www.cod.uscourts.gov/Forms.aspx> and signed by the attorney for the government, defendant’s counsel, and the defendant.

The written stipulation of facts relevant to sentencing from the plea agreement shall be included in the presentence investigation report required by Fed. R. Crim. P. 32(b)(1). The attorney for the government shall deliver a copy of the plea agreement to the chambers of the assigned judicial officer and the Probation Office no later than 48 hours prior to the change of plea hearing. The 48 hours shall be calculated in accordance with Fed. R. Crim. P. 45(a).

- D. Statement by Defendant in Advance of Plea of Guilty.** A statement by defendant in advance of plea of guilty shall be presented in writing in accordance with the form entitled “Statement by Defendant in Advance of Plea of Guilty” found at <http://www.cod.uscourts.gov/Forms.aspx>, and signed by the defendant and defendant’s counsel.

Defendant's counsel, or a pro se defendant, shall deliver the statement by defendant in advance of plea of guilty to the courtroom deputy in the courtroom before the change of plea hearing.

**E. ~~Translation of Change of Plea Documents.~~** ~~If a defendant requires an interpreter for a change of plea hearing:~~

- ~~1. defense counsel shall contact the deputy clerk designated as courtroom services specialist two weeks before the hearing to obtain the assistance of a designated interpreter in translating the plea agreement and the statement by defendant in advance of plea of guilty;~~
- ~~2. defense counsel shall coordinate with the designated interpreter to ensure that the plea agreement and the statement by defendant in advance of plea of guilty are translated, in writing, into the language of the defendant, furnished to defendant, and signed by defendant in advance of the hearing; and~~
- ~~3. a certificate that the written translation is a complete and correct interpretation shall be attached by the designated interpreter to the written translation of both the plea agreement and statement by defendant in advance of plea of guilty.~~

**EF. Documents Tendered to Courtroom Deputy.** No later than the commencement of the change of plea hearing, the following documents shall be tendered to the courtroom deputy:

1. the original and a copy of both the plea agreement and statement in advance of plea of guilty; and
2. if applicable, the original and a copy of the written translation of both the plea agreement and statement in advance of plea of guilty.

## LAPR RULES

### D.C.COLO.LAPR 1.1 SCOPE OF THE LOCAL RULES

- A. Title and Citation.** These rules shall be known as the Local Rules of Practice of the United States District Court for the District of Colorado - AP Rules. These rules shall be cited as D.C.COLO.LAPR Rule, Section, and Subsection (e.g. D.C.COLO.LAPR 3.1B.3.a).

- B. Effective Date.** These rules became effective on December 1, 2012.
- C. Scope.** These rules apply to pre-merits management and briefing in a social security appeal, a case commenced or reviewed under 5 U.S.C. § 706 concerning an action or final decision of an administrative agency, board, commission or officer, or a bankruptcy appeal ("AP Case").
- D. Numbering and Indexing.** These rules are numbered and indexed in accordance with the Judicial Conference Uniform Numbering System.
- E. Forms.** Forms are subject to modification without notice.
- F. Pilot Programs or Special Projects.** A pilot program or special project may be authorized by the court following reasonable public notice and opportunity for public comment.
1. Public notice shall specify:
    - a. the purpose of the pilot program or special project;
    - b. the term of the pilot program or special project;
    - c. the effect upon any local rule of practice; and
    - d. any requirement necessary to implement or facilitate the pilot program or special project.
  2. The term for a pilot program or special project shall not exceed one year, but may be extended for one six-month period in conjunction with the promulgation of a corresponding local rule.