

Summary of Local and Federal Rule Changes Effective December 1, 2013

The Advisory Committee on the Local Rules of Practice completed the following in this cycle of Rule Changes:

- The completion of a two-year project to restyle, reformat, and simplify the local civil rules to make them more easily understood and to make numbering, style, format, and terminology consistent throughout the rules;
- The consideration of 22 pending comments from prior years 2009 through 2012 and 19 comments submitted during this rules cycle;
- The creation, in conjunction with recommendations of the Committee on Conduct, of a new Section regulating members of the court's bar; and
- The conversion of existing general, standard and administrative orders to local rules.

As a result, the Local Rules revisions do the following:

- the local civil rules are restyled and reformatted;
- certain rules are renumbered and relocated;
- certain rules are repealed as no longer necessary;
- certain rules replace existing general orders; and
- the revisions adopt Section IV, regulating members of the bar.

Local Rule Number and Title	Practice Under Previous Local Rule	New Practice Under Revised Local Rule	Related Federal Rule or Statute (if revised, listed in bold)
CIVIL RULES			
D.C.COLO.LCivR 1.1 <u>Scope of the Local Civil Rules</u>	Citation of Local Rules: D.C.COLO.LCivR <u>72.1A.1.a</u> (Section, Subsection, and Paragraph).	-- New citation format: D.C.COLO.LCivR 72.1(a)(1)(A)(ii) (Subdivision, Paragraph, Subparagraph, Item). -- Comports with the citation format of the Judicial Conference's Committee on Rules. -- Rule revisions are effective Dec. 1 of every year.	Fed. R. Civ. P. 1, <u>Scope and Purpose</u>

<p>D.C.COLO.LCivR 1.2 <u>Forms</u></p>	<p>Referred to the District Court's website address.</p>	<p>Direct link is now provided to the <u>Forms</u> page on the District Court website .</p>	<p>Fed. R. Civ. P. 84, <u>Forms</u>; and Federal Rules' <u>Appendix of Forms</u>;</p>
<p>D.C.COLO.LCivR 3.1 <u>Civil Cover Sheet</u></p>	<p>JS-44 Civil Cover Sheet (Judicial Conference requirement for statistical purpose) and <u>local</u> Notice of Removal Civil Cover Sheet.</p>	<p>Elimination of <u>local</u> requirement of Supplemental Cover Sheet for Notices of Removal.</p>	<p>Fed. R. Civ. P. 3, <u>Commencing an Action</u> Compiling case statistics is a court duty derived from 28 U.S.C. § 604(a)(2)-(4) <u>Duties of Director [of the A.O.] Generally</u></p>
<p>D.C.COLO.LCivR 3.2 <u>Notice Of Related Cases</u></p>	<p>D.C.COLO.LCivR 3.2 Notice Regarding Judicial Panel on Multidistrict Litigation; D.C.COLO.LCivR 7.5 Notice of Related Cases.</p>	<p>-- Rule 7.5 merged into 3.2; -- Eliminates filing requirement re: specific <u>notice</u> of pending action before Judicial Panel on Multidistrict Litigation; -- Requirement of filing a <u>notice</u> of Related Cases remains; -- Parties may not seek transfer/ reassignment of judicial officers; -- Elimination of direct notice from clerk's office to chambers of Notice of Related Case filing.</p>	<p>Fed. R. Civ. P. 3, <u>Commencing an Action</u> <u>Rules of Procedure of the U.S. Judicial Panel on Multidistrict Litigation</u> 28 U.S.C. § 1407 <u>Multidistrict Litigation</u></p>
<p>D.C.COLO.LCivR 3.3. <u>Payment of Fees</u></p>	<p>Filing fee requirement and reference to Schedule of Fees on Forms page.</p>	<p>-- Local rule eliminated – Duplication of controlling statute § 1914 that mandates payment of filing fee. [See <u>Jarrett v. US Sprint Comm. Co.</u>, 22 F.3d 256, 259 (10th Cir. 1994)(“If the Dist. of Kansas does not formally file a complaint until the filing fee is paid, such action does not</p>	<p>Fed. R. Civ. P. 3, <u>Commencing an Action</u> 28 U.S.C. § 1914 <u>District Court; Filing and</u></p>

		<p>violate the statutory provision and is notice to a plaintiff that the filing fee requirement is enforced.”)]</p> <p>-- Fees are posted on the district court website, and in the Clerk’s Office.</p>	<p><u>Miscellaneous Fees;</u> <u>Local Rules;</u></p> <p>28 U.S.C. § 1915(a) <u>Proceedings in Forma Pauperis.</u></p>
<p><u>D.C.COLO.LCivR 5.1</u> <u>Formatting, Filing And</u> <u>Serving Pleadings And</u> <u>Documents</u></p>	<p>Service contemporaneous with filing; facsimile filing; certificate of service</p>	<p>-- <u>LCivR 5.2 and 5.6 subsumed into 5.1.</u> – Electronic Filing through CM/ECF is now <u>mandated</u>, with few exceptions -- paper filings for unrepresented parties, unconventional materials, certain documents that must be e-mailed.</p> <p>-- Facsimile filing eliminated.</p> <p>-- The Notice of Electronic Filing (NEF) <u>is</u> the Certificate of Service [therefore, mailing the NEF to non e-filers suffices].</p> <p>-- Response / reply time calculated from date of electronic filing.</p> <p>-- Forms and procedures for unrepresented parties are posted on the court website.</p>	<p>Fed. R. Civ. P. 5, <u>Serving and Filing</u> <u>Pleadings and Other</u> <u>Papers;</u></p> <p><u>E-Government Act of</u> <u>2002</u>, Pub. L. No. 107-347, Sec. 205;</p> <p>Fed. R. Civ. P. 6, <u>Computing and</u> <u>Extending Time; Time</u> <u>for Motion Papers</u></p>
<p><u>D.C.COLO.LCivR 5.2</u> <u>Service By Other Means,</u> <u>Including Electronic</u> <u>Means</u></p>	<p>Electronic Case Filing Registration; Consent to, and Effect of, Electronic Service; Notice of Change of E-mail or Fax Number</p>	<p>-- Portions of rule eliminated or moved;</p> <p>-- D.C.COLO.LCivR 5.2E (response /reply time calculated from date of electronic filing) has been incorporated into D.C.COLO.LCivR 5.1(d);</p> <p>-- Local Rule 5.2D (notice of change of contact information) incorporated into D.C.COLO.LCivR 11.1(d).</p>	
<p><u>D.C.COLO.LCivR 5.3</u> <u>Non-Filed Discovery</u></p>	<p>Formerly D.C.COLO.LCivR 5.5, Custodian of Non-Filed Discovery</p>	<p>-- Renumbered.</p>	<p>Fed. R. Civ. P. 5, <u>Serving and Filing</u></p>

<u>Materials</u>	Materials	-- Rule has been modified to emphasize that discovery materials <u>are not to be filed</u> . -- Custodian bears the burden of producing a deposition transcript at trial.	<u>Pleadings and Other Papers</u>
D.C.COLO.LCivR 5.6 <u>Electronic Case Filing</u>	Electronic Case Filing adoption rule.	-- Incorporated into LCivR 5.1. -- The former indirect reference in 5.6C. to computation of time under “3-Day Rule” eliminated as duplicative of federal rule. See Fed. R. Civ. P. 6(d) <u>and</u> Fed. R. Civ. P. 5(b)(2)(C-F).	Fed. R. Civ. P. 5(b)(2)(C-F), <u>Serving and Filing Pleadings and Other Papers</u> ; Fed. R. Civ. P. 6(d), <u>Computing and Extending Time; Time for Motion Papers</u>
D.C.COLO.LCivR 6.1 <u>Extension of Time or Continuance</u>	Stipulations and motions for extensions of time.	-- Stylistic changes. -- Addition of “continuance” language necessary for court hearings. -- Subdivision F (agreements by parties on time limitations) eliminated as repetitive of rest of rule.	Fed. R. Civ. P. 6, <u>Computing and Extending Time; Time for Motion Papers</u>
D.C.COLO.LCivR 7.1 <u>Motions</u>	Duty to confer except for Rule 12, 56 motions and with prisoners.	-- Stylistic changes. -- New <u>exception</u> to duty to confer added re: motions to withdrawal of counsel (formerly LCivR 83.3D now LAttyR 5(b)).	Fed. R. Civ. P. 7, <u>Pleadings Allowed: Form of Motions and Other Papers</u>
D.C.COLO.LCivR 7.2 <u>Public Access To Documents And Proceedings</u>	Restricted document and sealed case rule.	-- Rule is reformatted and has stylistic changes. -- LCivR 7.2(a)’s addition of “Unless restricted by <u>statute, rule of civil procedure, or court order</u> ” acknowledges the Social Security Appeals and Immigration Cases administrative record privacy restrictions in Federal Rule	Fed. R. Civ. P. 7, <u>Pleadings Allowed: Form of Motions and Other Papers</u> ; Fed. R. Civ. P. 5.2,

		<p>5.2(c). The new text preserves the method how Social Security Appeal filings are currently made, but expressly acknowledges this as an exception to the Court's policy of a presumption of public access articulated in Local Rule 7.2A.</p> <p>-- Mandatory language in 7.2(e) imposed, to eliminate confusion of parties. [A restricted document is filed as either a document where the filing party is contemporaneously filing a motion to restrict that document(s); or as a restricted document under order by the court (protective order, for example); or otherwise filed under a restriction obligation by the filing party. Either way, the document <u>must</u> be filed, <u>separately</u>, as "Restricted Document Level __."]]</p>	<u>Privacy Protection for Filings Made with the Court</u>
D.C.COLO.LCivR 7.3 [Reserved]	Placeholder rule.	Eliminated.	
D.C.COLO.LCivR 7.4 Disclosure Statement	Disclosure requirement.	Eliminated. Duplicative of Federal Rule 7.1.	Fed. R. Civ. P. 7.1, <u>Disclosure Statement</u>
D.C.COLO.LCivR 7.5 Notice of Related Cases	Related Case notice requirement.	Incorporated into D.C.COLO.LCivR 3.2.	
D.C.COLO.LCivR 8.1 Unrepresented (Pro Se) Parties	Pro se pleadings.	<p>-- Retitled for simplicity. Adoption of "Unrepresented" as a more descriptive and publicly accessible term, applied to both prisoners and non-prisoners.</p> <p>-- Merger of rules re: initial review of pro se and prisoner rules.</p> <p>-- Pro se/prisoner <u>mandatory</u> use of court forms located in LCivR 5.1(c).</p>	<p>Fed. R. Civ. P. 8, <u>General Rules of Pleading</u>;</p> <p>28 U.S.C. § 1915A <u>Screening</u></p>

<p>D.C.COLO.LCivR 8.2 <u>Prisoner Pleadings</u></p>	<p>Prisoner Pleadings.</p>	<p>-- Subsumed by D.C.COLO.LCivR 8.1.</p>	<p>Fed. R. Civ. P. 8, <u>General Rules of Pleading</u></p>
<p>D.C.COLO.LCivR10.1 <u>Format of Papers Presented for Filing</u></p>	<p>Formatting of documents, including captions, case numbering, signatures, original document requirement.</p>	<p>-- D.C.COLO.LCivR 5.1 directs unrepresented parties to <u>Forms</u> page on website. -- Rule simplified to contain only basic formatting requirements; caption, signatures and other document requirements are posted on the <u>Forms</u> page of the court's website and CM/ECF Procedures.</p>	<p>Fed. R. Civ. P. 10, <u>Form of Pleadings</u>; See "Sample Pleading - Civil (PDF)" on <u>Forms</u> page of website.</p>
<p>D.C.COLO.LCivR11.1 <u>Appearance</u></p>	<p>Attorney and Unrepresented Party appearances by signature or court appearance; prohibition against delegation of signatures; signature page retention rule; non-applicability to U.S. Government attorneys of rule that only members of the court's bar may sign documents.</p>	<p>-- Stylistic changes. -- Appearance rules remain unchanged. -- Elimination of rule for retention of signature page in facsimile filings. -- D.C.COLO.LCivR.10.1M Notice of Change of Address rule has been renumbered as D.C.COLO.LCivR. 11.1(d).</p>	<p>Fed. R. Civ. P. 11, <u>Signing Pleadings, Motions, and Other Papers; Representations to the Court; Sanctions</u> 28 U.S.C. § 515 <u>Authority for Legal Proceedings; Commission, Oath, and Salary for Special Attorneys</u> [Exemption for DOJ Attys.]; 28 U.S.C. § 1914 <u>District Court Fees</u></p>
<p>D.C.COLO.LCivR.15.1 <u>Amended Pleading</u></p>	<p>New Rule</p>	<p>Amended pleadings, when filed as a matter of course (no permission of the court required) or by motion, must file a separate "Notice of Filing of Amended Pleading" and attach exhibit that is a copy of the original pleading, but with strikeouts of deleted language and underlined new language [marked as <u>strikeouts</u> or <u>underlined</u>.]</p>	<p>Fed. R. Civ. P. 15, <u>Amended and Supplemental Pleadings</u></p>

<p>D.C.COLO.LCivR.16.1 <u>Scheduling Conference</u></p>	<p>Contained instructions for parties in preparation of scheduling conference.</p>	<p>-- Reformatted; language removed that repeats <u>Scheduling Order, Contents, Attendance, and Matters for Consideration at Pretrial Conference</u> in Fed. R. Civ. P. 16(b) and (c);</p> <p>-- The order setting the scheduling conference sets the parties' Rule 26(f) initial meeting (at least 21 days before the proposed scheduling order is due to be tendered);</p> <p>-- In cases removed from state court, the <u>removing</u> party (i.e., the defendant) is responsible for preparing and filing the proposed scheduling order.</p>	<p>Fed. R. Civ. P. 16(b)-(c), <u>Pretrial Conferences; Scheduling Management</u></p> <p>Fed. R. Civ. P. 26, <u>Duty to Disclose; General Provisions Governing Discovery</u></p>
<p>D.C.COLO.LCivR.16.2 <u>Scheduling Order</u></p>	<p>Instructions for Scheduling Order; Listed cases where preparation of Scheduling Order is unnecessary.</p>	<p>-- Reformatted; language removed that repeats the directions provided in the <u>Instructions for Preparation of Scheduling Orders</u> on the Forms page on the website.</p> <p>-- Directs parties to website.</p> <p>-- Eliminates reference to types of cases where scheduling orders are unnecessary (duplicative of federal rule).</p> <p>-- Inserts "Unless otherwise ordered" to preserve judicial discretion.</p>	<p>Fed. R. Civ. P. 26, <u>Duty to Disclose; General Provisions Governing Discovery</u></p> <p>D.C.COLO.LAPR 16.1 <u>AP Case Management</u></p>
<p>D.C.COLO.LCivR.16.3 <u>Final Pretrial Order</u></p>	<p>Instructions for Final Pretrial Order</p>	<p>-- Reformatted; language removed that repeats the directions provided in the <u>Instructions for Preparation of Final Pretrial Orders</u> on the <u>Forms</u> page on the website.</p> <p>-- Directs parties to website.</p>	<p>Fed. R. Civ. P. 16(d)-(e), <u>Pretrial Conferences; Scheduling Management</u></p>
<p>D.C.COLO.LCivR.16.6 <u>Alternative Dispute Resolution</u></p>	<p>ADR mandate; district court's primary ADR program is early neutral evaluation, though other forms are considered.</p>	<p>-- Added confidentiality provision as required by statute.</p>	<p>28 U.S.C. § 651 <u>Authorization of Alternative Dispute Resolution</u></p>

			28 U.S.C. § 652 <u>Jurisdiction</u>
D.C.COLO.LCivR 24.1 <u>Claim of Unconstitutionality</u>	Parties required to give notice to the court and U.S. or state attorney general when a federal or state statute’s constitutionality is questioned.	Eliminated; rule duplicates existing requirements in Fed. R. Civ. P. 5.1 and 28 U.S.C. § 2403, including court certification of constitutional challenge questions to U.S. or state attorney general.	Fed. R. Civ. P. 5.1. <u>Constitutional Challenge to a Statute</u> ; 28 U.S.C. § 2403 <u>Intervention by the U.S. or a State</u> ; <u>Constitutional Question</u>
D.C.COLO.LCivR 26.1 <u>Compliance With Fed. R. Civ. P. 26 Requirements</u>	Scheduling and Final Pretrial Orders comply with specific document submission requirements of Rule 26.	-- Stylistic simplification.	Fed. R. Civ. P. 26, <u>Duty to Disclose</u> ; <u>General Provisions Governing Discovery</u>
D.C.COLO.LCivR 30.1 <u>Depositions</u>	Parties required to give 14 day notice, and to focus on limiting time and expense of depositions.	-- Stylistic simplification. -- Time and expense provisions eliminated, are generally encouraged under the federal rules.	<i>See, for example, Fed. R. Civ. P. 29, <u>Stipulations About Discovery Procedure</u>, Notes of Advisory Committee on Rules—1993 Amendment: “Counsel are encouraged to agree on less expensive and time-consuming methods to obtain information.”</i>
D.C.COLO.LCivR 30.2 <u>Filing Motion For Protective Order, Motion To Limit Examination, Or</u>	Motions for protective orders, and motions to terminate or limit depositions, often result in an effective halt of discovery until	-- Stylistic simplification. -- Inserted “Unless otherwise ordered” to preserve judicial discretion.	Fed. R. Civ. P. 26 <u>Duty to Disclose</u> ; <u>General Provisions Governing Discovery</u> ;

<u>Objection To Discovery Order</u>	<p>resolved. The local rule recognizes that and imposes an <u>automatic</u> stay of the particular discovery proceeding until the court resolves the dispute.</p> <p>An objection to a discovery order of a magistrate judge does <u>not</u> automatically stay the discovery issue; a motion must be filed to obtain a stay.</p>	-- Addition of an acknowledgement of sanctions available under Fed. R. Civ. P. 37.	<p>Fed. R. Civ. P. 30 <u>Depositions by Oral Examinations</u></p> <p>Fed. R. Civ. P. 37 <u>Failure to Make Disclosures or to Cooperate in Discovery; Sanctions</u></p>
D.C.COLO.LCivR 30.3 <u>Sanctions For Abusive Deposition Conduct</u>	Specific types of abusive conduct addressed.	-- Pared down. -- Federal Rule 30(d)(3)(A) governs many provisions of the rule.	Fed. R. Civ. P. 30 <u>Depositions by Oral Examinations</u>
D.C.COLO.LCivR 37.1 <u>Discovery Motions</u>	Direction to counsel to identify the problematic discovery request.	- Stylistic simplification.	<p><u>FEDERAL RULE 37 REVISED:</u></p> <p><u>Failure to Cooperate in Discovery; Sanctions.</u></p> <p>Regarding the taking of depositions in another district, sanctions by a court are allowed <u>either in the issuing court or pending action court</u>, to conform with Rule 45 transfer of motion change.</p>
D.C.COLO.LCivR 40.1 <u>Assignment of Cases</u>	Paragraph (c)(1) stated that when a pro se party <u>filed</u> a case within 12	-- Stylistic simplification.	28 U.S.C. § 137 - <u>Division of business</u>

	months, newer case would be assigned to the judge previously assigned. "Filing" seemed to preclude rule being applied in cases removed (by defendant) in removed cases.	<p>-- Emphasizes judicial authority for special assignment, not the authority of the parties in the case.</p> <p>-- Subparagraph (c)(1) revised to state "unrepresented party <u>in</u> a case" = rule now includes removed cases.</p> <p>-- New provision – case removed back to USDC after initially remanded to state court, returns to judge initially assigned the case.</p> <p>-- Subparagraph (c)(2) revised –party filing a matter involving bankruptcy debtor already in a pending dist. court case does not need to specially notify the clerk (D.C.COLO.LCivR 3.2 Related Case Notice provision eliminates the need).</p>	<u>among district judges</u> "The business of a court having more than one judge shall be divided among the judges as provided by the rules and orders of the court."
<u>D.C.COLO.LCivR 40.2 Trial Calendars And Notice of Settlement Or Resolution</u>	Counsel / parties required to file written notice to court of scheduling conflicts with other courts.	<p>-- Stylistic simplification.</p> <p>-- Stresses the court's inherent authority to maintain its trial calendar.</p> <p>--Counsel's obligation to inform the court of scheduling conflicts is self-evident. Written notice requirement eliminated.</p>	Fed. R. Civ. P. 40 <u>Scheduling Cases for Trial</u>
<u>D.C.COLO.LCivR 41.1 Dismissal</u>		-- Stylistic simplification.	Fed. R. Civ. P. 41 <u>Dismissal of Actions</u>
<u>D.C.COLO.LCivR 41.2 Administrative Closure</u>		-- Stylistic simplification.	Fed. R. Civ. P. 41(a) <u>Dismissal of Actions</u> (voluntary dismissals = without prejudice);
<u>D.C.COLO.LCivR 42.1 Motion to Consolidate</u>		-- Stylistic simplification. Redundant language eliminated.	Fed. R. Civ. P. 42 <u>Consolidation; Separate Trials</u>

<p>D.C.COLO.LCivR 43.1 <u>Hearing and Trial Procedures</u></p>		<p>-- Stylistic simplification. -- Emphasizes the term “judicial practice standards” and references location on website.</p>	<p>Fed. R. Civ. P. 43 <u>Taking Testimony</u></p>
<p>D.C.COLO.LCivR 43.2 83.3 <u>Accommodation Under Americans With Disabilities Act</u></p>		<p>Stylistic simplification. Syntax modification. -- Renumbered pursuant to Judicial Conference’s model numbering system for local civil rules, to match provision for “Courtroom Decorum.”</p>	
<p>D.C.COLO.LCivR 45.1 <u>Subpoena Service</u></p>	<p>Subpoena service on witness, and notification to parties, no less than 48 hours before appearance date in subpoena.</p>	<p>-- Subpoena service deadline increased to not later than seven days before date specified in subpoena (revised to conform to Fed. Rule time computation principles). -- Reference to D.C.COLO.LCivR 30.1 14-day notice provision for depositions.</p>	<p><u>FEDERAL RULE 45 REVISED:</u> <u>Subpoenas</u> <u>(See Summary Attached at the End of This Chart)</u></p>
<p>D.C.COLO.LCivR 47.4 2 <u>Communication with Jurors</u></p>	<p>-- Parties not allowed to communicate with jurors unless authorized by <u>written</u> court order.</p>	<p>-- Parties not allowed to communicate with jurors unless given an order, <u>written or otherwise</u>, from the court. -- Renumbered pursuant to Judicial Conference’s Uniform Numbering System for local civil rules – 47.2 pertains to communications with jurors.</p>	<p>Local Privacy Provisions Pertaining to Jurors: USDC General Order 07-3: <u>In the Matter of Protecting the Privacy and Security of Jurors</u> District Of Colorado Revised Jury Plan For Random Jury Selection, <u>Paragraph 5, Public Access</u></p>
<p>D.C.COLO.LCivR 54.1 <u>Taxation of Costs</u></p>	<p>Rule provided that each judgment or final order <u>shall</u> indicate which</p>	<p>-- Stylistic simplification.</p>	<p>Fed. R. Civ. P. 54 <u>Judgment; Costs, (d)(1)</u></p>

	party is entitled to costs. In absence of such language in a final order or judgment, clerk does not award costs, despite Federal Rule's direction that costs "should" be awarded to prevailing party(ies).	-- Clerk " <u>shall</u> tax costs in favor of a prevailing party or parties" to clarify taxation of costs procedure. -- Clerk's Office, therefore, must award costs to prevailing party(ies) in all civil judgments.	Costs Other Than Attorney's Fees; See <i>a/so</i> 28 U.S.C. § 1920 <u>Taxation of Costs</u>
D.C.COLO.LCivR 54.2 <u>Jury Cost Assessment</u>	Parties required to provide notice to court of resolution of case no later than after noon of day before trial.	-- Stylistic simplification. -- Language clarified to provide that notice deadline must be met before noon <u>on business day before trial</u> (thereby precluding weekends). Notice must be in writing (i.e., <u>file</u> the notice).	See 28 U.S.C. § 1871 <u>[Jury] Fees</u> . Failure to provide court notice of case resolutions risks the unnecessary payment of attendance, travel, subsistence allowances and other miscellaneous costs.
D.C.COLO.LCivR 54.3 <u>Attorney Fees</u>	Directs movants for attorney fees to submit affidavit and have specific content in the motion.	-- Movant for attorney fees must provide summary of qualifications and experience.	Fed. R. Civ. P. 54 <u>Judgment; Costs</u> , (d)(2) Attorney's Fees
D.C.COLO.LCivR 55.1 <u>Default Judgment for a Sum Certain</u>	New Rule. Sum Certain Default Judgments were not entered by clerks without a judge's permission per Court policy; judge would review 55(b)(1) requests, make findings and grant motion, and direct clerk to enter default judgment.	-- Fed. R. Civ. P. 55(b)(1) provides that the clerk <u>must</u> enter default judgment, without court approval, on request of plaintiff <u>if</u> request is for a sum certain. -- New rule provides specific directions to the party requesting default, to show sum certain by motion, with affidavit, and to submit a Proposed Form of Judgment. Clerk thereupon enters the Sum Certain Default Judgment. Other default judgments that require an accounting, a determination of damages, consideration of evidence to establish truth of an allegation, or any other investigation, <u>remain for the court's decision</u> .	Fed. R. Civ. P. 55 <u>Default; Default Judgment</u> , (b)(1) Entering a Default Judgment, By the Clerk.

<p>D.C.COLO.LCivR 56.1 <u>Motion For Summary Judgment</u></p>		<p>Stylistic changes.</p>	<p>Fed. R. Civ. P. 56 <u>Summary Judgment</u></p>
<p>D.C.COLO.LCivR 65.1 <u>Temporary Restraining Order</u></p>	<p>Moving party was previously required to submit the TRO Information Sheet – a brief synopsis of the case and emergency situation, handed to the Intake Division and presented to the district judge selected to review the motion.</p>	<p>-- Stylistic simplification. -- Information Sheet eliminated.</p>	<p>Fed. R. Civ. P. 65 <u>Temporary Restraining Order</u></p>
<p>D.C.COLO.LCivR 67.1 <u>Bonds And Other Sureties</u></p>		<p>-- Stylistic simplification.</p>	<p>For the U.S. Treasury Department's list of approved surety companies, visit : http://www.fms.treas.gov/c570/c570.html.</p>
<p>D.C.COLO.LCivR 67.2 <u>Court Registry</u></p>		<p>-- Stylistic simplification.</p>	<p>Fed. R. Civ. P. 67 <u>Deposit into Court</u> 28 U.S.C. § 2041 <u>Deposit of Moneys in Pending or Adjudicated Cases</u> and § 2042, <u>Withdrawal</u></p>
<p>D.C.COLO.LCivR 72.1 <u>General Authority and Duties of a Magistrate Judge</u></p>		<p>-- Stylistic simplification. -- Duties: added acknowledgment that magistrate judges often appoint Masters under Fed. R. Civ. P. 53.</p>	<p>Fed. R. Civ. P. 72. Magistrate Judges: Pretrial Order</p>

		-- Other Duties: recognizes that magistrate judges conduct post-trial proceedings and other ADR proceedings (not just limited to Early Neutral Evaluations).	Fed. R. Civ. P. 53. <u>Masters</u>
D.C.COLO.LCivR 72.2 <u>Consent Jurisdiction of a Magistrate Judge</u>		-- Stylistic simplification. -- Eliminates language repetitive of federal rule and statute regarding vacating reference by district judge, and appeal.	Fed. R. Civ. P. 73. <u>Magistrate Judges: Trial by Consent; Appeal</u> 28 U.S.C. § 636 <u>Jurisdiction, Powers, and Temporary Assignment [of Magistrate Judges]</u>
D.C.COLO.LCivR 72.3 <u>Reference of a Dispositive Motions to a Magistrate Judge</u>	-- Previously, parties seeking referral of a dispositive motion to a magistrate judge filed a <u>notice</u> of consent to magistrate judge determination. -- Rule retained holdover provision that reference of the motion was drawn to a newly assigned magistrate judge, by random draw.	-- Stylistic simplification. -- A <u>motion</u> is now required, for parties seeking reference and determination of a dispositive motion by a magistrate judge. -- Updates rule to conform to last year's 72.2(e) revision: if a motion seeking reference is granted, the dispositive motion is referred to the magistrate judge then assigned to the case.	Fed. R. Civ. P. 73. <u>Magistrate Judges: Trial by Consent; Appeal</u> 28 U.S.C. § 636 <u>Jurisdiction, Powers, and Temporary Assignment</u>
D.C.COLO.LCivR 77.1 <u>Time And Place of Filing</u>	"Pleadings and Papers" the previous convention used to identify court filings.	--"Pleadings and Documents" replaces "pleadings, motions, briefs, and other papers" to describe court filings.	Fed. R. Civ. P. 77. <u>Conducting Business; Clerk's Authority; Notice of an Order or Judgment</u> See <i>also</i> Fed. R. Civ. P. 7 <u>Pleadings Allowed; Form of Motions and Other Papers</u>

<p>D.C.COLO.LCivR 77.2 <u>Communication with a Judicial Officer</u></p>	<p>Former title was “Ex Parte Communications with Judicial Officers”</p>	<p>-- Stylistic simplification.</p> <p>-- <i>Ex Parte</i> communications continue to be prohibited; rule continues that there shall not be a direct communication from a party to a judicial officer about the current proceeding.</p> <p>The Clerk’s Office continues to serve as the recipient of matters needing to be brought to the court’s attention.</p>	<p>See 28 U.S.C. § 455 <u>Disqualification of Justice, Judge or Magistrate Judge</u>, (b)(1): Disqualification on grounds of personal knowledge of a case.</p>
<p>D.C.COLO.LCivR 79.1 <u>Custody Of Pleadings, Documents, Files And Exhibits</u></p>	<p><u>Written court order</u> required to remove documents from clerk’s custody</p>	<p>-- “Pleadings and documents” replaces “files,” “papers.”</p> <p>-- Removal of pleadings, documents, and exhibits from court files prohibited <u>unless otherwise ordered</u>.</p>	<p>Fed. R. Civ. P. 79 <u>Records Kept by the Clerk</u></p>
<p>D.C.COLO.LCivR 79.2 <u>Inspection Of Physical Evidence</u></p>	<p>Detailed descriptions of different types of evidence, contraband, etc.</p>	<p>-- Stylistic simplification; use of broader term “physical evidence.” Clerk continues control and supervision of exhibits.</p>	<p>Fed. R. Civ. P. 79 <u>Records Kept by the Clerk</u></p>
<p>D.C.COLO.LCivR 81.1 <u>Procedure For Removal</u></p>		<p>-- Stylistic simplification.</p> <p>-- Use of new Subdivision headings.</p>	<p>28 U.S.C. § 1446 <u>Procedure for Removal of Civil Actions</u></p>
<p>D.C.COLO.LCivR 83.1 <u>Cameras And Recording Devices</u></p>		<p>-- New subdivision (c) incorporates language from former General Order 2012-1, <u>In the Matter of Enforcement of Local Rules 83.1 and 57.3</u>, that violation of camera/recording rule may constitute contempt, and authorizes seizure of devices.</p>	
<p>D.C.COLO.LCivR 83.2 <u>Security</u></p>		<p>-- Minor stylistic modification. Removed surplus language.</p>	

D.C.COLO.LCivR 83.3 The Bar Of The Court		Eliminated. See Section IV – Attorney Rules.	
D.C.COLO.LCivR 83.4 Standards Of Professional Responsibility		Eliminated. See Section IV – Attorney Rules.	
D.C.COLO.LCivR 83.5 Attorney Discipline		E Eliminated. See Section IV – Attorney Rules.	
D.C.COLO.LCivR 84.1 <u>Bankruptcy Matters</u>		-- “Pleadings and documents” replaces “files,” “papers.” -- More conformity with statutes and Bankruptcy rules. -- Bankruptcy case filings, and all bankruptcy post-judgment matters, continue to be filed / processed in the Bankruptcy Court.	28 U.S.C. § 157 <u>[Bankruptcy] Procedures</u> <u>See also Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rules for the District of Colorado</u>

Local Rule Number and Title	Practice Under Previous Local Rule	New Practice Under Revised Local Rule	Related Federal Rule or Statute (if revised, listed in bold).
CRIMINAL RULES			
D.C.COLO. LCrR 1.1 <u>Scope of the Local Criminal Rules</u>	Citation of Local Rules: D.C.COLO.LCrR <u>57.1A.1.a</u> (Section, Subsection, and	-- New citation format: D.C.COLO.LCrR 57.1(a)(1)(A)(ii) (Subdivision, Paragraph, Subparagraph, Item).	Fed. R. Crim. P. 1, <u>Scope; Definitions</u>

	<u>Paragraph</u>).	-- Comports with the citation format of the Judicial Conference's Committee on Rules. -- Rule revisions are effective Dec. 1 of every year.	
D.C.COLO.LCrR 1.2 <u>Forms</u>	Referred to the District Court's website address.	Direct link to <u>Forms</u> page on District Court website inserted.	There is not a specially designated Federal Criminal Rule for <u>Forms</u> .
D.C.COLO.LCrR 6.1 <u>Grand Jury</u>		No revisions.	Fed. R. Crim. P. 6, <u>The Grand Jury</u>
D.C.COLO.LCrR 7.1 <u>Information Sheet</u>		No revisions.	Fed. R. Crim. P. 7, <u>The Indictment and the Information</u>
D.C.COLO.LCrR 11.1	[Subdivision E, <u>Translation of Change of Plea Documents</u> , removed in February 2013.]	-- AO funding guidelines require translations to be paid by local court funds -- translation rule eliminated. Additional stylistic simplification. -- Revised and considered out of local rules cycle. Approved by District Judges and Judicial Council of the 10 th Circuit.	<u>FEDERAL CRIMINAL RULE 11 REVISED:</u> <u>Pleas.</u> 2013 Federal Rule change expands the colloquy under Rule 11 to require advising a defendant of possible immigration consequences when a judge accepts a guilty plea. Note - The Dist. of Colo.'s <u>Plea Agreement and Statement in Advance</u>

			forms already contain these provisions.
D.C.COLO.LCrR 12.1 <u>Motions to Join Motions Prohibited</u>		-- Replacement of Case Management / Electronic Case Filing text by "CM/ECF."	Fed. R. Crim. P. 12, <u>Pleadings and Pretrial Motions</u>
D.C.COLO.LCrR 12.4 Disclosure Statement	Disclosure requirement.	Eliminated. Duplicative of Federal Rule 12.4.	Fed. R. Crim. P. 12.4, <u>Disclosure Statement</u>
D.C.COLO.LCrR 17.1.1 <u>Pretrial Conference</u>		No Revision.	Fed. R. Crim. P. 17.1, <u>Pretrial Conference</u>
D.C.COLO. LCrR 24.1 <u>Communication with Jurors</u>	-- Parties not allowed to communicate with jurors unless authorized by written court order.	-- Parties not allowed to communicate with jurors unless given an order, written or otherwise, from the court.	Local Privacy Provisions Pertaining to Jurors: General Order 07-3: <u>In the Matter of Protecting the Privacy and Security of Jurors</u> <u>District Of Colorado Revised Jury Plan For Random Jury Selection</u> , Paragraph 5. Public Access
D.C.COLO. LCrR 26.1 <u>Hearing and Trial Procedures</u>		-- Stylistic simplification. -- Emphasizes the term "judicial practice standards" and references location on website.	Fed. R. Crim. P. 26 <u>Taking Testimony</u>
D.C.COLO. LCrR 25.2 57.5 <u>Accommodation</u>		-- Stylistic simplification. Syntax modification.	

<u>Under Americans With Disabilities Act</u>		-- Renumbered, as Judicial Conference's model numbering system for local criminal rules already designates 26.2.1 to "Production of Witness Statements." 57.1 and subsequent decimal designations pertain to "Rules by District Courts."	
D.C.COLO.LCrR 32.1 <u>Sentencing Documents</u>		Reformatted.	Fed. R. Crim. P. 32 <u>Sentencing and Judgment</u> <i>See also</i> 18 U.S.C. § 3553 <u>Imposition of a Sentence</u>
D.C.COLO.LCrR 44.1 <u>Appearances</u>		-- Stylistic simplification.	Fed. R. Crim. P. 44 <u>Right to and Appointment of Counsel</u>
D.C.COLO.LCrR 46.1 <u>Court Registry</u>		Mirror D.C.COLO.LCivR 67.2. Global search / replacement text for Case management / Electronic Case Filing (CM/ECF).	28 U.S.C. § 2041 <u>Deposit of Moneys in Pending or Adjudicated Cases</u> and § 2042, <u>Withdrawal</u>
D.C.COLO.LCrR 47.1 <u>Public Access To Cases, Documents, And Proceedings</u>	Restricted document and sealed case rule.	-- Rule is reformatted and has stylistic changes. -- LCrR 47.1(a)'s addition of "Unless restricted by <u>statute, rule of civil procedure, or court order</u> " acknowledges the Immigration Cases (particularly those filed as 28 U.S.C. § 2241 cases) and the administrative record privacy restrictions in Federal Crim. Rule 49.1(c). The new text preserves the method how Social Security Appeal filings are currently made, but expressly acknowledges this as an exception to the Court's policy of a presumption of public access articulated in Local Rule 47.1(a).	Fed. R. Crim. P. 12, <u>Pleadings and Pretrial Motions</u> Fed. R. Crim. P. 49.1, <u>Privacy Protection for Filings Made with the Court</u>

		<p>-- Mandatory language in 47.1(e) imposed, to eliminate confusion of parties. [A restricted document is filed as either a document where the filing party is contemporaneously filing a motion to restrict that document(s); or as a restricted document under order by the court (protective order, for example); or otherwise filed under a restriction obligation by the filing party. Either way, the document <u>must</u> be filed, <u>separately</u>, as "Restricted Document Level __."] </p> <p>-- Adds Addenda and Related Documents (Family/Friend support letters) to Presentence Reports as documents subject to restriction:</p> <p>-- Adds Cases as being subject to restriction – i.e., a case, including electronic record, docket sheet, etc., initiated by an unexecuted summons and warrant , will remain restricted at Level 4 (only court access) until the summons/warrant is executed [an arrest].</p>	
D.C.COLO.LCrR-47.2 [Reserved]		Mirror D.C.COLO.LCivR 7.3 – Eliminated.	
D.C.COLO.LCivR 49.1 <u>Formatting, Filing and Serving Pleadings and Documents</u>	Service contemporaneous with filing; facsimile filing; certificate of service	<p>-- <u>LCrR 49.2 and 49.3 subsumed into 49.1.</u> – Electronic Filing through CM/ECF <u>mandated</u>, with few exceptions -</p> <p>- paper filings for unrepresented parties, unconventional materials, certain documents that must be e-mailed.</p> <p>-- Facsimile filing eliminated.</p> <p>-- The Notice of Electronic Filing (NEF) <u>is</u> the Certificate of Service [therefore, mailing the NEF to non e-filers suffices].</p> <p>-- Response /reply time calculated from date of electronic filing.</p>	<p>Fed. R. Crim. P. 49, <u>Serving and Filing Papers</u>;</p> <p><u>E-Government Act of 2002</u>, Pub. L. No. 107-347, Sec. 205;</p> <p>Fed. R. Crim. P. 6, <u>Computing and Extending Time</u></p>

		-- Forms and procedures for unrepresented parties are posted on the court website.	
D.C.COLO.LCrR 49.2 Service By Other Means, Including Electronic Means	Electronic Case Filing Registration; Consent to, and Effect of, Electronic Service; Notice of Change of E-mail or Fax Number	-- Rule eliminated; portions moved to D.C.COLO.LCrR 49.1.	Fed. R. Cr. P. 49, <u>Serving and Filing Pleadings and Other Papers</u> ; E-Government Act of 2002, Pub. L. No. 107-347, Sec. 205; Fed. R. Cr. P. 45, <u>Computing and Extending Time</u>
D.C.COLO.LCrR 49.3 <u>Format And Copies Of Papers Presented For Filing</u>	Formatting of documents, including captions, case numbering, signatures, original document requirement.	-- D.C.COLO.LCrR 49.1 directs unrepresented parties to Forms page on website. -- Rule simplified to contain only basic formatting requirements; caption, signatures and other document requirements are posted on the <u>Forms</u> page of the court's website and CM/ECF Procedures.	See "Sample Pleading - Criminal (PDF)" on <u>Forms</u> page of website
D.C.COLO.LCrR 49.4 Electronic Case Filing	Electronic Case Filing adoption rule.	-- Incorporated into LCrR 49.1. -- The former indirect reference in 49.4C. to computation of time under "3 Day Rule" eliminated as duplicative of federal rule. See Fed. R. Cr. P. 45(c) <u>and its reference to civil rule</u> Fed. R. Civ. P. 5(b)(2)(C-F).	Fed. R. Cr. P. 45(c), <u>Computing and Extending Time</u> Fed. R. Civ. P. 5(b)(2)(C-F), <u>Serving and Filing Pleadings and Other Papers</u> ;
D.C.COLO.LCrR 50.1		Stylistic simplifications mirror those in D.C.COLO.LCivR	28 U.S.C. § 137 -

<u>Assignment of Cases</u>		40.1	<u>Division of business among district judges</u> “The business of a court having more than one judge shall be divided among the judges as provided by the rules and orders of the court.”
D.C.COLO.LCrR 55.1 <u>Custody Of Pleadings, Documents, Files And Exhibits</u>		Stylistic simplification, replacement text for pleadings and documents.	Fed. R. Crim. P. 55 <u>Records</u>
D.C.COLO.LCrR 56.1 <u>Time And Place of Filing</u>	“Pleadings and Papers” was the previous convention used to identify court filings.	--“Pleadings and Documents” replaces “pleadings, motions, briefs, and other papers” to describe court filings.	Fed. R. Crim. P. 56. <u>When Court is Open</u> See also Fed. R. Crim. P. 12 <u>Pleadings and Pretrial Motions</u>
D.C.COLO.LCrR 57.1 <u>General Authority and Duty of Magistrate Judges</u>		-Stylistic changes. -- Provides for additional duty of magistrate judges – to order psychiatric or psychological examinations and reports under 18 U.S.C. §§ 3552 <u>et seq.</u>	Fed. R. Crim. P. 59 <u>Matters Before a Magistrate Judge</u> 28 U.S.C. § 636 <u>Jurisdiction, Powers, and Temporary Assignment [of Magistrate Judges]</u>
D.C.COLO. LCrR 57.2 <u>Communication with a Judicial Officer</u>	Former title was “Ex Parte Communications with Judicial Officers”	-- Stylistic simplification. -- <i>Ex Parte</i> Communications continue to be prohibited; rule continues that there shall not be a direct communication from a party to a judicial officer about	See 28 U.S.C. § 455 <u>Disqualification of Justice, Judge or Magistrate Judge, (b)(1): Disqualification</u>

		<p>the current proceeding.</p> <p>The Clerk's Office continues to serve as the recipient of matters needing to be brought to the court's attention.</p>	<p>on grounds of personal knowledge of a case.</p>
<p>D.C.COLO.LCrR 57.3 <u>Cameras And Recording Devices</u></p>		<p>-- New subdivision (c) incorporates language from former General Order 2012-1, <u>In the Matter of Enforcement of Local Rules 83.1 and 57.3</u>, that violation of camera/recording rule may constitute contempt, and authorizes seizure of devices.</p>	
<p>D.C.COLO.LCrR 57.4 <u>Security</u></p>		<p>-- Minor stylistic modification. Removed surplus language.</p>	
<p>D.C.COLO.LCrR 57.5 The Bar Of The Court</p>		<p>Eliminated. See Section IV – Attorney Rules.</p>	
<p>D.C.COLO.LCivR 57.6 Standards Of Professional Responsibility</p>		<p>Eliminated. See Section IV – Attorney Rules.</p>	
<p>D.C.COLO.LCrR 57.7 Attorney Discipline</p>		<p>Eliminated. See Section IV – Attorney Rules.</p>	
<p>D.C.COLO.LCrR 58.1</p>		<p>Stylistic revisions.</p>	<p>Fed. R. Crim. P. 58 <u>Petty Offenses and Other Misdemeanors</u></p>

Local Rule Number and Title	Practice Under Previous Local Rule	New Practice Under Revised Local Rule	Related Federal Rule or Statute (if revised, listed in bold).
AP RULES			
D.C.COLO.LCivR 1.1 <u>Scope of the Local AP Rules</u>	Citation of Local Rules: D.C.COLO.LAPR <u>3.1A.1.a</u> (Section, Subsection, and Paragraph).	<p>-- New citation format:</p> <p>D.C.COLO.LAPR 3.1(a)(1)(A)(i) (Subdivision, Paragraph, Subparagraph, Item).</p> <p>-- Comports with the citation format of the Judicial Conference's Committee on Rules.</p> <p>-- Rule revisions are effective Dec. 1 of every year.</p>	
D.C.COLO.LAPR 1.2 <u>Forms</u>		Stylistic change.	
D.C.COLO.LAPR 3.1 <u>Civil Cover Sheet</u>	JS-44 Civil Cover Sheet (Judicial Conference requirement for statistical purpose)		<p>Fed. R. Civ. P. 3, <u>Commencing an Action</u>;</p> <p>28 U.S.C. § 604(a)(2)-(4) <u>Duties of Director [of the A.O.] Generally</u></p>
D.C.COLO.LAPR 10.2 <u>Commencement of Action and Form of Pleading</u>		Stylistic change.	<p>42 USC § 405 <u>Evidence, Procedure, And Certification For Payments</u>, subpara. (g) <u>Judicial review, of Federal Old-Age, Survivors, And</u></p>

			<u>Disability Insurance Benefits</u> 28 USC § 158 <u>[Bankruptcy] Appeals</u> 5 U.S.C. § 706 <u>Scope of Review of the Administrative Procedure Act</u>
D.C.COLO.LAPR 10.3 <u>AP Docket</u>		Stylistic simplification.	
D.C.COLO.LAPR 16.1 <u>AP Case Management</u>	Referred to the District Court's website address.	-- Stylistic simplification. -- Direct link to <u>Forms</u> page on District Court website inserted.	

Local Rule Number and Title	Practice Under Previous Local Rule	New Practice Under Revised Local Rule (new provisions important to staff are listed in bold).	Related Federal Rule or Statute (if revised, listed in bold).
ATTORNEY RULES			
<p>D.C.COLO.LAttyR 1 Scope of Attorney Rules</p>	<p>These are new rules. They consolidate and streamline the attorney admission and discipline rules previously located in both the civil and criminal rules. These new Attorney Rules cover attorney admissions, standards of professional conduct, requirements to maintain good standing, the entry and withdrawal of appearance, attorney discipline procedures and institutional roles, and law student practice.</p>	<p>--Title and Citation: Local Rules of Practice of the United States District Court for the District of Colorado-Attorney. D.C.COLO.LAttyR Rule, Subdivision, Paragraph, Subparagraph, Item (e.g., D.C.COLO.LAttyR 7(d)(1)(A)(ii)).</p> <p>-- Scope: These rules shall apply to <u>all attorneys who are admitted</u> to the bar of this court, <u>or who purport to appear</u> in the United States District Court or the United States Bankruptcy Court for the District of Colorado. Therefore, even attorneys not formally admitted in this court, but who wish to engage in legal activities in this district, enjoy the long-arm disciplinary jurisdiction of this court.</p>	<p>A district court has discretion to adopt local rules that are necessary to carry out its business, including rules governing admission to its bar. 28 U.S.C. § 2071 <u>Rule-making Power Generally</u>; Fed. R. Civ. P. 83 <u>Rules by District Courts</u>; <u>Judge's Directives</u></p>
<p>D.C.COLO.LAttyR 2 Standards of Professional Conduct</p>	<p>The Colorado Rules of Professional Conduct (Colo. RPC) for attorneys are adopted as the standards of professional responsibility. Certain exceptions regarding <u>limited scope of representation</u> apply, however.</p>	<p>The new rule does acknowledge that the court (district or bankruptcy) may broaden or restrict the scope of the applicability of the Colo. RPC based on the needs of the court.</p>	<p>Colorado Rules of Professional Conduct (Colo. RPC), see http://www.cobar.org/page.cfm/ID/22119/.</p>
<p>.D.C.COLO.LAttyR 3 Requirements for Bar of the Court</p>		<p>-- An <u>applicant</u> for admission to the bar of this court must be a person licensed by the highest court of a state, federal territory, or the District of Columbia, <u>be on active status in a state</u>, federal territory, or the District of</p>	<p>Fed. R. Civ. P. 3, <u>Commencing an Action</u>;</p>

		<p>Columbia, <u>and be a member of the bar in good standing in all courts and jurisdictions</u> where the applicant has been admitted.</p> <p>-- An attorney admitted to the bar of this court <u>must remain in good standing in all courts where admitted</u>. In good standing means not suspended or disbarred by any court for any reason.</p>	
<p>D.C.COLO.LAttyR 4 Attorney Self-Reporting Requirements</p>		<p>-- Eligibility. The attorney must <u>remain</u> a licensed member <u>in active status and in good standing</u> of the bar <u>of at least one state</u>, federal territory, or the District of Columbia.</p> <p>Notice requirements – an attorney must notify the court of any suspension, disbarment, pending charges, or conviction.</p>	
<p>D.C.COLO.LAttyR 5 Entry And Withdrawal of Appearance</p>		<p>-- Entry of appearance by one attorney does not constitute entry by his firm.</p> <p>-- Withdrawal of appearance must be attempted through the filing of a <u>motion (not just a notice)</u> and showing good cause.</p> <p>LAttyR 5, just as Civil Rule 83.3D did before, mandates that a corporate party MUST be represented by counsel.</p>	<p>Corporation must have counsel:</p> <p><u>See Osborn v. Bank of U.S.</u>, 22 U.S. 738, 830, 1824 WL 2682, 34 (U.S. Ohio) (U.S.1824)];</p> <p><u>Flora Const. Co. v. Fireman’s Fund Ins. Co.</u>, 307 F.2d 413, 413-14 (10th Cir. 1962)</p>
<p>D.C.COLO.LAttyR 6 Disciplinary Panel and Committee on Conduct</p>		<p>--Disciplinary Panel. The Chief Judge shall appoint a panel of <u>three district judges</u> to constitute the Disciplinary Panel (the “Panel”).</p> <p>--Committee on Conduct. The court has established a</p>	

		<p><u>standing Committee on Conduct (the “Committee”) consisting of 12 members of the bar of this court.</u></p> <p>The Committee shall receive, investigate, consider, and act on complaints against members of the bar of this court, applications for reinstatement or readmission, allegations that a member of the bar of this court is incapable of practicing law due to a disability, including, but not limited to, physical or mental disability or substance abuse.</p>	
<p>D.C.COLO.LAttyR 7 <u>Complaints and Grounds for Discipline</u></p>		<p>-- Complaints. A complaint against a member of the bar of this court for any conduct which may justify any disciplinary action (not limited to suspension or disbarment) shall be filed in writing under oath, except that <u>a complaint filed by a judicial officer need not be under oath.</u></p> <p>Types of Sanctions. Misconduct shall be grounds for imposition of one or more of the following sanctions:</p> <p>(1) Disbarment. Disbarment means the removal of the attorney from the bar of this court. (2) Suspension. Suspension means the revocation for an appropriately fixed period of time of the authorization and good standing of the attorney to practice in this court. Suspension may be stayed in whole or in part. (3) Public censure. Public censure means a reproach made in public. (4) Letter of admonition.</p> <p>New in these LAttyR rules:</p> <p>Conditional Admission. A respondent against whom formal charges have been made may tender to the Committee a conditional admission to the charges or to a particular charge in exchange for a stated form of discipline.</p>	

<u>D.C.COLO.LAttyR 8 Conviction of Crime</u>		A crime for which discipline may be imposed is any felony, i.e., a crime punishable by a term of imprisonment of more than one year; <u>or</u> , any lesser crime that reflects adversely on the honesty, trustworthiness or fitness of the attorney in other respects; <u>or</u> any crime a necessary element of which, as determined by the statutory or common law definition of the crime, involves interference with the administration of justice, false swearing, misrepresentation, fraud, deceit, bribery, extortion, misappropriation, theft, or an attempt, conspiracy or solicitation to commit a crime.	
<u>D.C.COLO.LAttyR 9 Effect of Resignation from Bar of Another Court While Under Investigation</u>		The Panel may disbar or suspend an attorney when it discovers the attorney has resigned from another court's bar when an investigation into conduct is pending.	
<u>D.C.COLO.LAttyR 10 Incapacity Due to Disability or Substance Abuse</u>		The Panel investigates allegations of incapacity because of mental or physical disability or substance abuse.	
<u>D.C.COLO.LAttyR 11 Reinstatement and Readmission</u>		<p>-- An applicant for reinstatement or readmission must complete an approved form provided by the clerk. An application for reinstatement or readmission is investigated by the Committee on Conduct.</p> <p>-- An attorney who has been suspended may apply for reinstatement or readmission only after the term of suspension has expired. An attorney who has been disbarred may not reapply until at least five years after disbarment.</p>	

<p>D.C.COLO.LAttyR 12 <u>Confidential and Public Matters</u></p>		<p>-- <u>Confidential Matters</u>. All documents, deliberations, and proceedings of the Committee and the Panel are confidential and not available or open to the public.</p> <p>-- <u>Public Matters</u>. The public has access to the following:</p> <p>(1) orders for admission, reinstatement, readmission, relief from the rule of good standing, disability inactive status, censure, suspension, and disbarment; and</p> <p>(2) charges submitted to the Panel, the answer of the respondent to the charges, and the hearings of the Panel on the charges.</p> <p>-- <u>Disclosures</u>. The Panel and the Committee have discretion to disclose information in the following circumstances:</p> <p>(1) where disclosure is necessary to discharge the duties of the Panel or the Committee, or to otherwise protect the public, the administration of justice, or the legal profession;</p> <p>(2) where the respondent has waived confidentiality;</p> <p>(3) where disclosure is authorized under the Subpoena Regulations of the Administrative Office of the United States Courts; or</p> <p>(4) where disclosure is to a judicial officer of this court.</p>	
<p>D.C.COLO.LAttyR 13 <u>Immunity</u></p>		<p>The following classes of individuals have immunity:</p> <p>(1) Persons Responding to Inquiries or Giving Testimony.</p>	

		(2) Persons Performing Official Duties.	
D.C.COLO.LAttyR 14 Student Practice	Formerly the Student Practice Rule was implemented through General Order 05-3: Order Adopting Student Practice Rule	<p>-- Law students may appear in civil or criminal matters, under the supervision of an attorney admitted to practice in this court, and employed in a law school clinical program or by a government agency.</p> <p>-- Student may be enrolled in or have completed a law school clinical program; or an externship or internship with a government agency.</p> <p>-- Admission Procedure. (1) The student, dean, supervising attorney, and the client complete the Law Student Appearance form and file it with the clerk. (2) The appearance of the student is not authorized until approved by the district judge (or magistrate judge exercising consent).</p>	<p>Law Student Appearance Form: visit the General Attorney Information page on the district court website:</p> <p>http://www.cod.uscourts.gov/AttorneyInformation/GeneralAttorneyInformation.aspx</p>

I. 2013 Revisions to Federal Rule 45 - Subpoenas:

Subdivision (a) - The issuing court is the court where the action is pending, not where the deposition, hearing, trial or production of documents takes place. The rule purports to simplify conflicts regarding issuing vs. pending courts, by making the court where an action is pending the issuing court, and combining all provisions on the place of compliance into a new Rule 45(c). Under the revisions, an attorney can issue a subpoena if he is authorized to practice in the issuing court, not *either* the issuing (formerly, the local court) or pending action court.

Subdivision (b) - Nationwide service authority; Notice provision re: Subpoena Duces Tecum more prominent. Subpoena service is now permitted throughout the United States (as is currently authorized under Criminal Rule 17(e)) The 1991 amendments introduced the “documents only” subpoena, and added a requirement in Rule 45(b)(1) that each party be given notice of a subpoena that requires document production. In the 2007 restyling of the Civil Rules, the rule was clarified to direct that notice be provided before service of the subpoena, but experience has shown that many lawyers do not comply with the notice requirement. Therefore, the proposed amendments move the notice provision to a more prominent position, (**new 45(a)(4)**) and also require that the notice include a copy of the subpoena.

Subdivision (c) - Compliance and Enforcement. For a Hearing, Trial or Deposition, new Rule 45(c) commands appearance for a witness to 100 miles within the where the witness resides, etc. For a party or party officer, appearance is mandatory within the state. For all other discovery, the 100 mile rule applies. New Rule 45(c) resolves conflicting interpretations of the current rule as to whether a party or party officer can be compelled

by subpoena to travel more than 100 miles to attend trial. The Federal Rules Advisory Committee concluded that 1991 amendments to Rule 45 were not intended to create the expanded subpoena power recognized in the *Vioxx* line of cases from the Eastern District of New Orleans (requiring an officer of the defendant corporation, who lived and worked in New Jersey, to testify at trial in New Orleans even though he was not served within Louisiana under Rule 45(b)(2)), and it decided to restore the original meaning of the rule. The proposed new amendments therefore provide in Rule 45(c)(1) that a subpoena may command any person to testify only within the limits that apply to all witnesses. This change should ensure that if litigation about a subpoena is necessary it will occur at a location convenient for the nonparty being subpoenaed.

Subdivision (f) - Transfer of subpoena-related motions. New Rule 45(c) essentially retains the existing rule requirement that decisions on motions to quash or enforce a subpoena be made in the district where compliance with the subpoena is required. Existing authority has recognized that some disputes over subpoena enforcement are better decided by the issuing court. The proposed amendments therefore add Rule 45(f), which explicitly authorizes transfer of subpoena-related motions from the enforcement court to the issuing court, including not only motions for a protective order but also motions to enforce the subpoena. **Note that authorization to practice in the court where a motion is filed automatically transfers authority of an attorney to act as an officer of the court in that particular court. The District of Colorado's attorney discipline enforcement authority, therefore, would appear to need to be addressed – and, by good fortune and foresight, the proposed new disciplinary rules have a provision giving our court disciplinary power over attorneys who *purport* to be admitted in our court, which should encompass these changes to Rule 45.**