

SUMMARY OF 2023 AMENDMENTS TO EDPA LOCAL CIVIL RULES¹

- 1.1.1 provides for standing orders to be listed on the Court’s website so that the rules do not need to be amended each time the Court adopts a new standing order
- 4.1.3 allows for electronic filing and service of Social Security Appeals
- 5.1.2.2 (b) eliminates obsolete prohibition on filing complaints electronically and requires all attorneys to use ECF, and establishes specific protocols for ECF use
- 5.1.2.2 (c) establishes protocols for initial filings in criminal cases and for highly sensitive documents
- 5.1.2.2 (d) establishes protocols for electronic filing by unrepresented litigants
- 5.1.2.2 (e) clarifies that where parties are added by way of amended complaint, notice to Clerk for issuance of summons is required
- 5.1.2.2 (h) clarifies that ECF procedures do not modify Local Rule 26.1 governing discovery
- 5.1.2.2 (i) clarifies that ECF procedures do not modify Local Rule 39.3 (e) governing preservation of records
- 5.1.2.3 deletes section previously numbered as 5.1.3, eliminating prior practice of allowing attorney exemption from ECF registration
- 5.1.2.3 (a) establishing specific requirements for ECF registration
- 5.1.2.3 (b) clarifies when non-attorneys may obtain access to file on ECF by order of the Court; emphasizes judges’ right to revoke permission
- 5.1.2.3 (c) affirms consent to electronic service of pleadings and documents by registering for ECF
- 5.1.2.4 (a) provides that filing on ECF constitutes service upon those registered
- 5.1.2.4 (b) clarifies that documents filed in ECF constitute the official record of the case
- 5.1.2.4 (c) cautions that the use of electronic filing does not change time limits otherwise imposed by law
- 5.1.2.5 (a) places limit of size of filing, requiring direction from assigned judge as to any larger filing
- 5.1.2.5 (b) establishes protocols for filing of exhibits as attachments

¹ Note: This summary is not an official commentary to the Local Rules and has been prepared by Court staff solely as an aid to the Bar in focusing on newly enacted Amendments. It should not be cited as legal authority in any submissions to the Court.

- 5.1.2.6 establishes filing protocols for documents to be placed under seal; allows for electronic filing of motions to seal
- 5.1.2.7 (a) explicitly confirms that participation in ECF constitutes consent to simultaneous electronic service upon docketing of a filing
- 5.1.2.7 (b) including a requirement to specify the means of service, *i.e.*, electronic service for ECF users or mail for non-ECF users, upon filing in the ECF system
- 5.1.2.7 (c) clarifies that counsel is responsible for service of their filings to parties who have not consented to electronic service
- 5.1.2.7 (d) establishes that unrepresented litigants consent to service by email by using court-approved methods of electronic filing
- 5.1.2.8 (a) requires electronic signature on filings and a notice on the document that it has in fact been filed electronically; allows unrepresented litigants using Court authorized electronic means of filing to use electronic signatures on documents
- 5.1.2.9 allows for proposed orders and stipulations requiring judicial approval to be filed electronically, unless otherwise ordered by the judge
- 5.1.2.10 requires a filer to maintain a paper copy until 3 years after the period for appeal expires, and to provide the original paper or document for inspection by the Court upon request
- 5.1.2.11 (c) because of the wide accessibility to ECF, expands the right of a party to seek protection from disclosure of personal information
- 5.1.2.13 establishes that the docketing of court notices or orders on ECF constitutes notice for ECF participants; the Clerk will continue to mail notices and orders to parties who are not ECF participants or who have not consented to service by email
- 5.1.2.14 clarifies protocols regarding a party's right to seek relief from technical failures
- 5.1.2.15 narrows categories of documents excluded from ECF, with the net effect of making more information accessible on-line; explicitly sets forth protocols regarding documents that must be filed in paper (unless otherwise excepted), documents that can be filed by email, and transcripts
- 7.1 (c) reconciles potential conflict with FRCP 15, which grants right to amend within 21 days in response to motion to dismiss
- 7.1 (d) requires counsel to specify the means by which a motion was served
- 7.1.1 sets forth procedure for parties to cite to audio record of proceedings when no transcript of testimony is available and related procedures

- 7.4 conforms the rule with respect to stipulations and orders to existing practices adopted with electronic filing
- 9.3 establishes comprehensive procedure for non-capital state habeas cases
- 9.4 establishes comprehensive procedure for non-capital federal habeas cases
- 9.5 revises current procedure for capital habeas cases
- 16.1 eliminates obsolete format for pre-trial memoranda and directs litigants to judges' procedures; sets minimum standards for pretrial disclosure; maintains requirement to submit jury instructions or risk waiver
- 26.1 (b) gives counsel the option to attach discovery requests as exhibit to motion to compel
- 39.1 eliminates former subparagraphs (c), (d), and (e), with respect to order of summations in cases involving third party claims, to provide the trial judge with greater discretion
- 39.3 (e) shortens timeframe within which parties must retrieve exhibits from the court
- 40.1 I Adds case categories, with corresponding updates to the Court's Designation Form
- 40.1 IV Subsections (a) and (b) sharpen the rule on related cases by clarifying the standard in more detail, requiring the attorney to explain the basis on which a case is marked related if it does not fit within one of the specific categories in the rule.
- 40.1 IV (c) provides a mechanism for defense counsel to argue that cases should be deemed related where the plaintiff did not designate them as related upon filing
- 40.1 V reworks language on procedure for a judge to determine that a case is not related; subsection (d) authorizes Clerk to require completion of Civil Cover Sheet by counsel
- 41.1 (b) amends language as to the standard for vacating an order of dismissal, to require "good" cause as required by caselaw
- 42.1 establishes a formal procedure for motions to consolidate cases that are not technically "related" but could benefit from pretrial consolidation as to discovery or other issues
- 45.1.1 significantly revises rule for a judge appearing as a character witness, preserving the requirement of a subpoena, but returning authority to decide whether the testimony is proper to the judge presiding in the case
- 48.1 deletes obsolete language with respect to challenges to the jury array
- 53.2 directs counsel and litigants to consult procedural orders governing arbitration cases

- 53.2.2 clarifies rules for compensation of arbitrators, increases the rate of compensation for arbitrators appointed to a panel, and adopts standard judiciary rate for single arbitrator cases
- 53.2.3 sharpens language on amount of money damages triggering arbitration; clarifies that counsel fee petitions arising out of arbitration must be decided by judge
- 53.2.3D provides standard for the court in evaluating counsel's designation of eligibility for arbitration
- 53.2.4A establishes option for arbitration by videoconference upon consent of the parties
- 53.2.4D revises procedure for submission of pleadings and relevant documents
- 53.2.5 revises scheduling procedure to account for videoconference option
- 53.2.6 provides for electronic submission of arbitration award
- 53.2.7 B. strikes requirement that Chief Judge reassign any case where a trial de novo has not commenced within 90 days following appeal of the arbitration award (historic remnant from Civil Justice Reform Act of 1990)
- 54.1 eliminates former subsection (a) allowing the court to require the posting of security for plaintiffs from outside the District
- 54.1 (a) revises the procedures in former subsections (b) and (c) for taxing costs by the Clerk, adopting national judiciary forms and setting forth specific timelines for filing
- 54.1 (a)(7) requires a party objecting to the taxation of costs to identify specific grounds for the objection
- 72.1 I (d) conforms language of local rule to F.R.C.P. 53 with respect to the use of special masters
- 72.1 III (b) revises procedure to approve consent to magistrate jurisdiction to account for e-filing
- 83.3 updates language regarding broadcasting and filming to recognize current technology
- 83.5.1 reorganizes and updates student practice rules to align with the reality of how law school clinical programs currently operate
- 83.5.2 requires attorneys serving as local counsel to remain on the docket unless excused by the presiding judge.