

# United States District Court

Eastern District of Missouri  
Thomas F. Eagleton U.S. Courthouse  
111 South 10<sup>th</sup> Street  
St. Louis, Missouri 63102

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Clerk of Court

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## **AMENDMENTS TO LOCAL RULES 6.03, 12.01, 13.03, AND 13.04 TAKE EFFECT TODAY, DECEMBER 1, 2016**

## **REVISED AMENDMENTS TO LOCAL RULES 2.08, 8.03, AND 13.05 OPEN FOR COMMENT UNTIL DECEMBER 31, 2016; WILL TAKE EFFECT FEBRUARY 1, 2017**

**Date:** December 1, 2016  
**Contact:** Gregory J. Linhares, Clerk of Court, (314) 244-7890

The United States District Court for the Eastern District of Missouri announces that the previously published revisions to Local Rules 6.03, 12.01, 13.03, and 13.04 will take effect today, December 1, 2016 as proposed. The Court received no comments on these four proposed rules.

Public comments on proposed rules 2.08 and 8.03 were reviewed by the Court and revisions were made pursuant to those comments. The revised proposed amendments are described below. Comments are requested through December 31, 2016. The proposed effective date for the revised rules is February 1, 2017. In addition, the effective date of proposed rule 13.05 was postponed until February 1, 2017 in order to allow further time for training on the changes contained in that rule.

In order to read the new rules in full or comment on the proposed rules, go to <http://www.moed.uscourts.gov>, contact the Office of the Clerk at the number above or via e-mail at [greg\\_linhares@moed.uscourts.gov](mailto:greg_linhares@moed.uscourts.gov), or visit the Eagleton Courthouse (address above) or Limbaugh Courthouse at 555 Independence Street, Cape Girardeau, MO 63703.

### **RULES EFFECTIVE TODAY, DECEMBER 1, 2016**

#### ***Local Rule 6.03, Neutrals***

This amendment provides greater specificity to the Court's certified neutral program reporting period dates and changes the reporting period year to avoid a conflict with the Court's federal practice seminar. The amendment also allows neutrals to be compensated either before or after service is rendered.

#### ***Local Rule 12.01, Attorney Admission***

This amendment eliminates the requirement that attorneys submit certificates of good standing from every court to which they are admitted, and replaces it with a requirement of a certificate of good standing only from the highest court of the state of the applicant's primary practice.

#### ***Local Rule 13.03, Bonds and Other Sureties***

This amendment restates the Court's current practice of disbursing bond funds only to the surety of record listed on the affidavit of ownership.

### ***Local Rule 13.04, Deposit of Funds with the Court***

This amendment specifies the processes for the investment of funds deposited with the Court. Per national procedure, the Court's funds will be pooled and centrally managed for tax administration purposes by the Administrative Office of the United States Courts. The rule specifies the fees that can be charged for administration of these funds, and states that the fees will be collected only from interest earned on the funds.

## **PROPOSED RULES FOR COMMENT BY DECEMBER 31, 2016; EFFECTIVE FEBRUARY 1, 2017**

### ***Local Rule 2.08, Assignment of Actions and Matters***

The amended rule allows for filing of Notice Regarding Magistrate Judge Jurisdiction via electronic means. (The previously proposed amendment stating that consent to a Magistrate Judge means consent to any Magistrate Judge, not just the Magistrate Judge to whom the case is assigned currently, has been withdrawn.)

### ***Local Rule 8.03, Bill of Costs***

The amended rule clarifies that submission of a Bill of Costs up to twenty-one days after final judgment applies specifically to final judgment in the District Court. The rule also clarifies that a judge is allowed to order some other time period or method for submission of a Bill of Costs as appropriate. (The previously proposed amendment allowing attorneys to submit a Bill of Costs up to twenty-one days after issuance of the mandate or other order terminating action by the Court of Appeals on a District Court case has been withdrawn.)

### ***Local Rule 13.05, Pleadings and Documents Filed Under Seal***

This amendment establishes a process for creating a sealed record in all criminal cases so that a defendant's cooperation or lack of cooperation with the government in any given case cannot be determined from the public record, and makes substantial changes regarding written communication to the Court by non-parties about defendants prior to sentencing.

With regard to establishing a process so that a defendant's cooperation or lack thereof cannot be determined from the public record, a sealed record will be created in all criminal cases involving a plea agreement. This record will include a sealed statement from the government indicating cooperation or lack thereof in the case, and a sealed transcript of the discussion in court as to the defendant's cooperation or lack thereof. The Court may establish by administrative order other processes consistent with this rule in order to ensure that cooperation or non-cooperation cannot be determined from the public record.

With regard to written communication to the Court by non-parties about defendants prior to sentencing, such communication will be made available at the public terminal in the courthouse but will not be available on the Court's remote public access portal (i.e. PACER). Personally identifying information must not be included on any such written communication submitted to the Court. The Court will publish a notice stating the types of information that cannot be included. In addition any party can, for good cause, move to seal all or any portion of any such communication.

The amendment also re-orders certain portions of the rule for purposes of clarity and consistency within the rule.