

**SUMMARY OF LOCAL RULE AMENDMENTS WHICH RESULT IN
SIGNIFICANT CHANGES TO SUBSTANCE OR PROCEDURE WHEN
COMPARED TO THE FORMER LOCAL RULES**

(1) The Title: The draft deletes the word “Uniform” and the reference to the other Louisiana districts from the title and “Preamble.” It was the view of the court that now would be an appropriate opportunity to separate our Local Rules from those of the other districts. The court hopes this will eliminate the confusion sometimes posed for practitioners about which rules apply in which district, while maintaining the uniform numbering system mandated by the Judicial Conference of the United States in 1996 and easing the Local Rules amendment process.

(2) Former General Orders: In the past, the court adopted several “general orders” that affected local practice but were not included in the Local Rules. The court has determined that those general orders that do not relate exclusively to internal operating procedures, but also affect counsel in terms of filing or other practice requirements, should be in the Local Rules. These include Local Rules 3.2 (removal), 5.7 (filing under seal) and Local Adm. Rule 64.7 (night vessel seizure).

(3) Renumbering: Some of the Local Rules have been re-numbered sequentially to eliminate numbering gaps that existed as a result of prior piecemeal amendments or that would be created by these revisions.

(4) Local Rule 5.1: This and other local rules throughout the proposed amendments have been revised to reflect the court’s shift to electronic filing and to eliminate references to paper and hard copies where appropriate to reflect the realities of electronic filing.

(5) Local Rule 7.2: Motion Practice: The court has eliminated the reference to “hearing,” not just in this rule but in all motion rules where the word “hearing” has been used in the past, in an attempt to reflect actual practice and to keep counsel from appearing in person needlessly on motion day when no oral argument is scheduled. Local Rule 78.1 governing oral argument of motions remains substantively unchanged and will continue to provide the method by which

counsel will be advised that an in-person appearance for argument concerning contested motions is required in particular instances.

(6) Local Rule 9.2: Social Security Cases: The current rule is inconsistent with new FRCP 5.2 in requiring Social Security numbers in Social Security benefits denial appeal cases. The proposed revision, requiring a separate attachment that must be served on the United States Attorney's Office but that will not be filed in the record, results in compliance with FRCP 5.2, while also providing the Social Security Administration with the information it needs to process these appeals.

(7) Local Rule 16.1: Scheduling Orders: This is the first of several changes eliminating references in the Local Rules to the court's CJRA Plan, since the seven-year period during which the Civil Justice Reform Act was in place has lapsed. See "Historical and Statutory Notes" to 28 U.S.C. § 471, Federal Civil and Judicial Procedure and Rules at 763-64 (West Pamph.)(2010 ed.). Any requirements of the CJRA Plan not expressly incorporated into the Local Rules, including the former client notice certification for trial continuance motions, are no longer applicable.

(8) Local Rule 23.1(B): Class Action: The court has revised this rule to make it clear that, in removed cases, the deadline for filing the class certification motion runs from the date of removal, not the date of filing in state court.

(9) Local Rule 26.1 (re-numbered former LR 26.3): Disclosures: This amendment will (a) clarify that the court will set the deadlines for disclosures in its scheduling orders, so that the times for disclosures in FRCP 26(a)(1)(C), 2(C) and 3(B) do not apply; and (b) mean that the "scope" of expert reports will be the full report required by FRCP 26(a)(2)(B), not the more truncated "opinions and basis therefor" expert report that was acceptable under the current reference to the CJRA Plan. Counsel should note that the form scheduling order used by the case managers may change to reflect this amendment and to delete references to "the Plan."

(10) Local Rule 41.3: This change is made because the Local Rule conflicted with FRCP 41(b) concerning dismissals with or without prejudice for failure to prosecute.

(11) Local Rule 47.5(C)(3): The additional language concerning evidence of jury deliberation improprieties is intended to conform with current case law.

(12) Local Rule 54.3.1: This addition has been made to comport with actual practice and to provide the clerk of court with the same opportunity she has had historically to “settle” cost disputes at conferences.

(13) Local Rule 83.2.2(D) is stylistically revised former Disciplinary Rule VII concerning the payment of attorney registration fees, which the court concluded should be in the Local Civil Rules, not the Disciplinary Rules. The amount of this fee is no longer specified. The fee amount will be “an annual fee in an amount periodically set by the court en banc and posted for public notice by the clerk of court” to facilitate adjustments in the currently very small fee by the court, without necessity of amending the Local Rule when adjustments are found to be appropriate.

(14) Local Rule 83.3.8: This rule is amended to permit attorneys to bring into the courthouse their personal electronic assistants, even if they are equipped with cameras, with a prohibition against lawyer use of the camera or audio recording features. However, individual judges retain the discretion to prohibit all such devices in their courtrooms or chambers.

In addition, some of the existing Local Rules have been deleted altogether, because they are obsolete, redundant, unused or already included in the Federal Rules themselves. These include Local Adm. Rule 65.1.1 (\$250.00 cost bond), Local Civil Rules 5.6E (corporate disclosures), 7.8E (trial briefs), 37.1E (pre-motion discovery conference), 54.5 (review of the clerk’s costs taxation), 54.7E, 54.8E and 54.9E (settlement judgments), 74.1 (review of magistrate judge orders). The Disciplinary Rules will ultimately be separated from the Local Civil Rules. The Disciplinary Rules are currently undergoing substantial revision by the court and will be separately published in revised form for public comment as soon as they are ready. References to criminal practice have been removed from the Local Civil Rules and placed in the Local Criminal Rules, with only stylistic and no substantive changes.

The remaining changes are intended to be stylistic only, with no significant substantive or procedural change to prior Local Rules practice. It is hoped that the public comment process will afford counsel an opportunity to assist the court in insuring that what we intend to be merely stylistic changes do not arguably result in significant changes to practice.