

**UNITED STATES DISTRICT COURT DISTRICT OF UTAH
NOTICE TO THE MEMBERS OF THE BAR AND THE PUBLIC**



December 1, 2020

New Rule and Amendments to the Local Rules of Practice

Throughout 2020, in spite of earthquakes and a pandemic, the Advisory Committee on the Local Rules of Practice continued its efforts to clarify and improve the local rules. New rules and amendments to existing local rules of practice were published for public comment between August 17, 2020 and September 4, 2020. After consideration of public comments, the judges of this Court approved the amendments and new additions to the local rules, as reflected in [General Order 20-032](#), which Chief Judge Shelby issued on November 25, 2020. The new rules and amendments are effective on December 1, 2020, and are summarized below:

CRIMINAL RULES

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| DUCrimR 5-2 | Pretrial Services Report (Amended)
Incorporates General Order 20-010, which permits the electronic filing of Pretrial Service Reports, which are filed under seal. Addresses retention and disposal of copies emailed to counsel. General cleanup for clarity and consistency. |
| DUCrimR 11-1 | Plea Agreement (Amended)
Amended in light of <i>United States v. Bacon</i> , 950 F.3d 1286 (10th Cir. 2020) to eliminate the requirement to file a sealed plea supplement in every criminal case in which there is a plea agreement. Includes a new section about cooperation agreements. |
| DUCrimR 12-1 | Pretrial Motions (Amended)
General cleanup for clarity and consistency and to conform to current practice. The section pertaining to motions for a continuance under the Speedy Trial Act has also been revised to comply with the Tenth Circuit's Speedy Trial Act requirements and to promote uniformity in filing these |

motions. At the request of both the U.S. Attorney's Office and the Federal Public Defender's Office, the current requirement that counsel inform the court as to whether the defendant has consented to the continuance has been replaced with a requirement that the movant notify the defendant of the request for a continuance.

DUCrim 49.1-1 Redacting Personal Identifiers (Renumbered)
Renumbered to conform to the District of Utah rule-numbering conventions.

DUCrimR 57-15 Magistrate Judge Authority in Criminal Cases (Amended)
General cleanup for clarity and consistency and to conform to current practice.

CIVIL RULES

DUCivR 1-1 General Provision (Amended)
General cleanup for clarity and consistency

DUCivR 1-2 Sanctions for Violating These Rules (Amended) General
cleanup for clarity and consistency.

DUCivR 3-1 Clerk's Schedule of Miscellaneous Fees (Amended)
General cleanup for clarity and consistency.

DUCivR 3-2 Proceeding Without Prepayment or Payment of Filing Fees (Amended)
General cleanup for clarity and consistency. Clarifies which application form must be used when a party is seeking in forma pauperis status, establishes the standard of indigency for a non-incarcerated party, clarifies the complaint screening process, and identifies the requirements for service of process.

DUCivR 3-3 Commencement of an Action: Notification of Multidistrict Litigation (Amended)
General cleanup for clarity and consistency. Adds a new section about pro hac vice admission upon case remand or transfer.

DUCivR 3-4 Civil Cover Sheet (Amended)
General cleanup for clarity and consistency.

DUCivR 3-5	Motions in Pleadings Prohibited (Amended) General cleanup for clarity and consistency.
DUCivR 5-1	Filing and Electronic Notification (Amended) General cleanup for clarity and consistency. Adds a section about electronic case notification for unrepresented litigants that was previously contained in DUCivR 83-1.1(f).
DUCiv 16-3	Settlement Conferences (Corrected) In (b), replaces the incorrect citation to Fed. R. Civ. P. 16(c)(9) with a citation to 16(c)(2)(I).
DUCivR 48-1	Number of Jurors; Impaneling and Section of jury (Eliminated) Eliminates the current rule, which requires a 12-person civil jury, absent a stipulation of the parties. Federal Rule of Civil Procedure 48 will govern the number of jurors.
DUCivR 72-3	Filing Objections to Magistrate Judge Decisions (Amended) The current rule provides that, unless otherwise ordered by the assigned district judge, no response needs to be filed and no hearing will be held concerning an objection to a magistrate judge's order under Fed. R. Civ. P. 72(a) and 28 U.S.C. § 636(b)(1)(A). The proposed amendment applies the same rule to magistrate judge's orders under Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1)(B). General cleanup for clarity and consistency.
DUCivR 81-2	Removed Action (New) Explains the requirements for the notice in a removed action, denies without prejudice motions that were pending in state court, and addresses the scheduling order requirements.
DUCivR 83-1.1	Attorneys - Admission to Practice (Amended) Modifies the admission process to accommodate changes to the court's CM/ECF system, expands eligibility requirement for federal attorneys and exempts them from paying the admission and annual registration fees, and requires attorneys to maintain current contact information in PACER. In addition, places new restrictions on pro hac vice admissions. General cleanup for clarity and consistency.

DUCivR 83-1.2**Attorneys - Annual Registration (Amended)**

Eliminates the option to register by paper, requires payment to be made online, requires inactive attorneys to maintain current contact information using PACER, establishes a reinstatement fee for attorneys who do not timely register, and includes general cleanup for clarity and consistency.

DUCivR 83-1.2**Conduct of an Unrepresented Party (New)**

Identifies the obligations of an unrepresented party.

Members of the bar and the public are encouraged to make suggestions or proposals regarding the local rules by sending an email to Utd_public_comments@utd.uscourts.gov ([link sends e-mail](#)). The deadline for submitting suggestions or proposals to be considered during the next local rules amendment cycle is May 31, 2021.

~~Whenever the United States requests the detention of a defendant, or where there is a likelihood that a defendant may be detained, the magistrate judge will request a pretrial services report on the defendant pursuant to under 18 U.S.C. § 3154.~~

(a) Requesting a Report.

~~When the United States requests the detention of a defendant, the magistrate judge will request a pretrial services report on the defendant under 18 U.S.C. § 3154.~~

(b) Contents of Pretrial Services Report.

~~As permitted in Guide Vol. 8A, Chapter 1, §170(e), the~~The court directs that a Pretrial Services Report ~~shall~~ must address rebuttable presumptions and potential penalties.

(c) Filing and Distribution of ~~Distribution of~~ Pretrial Services Reports.

~~Prior to~~Before the defendant's first court appearance, the United States Probation Office (USPO) must, when possible, file under seal aA written pretrial services report ~~shall~~must, whenever possible, be filed under seal in the court's CM/ECF system. USPO must also ~~and~~ email the report ~~ed~~simultaneously simultaneously to the prosecutor and defense counsel, who will appear at the hearing- in which the courtreport will be considered. ~~Prior to~~Before the hearing, defense counsel may discuss the and review the report with their clientthe defendant. ~~presented to the magistrate judge and made available to defense counsel and the government at the defendant's first court appearance.~~

(d) Confidentiality and Disposal of Pretrial Services Reports.

Pretrial services reports are confidential, subject to the limitations and exceptions of 18 U.S.C. § 3153(c). -Within 7 days after the initial detention hearing, the prosecutor and defense counsel must destroy their copies of the report, except that they may retain the criminal history portion of the report and permit staff and the defendant to review that portion for purposes of guideline calculations. They must not, however, disclose the report to any other person without a court order.

Within 7 days of the initial detention hearing, the prosecutor and defense counsel must destroy their copies of the report, except that they may retain the criminal history portion of the report., and must be returned to the pretrial services officer at the close of any hearing. Defense counsel and the attorney for the government may, however, retain the criminal history attachment of the pretrial services report, and permit staff to review it that portion for purposes of guidelines calculations. The reporty must not be , however, , but must not disclose the report it to any other person without an order of the courta court order.

DUCrimR 11-1 PLEA ~~AGREEMENTS~~AGREEMENT

(a) ~~All~~Plea Agreement.

A plea ~~agreements~~agreement must be in writing and signed by counsel and the defendant.

The plea agreement must be accompanied by a written stipulation of facts relevant to a plea of guilty, which, if appropriate, includes the amount of restitution and a list of victims. If the agreement involves the dismissal of other charges or stipulates that a specific sentence is appropriate, the court will review and consider the presentence report before accepting or rejecting the plea agreement. ~~All plea agreements shall be accompanied by a sealed document entitled "Plea Supplement." The Plea Supplement will be electronically filed under seal.~~

~~See DUCrimR 57-3 for filing and consolidation of cases involving plea bargains.~~

(b) Cooperation Agreement.

A cooperation agreement must be in writing and signed by counsel and the defendant.

The court will review the cooperation agreement, and the government will retain the agreement.

**PRETRIAL MOTIONS: ~~TIMING, FORM, HEARINGS, MOTIONS
TO SUPPRESS, CERTIFICATION, AND ORDERS; MOTIONS
UNDER THE SPEEDY TRIAL ACT~~**

(a) ~~Timing.~~

~~Pretrial motions must be made prior to arraignment or as soon thereafter as practicable but not later than fourteen (14) days before trial, or at such other time as the court may specify. At the arraignment, the magistrate judge may set, at the discretion of the district judge, a cutoff date for filing pretrial motions.~~

(b) ~~Form.~~

~~(1) No Separate Supporting Memorandum for Written~~
~~Motions.~~**(a) Motion and Supporting Memorandum.**

~~(1) Motion and Memorandum. The motion and any supporting memorandum must be contained in one document, except as otherwise allowed by this rule. The document must include the following:~~

- ~~(A) One initial ~~separate~~ section ~~stating~~ succinctly stating the precise relief sought and the specific grounds for the motions; and~~
- ~~(B) One or more additional sections including a recitation of relevant facts, supporting authority, and argument.~~

~~(2) Affidavits. Except for suppression motions, if the motion is based on supporting claims of facts, affidavits addressing the factual basis for the motion must accompany the motion. The opposing party may file with its response counter-affidavits.~~

~~(3) Concise Motions and Memoranda. Motions and memoranda must be concise and state each basis for the motion and limited citations.~~

~~(4) Length of Motions and Memoranda; Filing Times. There are no page limits to motions and memoranda. The court, in consultation with the attorneys for the government and for the defense, will set appropriate briefing schedules for motions on a case-by-case basis. Unless otherwise ordered by the court, a (2)~~

~~Page Limits. There are no page limits for motions and memoranda.~~

(b) Response.

A response memorandum ~~opposing a motion~~ must be filed within ~~fourteen (14)~~ days after service of the motion. ~~-There are no page limits for a response.~~

(c) Reply.

A reply memorandum may be filed at the discretion of the movant within ~~seven (7)~~ days after service of the memorandum opposing the motion. ~~-A reply memorandum must be limited to rebuttal of matters raised in the memorandum opposing the motion. ~~Attorneys may stipulate to shorter briefing periods.~~There are no page limitations for a reply memorandum.~~

(e)(d) ~~_____~~ (5) Citations of Supplemental Authority.

When pertinent and significant ~~authorities come~~authority comes to the attention of a party after the party's memorandum has been filed, or after oral argument but before the court has entered a decision, ~~a on the motion, the~~ party may promptly file a ~~letter with the court and serve a copy on all counsel setting forth the citations. There must be~~Notice of Supplemental Authority (Notice), which may not exceed 2 pages.

(1) The Notice must contain, without argument, the following:

(A) a reference either to the page of the memorandum or to a point argued orally to which the ~~citations pertain, but the letter must state, without argument, the reasons for the supplemental citations. Any response must be made, filed promptly, and be~~authority pertains; and

(A)(B) the reasons why the supplemental authority is relevant.

(2) The court may act on the motion without waiting for a response. If the court has not acted, a party may file a ~~response~~, which may not exceed 2 pages, ~~within 2~~ days after service of the Notice.

(e) ~~_____~~ (6) Unpublished Decisions.

The ~~use~~citation of unpublished decisions ~~in criminal motions and supporting memoranda~~ is governed by DUCivR 7-2.

(f) ~~_____~~ (7) ~~Exceptions to Requirement that a Motion Contain Limited Statement of Facts and Legal Authority.~~ Although all motions must state grounds for the request and cite applicable rules, statutes, case law, or other authority justifying the relief sought, no recitation

No statement of facts and legal ~~authorities~~authority beyond the ~~initial state~~concise statement of the ~~precise~~relief requested and the grounds for the relief sought and grounds for the motion shall be required for the following ~~types of~~ motions:

- (A) (1) to extend time for the performance of an act, whether required or permitted, provided the motion is made prior to expiration of the time originally prescribed or previously extended by the court;
- (B) (2) to continue ~~either a pretrial hearing or motion~~ hearing; and
- (C) ~~for motions~~ (3) to suppress evidence, unless otherwise directed by the court.
- (g) (8) **Failure to Comply.**

Failure to comply with the requirements of this ~~section~~rule may result in sanctions that may include ~~returning~~terminating the ~~motions to~~motion and directing counsel ~~for resubmission to refile it~~ in accordance with the rule; ~~denial of the motions;~~motion, or other sanctions the court deems appropriate. ~~Merely to repeat the language of a relevant rule of criminal procedure does not meet the requirements of this section.~~

(e)(h) Failure to Respond.

Failure to timely respond to a motion may result in the court granting the motion without any further notice.

(d)(i) Oral Argument on Motions. Hearings.

The court may ~~set any motion for oral argument, on its own or on a party's request, schedule a hearing. Attorneys for the government or for the defense may request oral argument in their initial motion or at any other time, and for good cause shown on the motion. Otherwise,~~ the court will grant such request. If oral argument is to be heard, the motion will be promptly set for hearing after briefing is complete. In all other cases, motions are to be submitted to and will be determined by the court on decide the motion based on the written memoranda ~~of the parties.~~

(e)(j) Motion to Suppress Evidence Requiring an Evidentiary Hearing.

A (1) Unless the court orders otherwise, a motion to suppress evidence, for which an evidentiary hearing is requested, shall must concisely state ~~with particularity and in summary form,~~ without an accompanying legal brief, the following: (i) (A) the basis for standing; ~~(ii)~~

_____ (B) _____ the evidence for which suppression is sought; and ~~(iii) a list of the issues raised as~~

_____ (C) the legal grounds for the motion.

(2) _____ Unless the court orders otherwise ~~orders, neither a memorandum of authorities nor,~~ a response by the government is not required. ~~— before the evidentiary hearing.~~

(3) _____ At the conclusion of the evidentiary hearing, the court will provide a reasonable time for all parties to respond to the issues of fact and law raised in the motion ~~unless and at~~ the hearing.

(k) Proposed Order.

~~The court has directed pretrial briefing or otherwise concludes~~may request that further ~~briefing is unnecessary~~a party prepare a proposed order. Unless the court orders otherwise, the proposed order should be emailed in Word format to the chambers email address of the judge deciding the motion.

(f) Certification by Government.

~~Where a statute or court requires certification by a government official about the existence of evidence, such certification must be in writing under oath and filed with the clerk of court.~~

(g) Preparation and Entry of Order.

~~When the court orders appropriate relief on a pretrial motion on behalf of any party, the prevailing party must present for the court's review and signature a proposed written order specifying the court's ruling or disposition. Unless otherwise determined by the court, proposed orders must be served upon all counsel for all parties for review and approval as to form prior to being submitted to the court for review and signature. Approval will be deemed waived if no objections have been filed with the clerk within seven (7) days after service.~~

(h)(l) Motions to Continue Under the Speedy Trial Act (18 U.S.C. § 3161 et seq.).

_____ ~~All motions for extension of time or continuance (1)~~A motion to continue under the Speedy Trial Act ~~shall~~must state:

(A) (1) _____ the event and date that activated the time limits of the Speedy Trial Act ~~(e.g., “defendant arrested April 1, 2011, indictment or information due~~

~~within 30 days”; “defendant appeared before United States Magistrate Judge May 1, 2011, jury;~~

(B) the current trial to commence within 70 days”;date;

~~—(2) the date the act is due to occur without the requested extension or continuance;~~

(C) ~~(3) —~~whether previous motions for ~~extensions or continuances~~continuance have been made, and when, and the disposition of ~~the~~those motions, ~~and, for any motion that was granted,;~~

(D) whether the court found the period of delay resulting from that extension or the requested continuance to beexcludable under the Speedy Trial Act, including citation to the specific statutory provision(s);

(A)(E) ~~(4) —~~whether the delay resulting from the requested extension or the specific reasons, supported by facts, for the continuance and the why the act or event cannot be ~~done~~completed or occur within the time originally allotted. Specifically, if the motions seeks:

(i) ~~If the reason given for the extension is that an~~ ends-of-justice continuance under 18 U.S.C. § 3161(h)(7)(A), the motion must address all relevant factors under 18 U.S.C. § 3161(h)(7)(B) and include an explanation of how those factors justify a continuance.

~~(A)(ii)~~ a continuance under 18 U.S.C. § 3161(h)(7)(B)(ii) because of the complexity of the case, including voluminous discovery, the motion must include specific facts explaining the complexity.

~~(ii)(iii)~~ a continuance under 18 U.S.C. § 3161(h)(7)(B)(iv) to effectively prepare for trial, counsel must provide sufficient facts to allow the court to determine whether counsel has exercised due diligence, including a summary of what steps counsel has taken to prepare for trial and what preparations remain, consistent with counsel’s obligation to protect privileges and trial strategy.

~~(i)(iv)~~ a continuance because other litigation presents a scheduling conflict, the motion must ~~also~~:

- (a) identify the ~~litigation by caption,~~ case name, number, and court;
- ~~(b) — describe~~ list the ~~action taken in~~ date(s) of the ~~other litigation,~~ if any, to request a continuance or deferment;
- ~~(c)~~ (b) ~~states~~ scheduling conflict and identify the ~~reasons~~ conflicting event(s);
- ~~(ii)~~ (c) ~~explain~~ why the other litigation should receive priority; state reasons why other associated ~~those conflicts preclude~~ counsel from adequately preparing for the trial;
- ~~(iii)~~ (d) ~~explain~~ why another attorney cannot handle the ~~case in~~ which trial or the extension is being sought or the other ~~litigation~~ conflicting event(s); and
- ~~(d)~~ (e) ~~recite~~ include any other relevant circumstances.
- (v) ~~If an extension is requested due to the complexity of the case, including voluminous discovery, the motion must include specific facts demonstrating such complexity.~~
- (B) ~~If the motion is sought due to some type of a~~ continuance because of a personal hardship that for counsel or the client ~~will suffer if an extension is not granted,~~ the motion must ~~state the~~ include specific facts regarding the nature of that hardship and when the hardship might be resolved; The movant may file the motion under seal under DUCrimR 49-2.
- (F) (6) — an explanation of how the ~~reasons offered in support of period of~~ continuance, the ~~motion~~ facts that justify the length of the ~~extension or~~ continuance ~~that has been,~~ and other relief requested;
- (G) whether — (7) — the defendant has been notified of the requested continuance;
- (H) whether opposing counsel agrees with or objects to the requested ~~extension or~~ continuance; and
- ~~(8) — when the motion is made by counsel for the defendant, the motion must indicate whether the defendant agrees with the requested extension or continuance;~~

(I) _____ (9) _____ the impact, if any, ~~on~~of the continuance on other scheduled ~~trial or other~~ deadlines; and.

~~_____ (10) _____ the precise relief requested by the~~ (2) The motion.

~~If the motion would require divulging trial strategy or information of a highly personal nature, including medical data, the movant may seek leave to file the motion under seal. If trial strategy would be revealed, the motion and request for leave may be presented ex parte.~~

~~All such motions shall~~ must be accompanied by a proposed order. ~~A form~~ Court's consideration. ~~The motion and~~ a proposed order, ~~which shall~~ can be found on the court's website. The proposed order, which must not differ in any respect from the relief requested in the motion, ~~shall~~must state specifically the following:

(A) _____ the deadline(s) being extended ~~and~~;

(B) _____ the proposed new ~~date(s) for the~~ deadline(s); and ~~shall include~~

(C) _____ the findings required under the Speedy Trial Act.

~~See DUCrimR 49-1, Filing of Papers; DUCrimR 56-1, Office of Record; Court Library; Hours and Days of Business; and DUCrimR 57-1, General Format of Papers.~~

DUCrimR 49.1-1 REDACTING PERSONAL IDENTIFIERS

(a) Redacting Personal Identifiers in Pleadings.

The filer ~~must~~shall redact personal information in filings with the court, as required by Fed. R. Crim. P. 49.1. The court may order redaction of additional personal identifiers by motion and order in a specific case or as to a specific document or documents.

(b) Redacting Personal Identifiers in Transcripts.

Attorneys are responsible to review transcripts for personal information which is required to be redacted under Fed. R. Crim. P 49.1 and provide notice to the court reporter of the redactions which must be made before the transcript becomes available through PACER. Unless otherwise ordered by the court, the attorney must review the following portions of the transcript:

- (1) opening and closing statements made on the party's behalf;
- (2) statements of the party;
- (3) the testimony of any witnesses called by the party; and
- (4) any other portion of the transcript as ordered by the court.

Redaction responsibilities apply to the attorneys even if the requestor of the transcript is the court or a member of the public, including the media.

(c) Procedure for Reviewing and Redacting Transcripts.

Upon notice of the filing of a transcript with the court, the attorneys ~~shall~~must within ~~seven-(7)~~ business days review the transcript and, if necessary, file a Notice of Intent to Request Redaction of the Transcript. Within ~~twenty-one-(21)~~ calendar days of the filing of the transcript the attorneys ~~shall~~must file a notice of redactions to be made. The redactions ~~shall~~must be made by the court reporter within ~~thirty-one-(31)~~ calendar days of the filing of the transcript and a redacted copy of the transcript promptly be filed with the clerk. Transcripts ~~which-that~~ do not require redactions and redacted transcripts ~~shall~~must be electronically available on PACER ~~ninety-(90)~~ days after filing of the original transcript by the court reporter.

DUCrimR 57-15 MAGISTRATE JUDGE AUTHORITY IN CRIMINAL CASES

(a) ~~(a)~~—Authority in Preliminary Matters ~~Authority~~.

In addition to the duties authorized by statute and the Federal Rules of Criminal Procedure, and unless otherwise ordered by the court, magistrate judges are authorized to:

- (1) ~~(1)~~ administer oaths and affirmations;
- (2) ~~(2)~~ take acknowledgments, affidavits, and depositions;
- (3) ~~(2)~~ upon motion of the United States Attorney, dismiss complaints in criminal proceedings ~~prior to~~before indictment or the filing of an information ~~upon motion of the United States attorney~~;
- (4) ~~(3)~~ conduct detention hearings;
- (5) ~~(4)~~ issue subpoenas, writs of habeas corpus ad testificandum or habeas corpus ad prosequendum, and other orders necessary to secure the presence of parties, witnesses, or evidence for court proceedings;
- (6) ~~(5)~~ order the forfeiture or exoneration of bonds;
- (7) ~~(6)~~ issue warrants of removal;
- (8) ~~(7)~~ conduct hearings under Fed. R. Crim. P. 5, 5.1 and 20;
- (9) ~~(8)~~ set bail and appoint counsel, if appropriate, for ~~for~~ material witnesses;
- (10) ~~(9)~~ issue the following investigative orders:
 - (A) ~~(A)~~ (i) authorizing the installation of devices (for example, a ~~such as~~ traps and /trace devices and-or a pen register)s;
 - (B) ~~(iiB)~~ directing a communication common carrier, as defined in 47 U.S.C. § 153(h), including a telephone company, to provide assistance to a named federal investigative agency in accomplishing the installation of a traps and ,trace devices and-or a pen registers; and
 - (C) ~~(iiiC)~~

directing a communication common carrier not to disclose the existence of a summons or subpoena in a criminal or preliminary matter;~~;~~ and

~~(11)~~ ~~(10)~~—~~receive grand jury returns and conduct naturalization ceremonies; and~~
issue pre-indictment protective orders; and

~~(12)~~ ~~(11)~~—~~receive grand jury returns and conduct naturalization ceremonies.~~

(b) ~~(b)~~—Criminal Authority in Pretrial Authority Matters.

After an indictment or felony information has been filed and assigned to a district judge under DUCrimR 57-2, magistrate judges are authorized to:

~~(1)~~ ~~(1)~~—~~conduct arraignments and initial appearances;~~

~~(2)~~ ~~(2)~~—~~accept or enter not guilty pleas~~pleas of not guilty;

~~(3)~~ ~~(3)~~—~~order presentence reports;~~

~~(4)~~ ~~(4)~~—~~hear and rule on motions to modify bail~~ and/or and motions to modify
conditions of release; ~~and;~~

~~(5)~~ ~~(5)~~—~~approve~~hear pretrial release and supervision violation petitions, authorize
the issuance of arrest warrants or summonses ~~es thereupon~~, and conduct pretrial
release revocation hearings;

~~(6)~~ ~~(6)~~—~~conduct scheduling hearings pursuant to~~under Fed. R. Crim. P. 17.1; ~~and;~~

~~(7)~~ ~~(7)~~—~~take a~~accept a plea of guilty after receiving: on {

~~(i)~~ ~~(i)~~—~~appropriate an order of reference~~reference from the assigned
district judge; ~~assigned to the case;~~ and

~~(ii)~~ ~~(ii)~~—~~the consent of the parties~~written consent of the parties.

**(c) ~~(e)~~—Authority to Under Orders of Reference Conduct Hearings, Prepare Report
and Recommendations, and Determine Preliminary Matters.**

~~(1)~~ ~~(1)~~—~~Upon entry by a~~After a district judge ~~of an~~enters an order of reference
under 28 U.S.C. § 636(b)(1)(A), magistrate judges are authorized to determine
nondispositive pretrial matters, manage the discovery process, and rule on
motions by attorneys appointed under the Criminal Justice Act for services under
that act, including appointment of experts and investigators; ~~;~~

~~(2)~~ ~~(2)~~—~~Upon entry by a~~After a district judge ~~enters of~~ an order of reference under
28 U.S.C. § 636(b)(1)(B), magistrate judges are authorized to: ~~;~~

~~(i)~~ ~~(i)~~—~~hear motions to dismiss or quash an indictment and motions to~~
suppress evidence; ~~;~~ and

~~(ii)~~ ~~(ii)~~ ~~—file~~ submit to the assigned district judge a ~~R~~report with proposed findings of fact ~~and~~ ~~and~~ ~~R~~Recommendations.

(d) ~~(d)~~—Authority in Misdemeanor Criminal Trials ~~Authority~~.

Magistrate judges ~~are authorized (i) to try~~ may preside over the trial of persons accused of committing misdemeanors ~~committed~~ within this district under 18 U.S.C. § 3401 and as otherwise provided by statute. Magistrate judges may ~~and (ii) to~~ sentence persons convicted of misdemeanors. ~~convicted of misdemeanors committed within this district in accordance with 18 U.S.C. § 3401 and as otherwise provided by statute.~~

(e) ~~(e)~~—Authority in Extradition Proceedings.

Unless ~~otherwise ordered by a judge of this court~~ a district judge orders otherwise, ~~when a foreign government requests the arrest of a fugitive pursuant to a treaty or convention for extradition between the United States and the requesting country and on the basis of a complaint under oath,~~ a magistrate judge ~~is of this court~~ is authorized to issue warrants and conduct extradition proceedings ~~in accordance with the provisions set forth in~~ accordance with ~~in~~ 18 U.S.C. § 3184.

(f) ~~(f)~~—Authority in Specialized Courts.

~~Upon entry by a district~~ After a district judge enters ~~court of~~ an order of reference, or consistent with a sentencing order, a magistrate judge ~~is authorized to~~ may preside over ~~preside over matters in a~~ specialized court proceedings. ~~In specialized courts,~~ ~~m~~Magistrate judges ~~m~~Specialized courts may address issues confronting offenders as they return to their communities, including overseeing services ~~that~~ providing diagnostic and risk assessments, education and job training, substance abuse ~~treatment, and~~ mental health treatment, and mentoring.

DUCivR 1-1 — ~~AVAILABILITY AND AMENDMENTS.~~ GENERAL PROVISION

(a) Availability.

~~Copies~~ A paper copy of the local rules of practice ~~in paper and electronic formats, as amended, are~~ is available from the clerk's office for a reasonable ~~charge~~ fee, as set by the clerk, and an electronic copy is available on the court's website. ~~On admission to the bar of this~~

(b) Notice and Public Comment.

~~The~~ court, ~~each attorney will be provided a copy of these rules. Attorneys admitted Pro Hac Vice will be provided a copy on request and on payment to the clerk of the fee.~~

~~(b) — Amendments to the Rules.~~

~~When amendments to these rules are proposed, notice and~~ provides an opportunity for public comment ~~will be provided~~ on proposed substantive changes to these rules, ~~as directed by the court. When amendments well as provides notice of any adopted changes are approved by the court, notice will be provided.~~

DUCivR 1-2

**SANCTIONS FOR ~~CIVIL RULE VIOLATIONS~~VIOLATING
THESE RULES**

~~———The court, On a party's motion or~~ on its own ~~initiative,~~ the court may impose ~~sanctions~~a
sanction for a violation of these ~~civil~~ rules. ~~Sanctions~~The sanction may include, but ~~are~~is not
limited to, ~~the~~ assessment of costs, ~~attorneys'~~a party's reasonable attorney's fees, ~~fine~~a fine, or
any combination of these, against an attorney ~~or,~~ a party. ~~Barring, or both.~~ The court may
dismiss a case or enter judgment as a sanction only in extraordinary circumstances, ~~cases will not~~
~~be dismissed for violation of the local rules.~~

*~~See DUCivR 41-1 for sanctions for failure to notify the court when settlement is reached
before a scheduled jury trial.~~*

DUCivR 3-1**CLERK'S SCHEDULE OF MISCELLANEOUS FEES**

Under ~~authority of~~ 28 U.S.C. § 1914(a) and (b), the ~~clerk of court will collect from the parties filing and other~~ Clerk of Court collects fees as ~~prescribed~~ determined by the Judicial Conference of the United States. Under 28 U.S.C. § 1914(c), the ~~court authorizes the~~ clerk of ~~court~~ is authorized to require advance payment of ~~those~~ fees. A current ~~schedule of those fees is~~ posted in the public reception area of the clerk's office, and copies of the fee schedule ~~are~~ is available ~~from the clerk on request. Pursuant to~~ the court's website.

**ACTIONS TO PROCEED ~~PROCEEDING~~ WITHOUT
PREPAYMENT OR PAYMENT OF FILING FEES**

1. Non-incarcerated Parties.

- (1) ~~Completion of Form AO 240.~~ A non-incarcerated party wishing to proceed without having to pay the required fees under 28 U.S.C. § 1915 must complete and sign, under penalty of perjury, an Application to Proceed Without Prepayment of Fees and Affidavit (Application). The Application, Form AO240, will be supplied without charge by the clerk of court upon request or on the court's website <http://www.utd.uscourts.gov>.
- (2) ~~Conditions for Filing.~~ The clerk of court will not accept any action for filing with the court that is not accompanied by the payment of fees and security or accompanied by an Application which has been granted by the court. Where an action and an Application are submitted jointly to the clerk, the clerk will lodge the action until the court has reviewed the Application. If the Application is approved, the clerk will file the action as of the date of the order. If the Application is denied, the clerk will notify the party that the action will not be filed until full payment is made.

2. Incarcerated Parties.

- (a) ~~(1) Completion of Form AO 240.~~ Any incarcerated person seeking to file a civil action and to proceed without prepayment of fees must submit an Application to Proceed Without Prepayment of Fees and Affidavit, copies of which are available from the clerk of court, accompanied by a certified statement of the applicant's prison trust account showing current account status and any account activity for the six-month period preceding the date of the Application. If the Application is granted, the court will order, under the Prison Litigation Reform Act of 1995, an initial partial filing fee of twenty (20) percent of the greater of (i) Motion to Proceed In Forma Pauperis.
- (1) A Non-Incarcerated Party. A non-incarcerated party may request that the court waive or reduce the filing fee and the cost of service of process. The party must

complete and file a Motion to Proceed In Forma Pauperis at the same time as submitting the action (for example, complaint for a civil case, petition for a writ of habeas corpus, or petition for agency review). A form motion is available from the clerk's office or on the court's website.

(A) In Forma Pauperis Qualifications. To qualify as indigent, a party's total monthly income must be equal to or below 200% of the United States poverty guideline as issued each year in the *Federal Register* by the Department of Health and Human Services for the 48 contiguous states and the District of Columbia.

(B) Review of the Motion. A magistrate judge will review the motion to determine whether the party qualifies as indigent and may review whether the complaint meets the conditions of section (b) below.

(C) Conditions for Filing the Action. The clerk will file the action under the following conditions:

(i) as of the date of the order if the order waives the filing fee;

(ii) upon payment of the required fee if the order reduces the filing fee;

or

(iii) upon payment of the full filing fee if the order denies the motion.

(D) Payment. A party will have 30 days from the date of the order to submit payment of the full or reduced filing fee. Failure to timely pay the filing fee will result in closure of the case without filing the action. When a party attempts to pay the filing fee after the case has been closed, the clerk will accept the payment, open a new case, and file the action as of the date of the payment.

(2) An Incarcerated Party. Under 28 U.S.C. § 1915, an incarcerated party may request authorization to proceed in a civil action without prepayment of the filing fee by filing a Motion to Proceed Without Prepayment of Fees. A form motion is available from the clerk's office or on the court's website.

(A) Account Statement and Consent. In addition to the motion, a party must submit:

- (i) a certified copy of the incarcerated party's trust fund account statement (or institutional equivalent) from each institution in which the incarcerated party was confined in the 6-months before the motion is filed. The account statement must be submitted with the motion; and
 - (ii) written consent authorizing the appropriate prison official to collect fees and submit payments to the clerk if the motion is granted. If the motion is granted, the court will send a written consent form to the incarcerated party to sign and return to the court.
- (B) Initial Partial Filing Fee. If the motion is granted, the court will assess and, when funds exist, collect an initial partial filing fee of 20% of the greater of:
 - (i) the average monthly deposits to the account during the six-month period preceding the filing of the action; or
 - (ii) the average monthly balance in the account for the six-month period preceding the filing of the action. ~~In each following month, prison officials will calculate twenty (20) percent of the preceding month's income credited to the prisoner's account and, each time the amount in the account exceeds ten (10) dollars, forward a check for that amount to the clerk of court. The inmate shall submit a written consent to the collection of fees by the prison officials to the court within the time specified by the order approving the Application.~~
- (C) (2) Monthly Payments. After the initial partial filing fee is paid, the incarcerated party must make monthly payments of 20% of the preceding month's income credited to the account but only if the account balance exceeds \$10.
- (D) Collecting Payments. The agency having custody of the incarcerated party must forward any payment required under this rule in the proper amount to the clerk until the filing fees are paid.

(E) Conditions for Filing- the Action. The clerk will ~~lodge complaints and petitions from incarcerated parties accompanied by an Application until certification of account balances, if not attached to the Application, and other required documents are received. Once all required documents are received, the clerk will forward the Application to a magistrate judge for review. If the Application is approved and the fee payment schedule established, the clerk will file the action as of the daydate of the order granting the motion.~~ If the Applicationmotion is denied, the clerk will inform the prisoner of the decision of the court.

3. Dismissal of Claims as Frivolous under 28 U.S.C §1915.

~~On receipt of an Application by a non-incarcerated or~~notify the incarcerated party of the decision and will file the action only upon receipt of the required fee.

(b) Screening the Case.

(1) At any time, including when reviewing the motion, a magistrate judge may ~~review the complaint and recommend that (i) the Application be granted to permit the filing dismissal or a district judge may order dismissal of the action, if:~~

- (A) the allegation of indigence is untrue;
- (B) the court lacks jurisdiction;
- (C) the claims are frivolous or (ii) that the action be dismissed pursuantmalicious;
- (D) it fails to state a claim on which relief can be granted; or
- (E) it seeks monetary relief against a defendant who is immune.

(c) Service of Process.

(1) The clerk will not issue a summons until directed to 28 U.S.C. § 1915(e)(2). If do so by the court accepts the recommendation, the matter,

(2) After the motion is granted, or after the case has been screened and a decision has been made to proceed with service, the court will be filed or subsequently closed.order:

- (A) regarding a non-incarcerated party's action:

- (i) the Plaintiff to complete and return to the clerk's office a summons and a Service of Process form (both available from the clerk's office and on the court's website) for each defendant;
- (ii) the clerk to issue the summons when the forms are returned; and
- (iii) the United States Marshal to serve on each defendant the completed summons, the complaint, and a copy of the order; or
- (iv) if the Plaintiff fails to submit the forms as directed, the action may be dismissed.

(B) Regarding an incarcerated party's action:

- (i) each defendant to waive service of process, under Rule 4 of the Federal Rules of Civil Procedure; or
- (ii) the United States Marshal to serve on each defendant the completed summons, the complaint, and a copy of the order.

**COMMENCEMENT OF AN ACTION: NOTIFICATION OF
MULTI-DISTRICT LITIGATION**

- (a) ~~_____ An attorney~~ Notice of Related Cases.** ~~-A party~~ filing a complaint, answer, or other pleading in a case that may be subject to pretrial proceedings before the Judicial Panel on Multidistrict Litigation, ~~under the provisions of~~ 28 U.S.C. § 1407, ~~must submit in writing at the time of filing, or when the filing attorney becomes aware that the matter may be so subject,~~ a description of written notice describing the nature of the case and the titles and case numbers of all ~~other~~ related cases filed in this or any other jurisdiction.
- ~~(a)(b)~~ Filing Time Requirement.** ~~-The notice required in subsection (a) must be submitted at the time of filing or when the filing party becomes aware of the related cases.~~
- (c) Attorney Admission Upon Remand or Transfer.** Upon remand ~~or -or~~ transfer ~~of a case from the of a~~ multidistrict litigation ~~case~~ court, an attorney, ~~appearing on behalf of a party,~~ who is not ~~already~~ already licensed to practice in this district must apply for pro hac vice admission and pay the required fee.

DUCivR 3-4**CIVIL COVER SHEET**

~~Every complaint or other document initiating a civil action must be accompanied by a~~
Civil Cover Sheet, Form JS-44, ~~available from~~ must be submitted with the ~~clerk. This~~
~~requirement~~ document that initiates a civil action. Information contained in the cover sheet has no
legal effect because the cover sheet is solely for administrative purposes.

~~——— See DUCivR 23-1 for caption requirements for class action complaints/pleadings.~~

DUCivR 3-5

~~CONTENT OF THE COMPLAINT~~MOTIONS IN PLEADINGS
PROHIBITED

~~The~~A complaint ~~is the initial pleading that commences a civil action. It should state the basis for the court's jurisdiction, the basis for the plaintiff's claim, counterclaim, or cause for action, and the demand for relief. The complaint should~~crossclaim must not include ~~any~~a motion. ~~Any~~A motion ~~intended to accompany~~accompanying a complaint (for example, a motion for a temporary restraining order) must be prepared and filed as a separate document.

(a) Electronic Filing.

~~Generally~~ Except as otherwise permitted in this rule, a party authorized to ~~, registered~~ ~~efilers must~~ electronically file must sign and file documents as sign and file documents, ~~as set forth in the~~ required in the District of Utah CM/ECF and Efiling Administrative Procedures Manual (ECF Procedures Manual) ~~adopted by the court to govern the court's~~ electronic case filing system. The ECF Procedures Manual is available at <http://www.utd.uscourts.gov>.

(b) Email Filing.

- (1) ~~Unrepresented parties~~ An unrepresented party may ~~move the court for request~~ permission to send documents by email to the clerk's office for filing by conventionally filing a Motion for Email Filing and Notification. ~~A form for~~ the The form motion ~~may be found on the~~ is available on the court's website. The motion must include a verification that the party:
 - (A) ~~the party~~ will submit documents in PDF format as required the ECF Procedures Manual;
 - (B) ~~the party has~~ will provide a valid email address that has been provided to the court and will be used to submit documents for filing and to receive notices of case filings activity from the court;
 - (C) ~~the party~~ will use an appropriate digital/electronic signature on filings, as outlined in Section II(A) of the ECF Procedures Manual; and
 - (D) ~~the party~~ will comply with the formatting requirements outlined in Local Rule DUCivR 10-1 and the ECF Procedures Manual.
- (2) If ~~the~~ the court grants the motion ~~is granted~~, the party may email documents and exhibits for filing to the clerk's office at utdecf_clerk@utd.uscourts.gov. The email must include the case number and document name in the subject line. The clerk will ~~return~~ send an email confirming receipt to the party and then file the documents in the case.
- (3) ~~Documents~~ A document will be considered filed as of the date the email is received by the clerk.

- (4) ~~On motion by any party, or sua sponte, the court~~ The court may, on its own or on a party's motion, may revoke an unrepresented party's ability to file by email after a determination that the privilege has been abused. Examples of circumstances in which a party abuses the privilege ~~of email filing~~ include repeatedly submitting:
- (A) ~~repeatedly sending~~ nonconforming documents or exhibits to the clerk for filing;
 - (B) ~~repeatedly sending~~ incomplete documents to avoid missing a deadline;
 - (C) ~~sending~~ documents that needlessly complicate the proceedings or harass the court, the clerk, or the opposing party; or
 - (D) ~~sending~~ documents containing viruses, worms, ransomware, spyware, malware, or other files compromising the security of the court's computer systems.

(c) Paper Filing.

- (1) In all other circumstances, all pleadings and other case-related documents must be filed in the clerk's office in Salt Lake City as follows:
- (A) in person during the business hours set forth in DUCivR 77-1; or
 - (B) by mail.
- (2) A party does not need to provide a courtesy copy unless specified in the judge's preferences on the court's website. A party must clearly label any courtesy copy on the caption page.
- (3) A party filing a paper document must serve an unrepresented party with a copy.

(d) Electronic Notification of Case Activity.

- (1) An unrepresented party may request permission to receive email notification of case activity by conventionally filing a Motion for Email Notification. The form motion is available on the court's website.
- (A) By filing the motion, the unrepresented party consents to:
- (i) receive by email filings that are required to be served under Fed. R. Civ. P. 5(a) and 77(d) and Fed. R. Crim. P. 49;
 - (ii) email constituting service under those rules;
 - (iii) waive the right to service by mail; and
 - (iv) notify the clerk's office in writing of any name, mailing

address, or email address changes.

(B) The CM/ECF system does not allow an unrepresented party to choose to receive email notification in one case and decline email notification in another case.

(i) When an unrepresented party obtains permission to receive email notification in any case pending before the court that party will automatically receive email notification of case activity in all cases in which they are a party.

(ii) The court may, on its own or on a party's motion, revoke an unrepresented party's ability to receive electronic notification of case activity. If this occurs, the unrepresented party will cease to receive email notification of case activity in all cases in which they are a party.

(C) An unrepresented party who has been granted permission to receive electronic notification of case activity will file all documents in paper, unless they have been granted permission to file by email under DUCivR 5-1(b).

(e) — Conventional Filing of Pleadings and Papers.

~~In all other circumstances, all pleadings and other case-related documents must be filed in the Salt Lake City clerk's office either (i) in person during the business hours set forth in DUCivR 77-1 or (ii) by mail. When filing a document pursuant to subparagraphs (i) and (ii), the clerk will require the original of all pleadings, motions, proposed orders, and other papers. Courtesy copies are not required unless specified in the judge's preferences on the court's website. Parties must clearly label courtesy copies on the caption page.~~

(d)(e) Filing Time Requirements.

- (1) If no filing time is specified in an applicable rule and no deadline has been ~~ordered set~~ by the court, all documents pertaining a document related to a court proceeding must be filed ~~with the clerk~~ a minimum of ~~two (2)~~ 2 business days before the scheduled proceeding.
- (2) If a document other than the complaint is ~~For documents served by mail, other than the complaint served by mail~~, the postmark is the effective date of filing or

service. If the postmark is illegible or missing, the filing or service date is presumed to be 3 days before receipt.

(a) **Authority for Settlement Conferences.**

The assigned judge may require, or any party may at any time request, the scheduling of a settlement conference.

(b) **Referral of Cases for Purposes of Conducting a Settlement Conference.**

Under Fed. R. Civ. P. 16(a)(5) and (c)(~~92~~)(1) and 28 U.S.C. § 636(b)(1), the district judge to whom the case has been assigned for trial may refer it, for the purpose of ~~conducting~~ ~~undertaking~~ a settlement conference, either to another district judge or to a magistrate judge.

(c) **Settlement Proceedings.**

The settlement judge or magistrate judge may require the presence of the parties and their counsel, may meet privately from time to time with one party or counsel, and may continue the settlement conference from day to day as deemed necessary. The settlement judge may discuss any aspect of the case and make suggestions or recommendations for settlement. Counsel for each party to the settlement conference must ensure that a person or representative with settlement authority or otherwise authorized to make decisions regarding settlement is available in-person for the full duration of the settlement conference. If the person present does not have full settlement authority, a person with full settlement authority must be directly available by telephone during the settlement conference.

(d) **Confidential Nature of Settlement Proceedings.**

The settlement conference will be conducted in such a way as to permit an informal, confidential discussion among counsel, the parties, and the settlement judge. The settlement judge may require settlement memoranda to be submitted either with or without service upon the other parties and counsel participating in the settlement conference, but such memoranda must neither be made a part of the record nor filed with the clerk of court. The settlement judge may not communicate to the trial judge to whom the case has been assigned the confidences of the conference, except to report whether or not the case has been settled. Such report must be made in writing, with copies to the parties and their counsel, within a reasonable time following the conference or within

such time as the trial judge may direct. If the case does not settle, no oral or written communication made during the settlement conference may be used in the trial of the case or for any other purpose.

~~DU~~CivR 48-1 NUMBER OF JURORS; IMPANELING AND SELECTION OF JURY

~~In all civil cases, absent a stipulation of the parties to the contrary, the trial jury will consist of twelve (12) members, and the verdict of the jury shall be unanimous. The court for good cause, however, may excuse jurors from service during trial or deliberation, in which event the verdict still must be unanimous. No verdict will be taken from a jury of fewer than six members.~~

(a) **Stay of Magistrate Judge Order.**

A ~~Pending a review of objections, m~~ motion for a stay of a magistrate judge order must first be addressed by the magistrate judge who issued the order.

(b) **Responding to an Objection.**

Unless otherwise ordered by the district judge, a response need not be filed, and a hearing will not be held, on an objection to a magistrate judge's order issued ~~underpursua~~:

(1) ____ Fed. R. Civ. P. 72(a) and 28 U.S.C. § 636(b)(1)(A); or

(2) ____ Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1)(B).

(c) **Ruling on the Objection.**

The district judge may deny the objection by written order at any time; but may not grant it without first giving the opposing party an opportunity to brief the matter. If the district judge has not overruled the objection or has not set a briefing schedule within 14 days after the objection was filed, the non-moving party must email to the district judge a proposed order in Word format denying the objection.

DUCivR 81-2 REMOVED ACTIONS

(a) Notice.

(1) Notice of Removal. A Notice of Removal must comply with 28 U.S.C. § 1446(a).

(2) Filing Requirements. At the time of removal, the removing party must include with the Notice of Removal:

(A) a current copy of the state court docket sheet;

(B) a current copy of the scheduling order or notice of event due dates, if available; and

(C) if the court's jurisdiction is based upon diversity of citizenship, irrespective of whether service of process has been effectuated on all parties, the Notice of Removal must include:

(i) in the case of each individual named as a party, that party's residence and domicile and any state or other jurisdiction of which that party is a citizen for purposes of 28 U.S.C. § 1332;

(ii) in the case of each party that is a partnership, limited liability partnership, limited liability company, or other unincorporated association, like information as required in (C)(i) above for all of its partners or members, as well as the state or other jurisdiction of its formation;

(iii) in the case of each party that is a corporation, its state or other jurisdiction of incorporation, principal place of business, and any state or other jurisdiction of which that party is a citizen for purposes of 28 U.S.C. § 1332;

(iv) in the case of an assigned claim, corresponding information for each original owner of the claim and for each assignee;

(v) the date on which each party was served; and

(vi) if the information above or a designated party is unknown to the removing party, the removing party must state that in the Notice of Removal. Thereafter, within 21 days after removal, the removing party must file an update that includes the omitted

(b) Pending Motions. information.

All pending motions and other requests directed to the state court are automatically denied without prejudice upon removal, and they may be refiled in this court. Motions refiled in this court must include citation to all relevant federal law and must be revised as necessary to comply with this court's rules.

(c) Scheduling Order.

- (1) The parties must conduct an Attorney Planning Meeting under Fed. R. Civ. P. 26(f) within 10 days after the time to file a motion to remand has expired or the motion has been denied, whichever occurs last.
- (2) The plaintiff must file the Attorney Planning Meeting Report within 5 days after the meeting.
- (3) At the same time the Attorney Planning Meeting Report is filed, the plaintiff must email a proposed scheduling order in Word format to the assigned judge in the case, or if an Order Referring Case has been entered, to the referred magistrate judge.

DUCivR 83-1.1 ATTORNEYS - ADMISSION TO PRACTICE

(a) Attorney Admission.

~~(1) —~~ Eligibility. An attorney who is an active member in good standing ~~of~~ of the ~~Utah~~ Utah

~~(1) —~~ State Bar is eligible for admission to this court's bar. ~~An attorney representing the federal government or its agencies who maintain active membership with the Utah State Bar — Federal Attorneys who maintain both bar memberships are exempt from paying the admission fee and annual renewal fee.~~

(2) Application. ~~To become a member of this court's bar, a~~ An attorney who is an active member in good standing with the Utah State Bar must An eligible attorney must complete an online application using Public Access to Court Electronic Records (PACER) ~~to become a member of this court's bar.~~

(3) Pro Bono Service Requirement. By applying to become a member of this court's bar, ~~except when employed by a government agency that precludes accepting pro bono assignments,~~ an attorney ~~must~~ must agree to accept a reasonable number of pro bono assignments when requested by the court, except when the attorney is employed by a government agency that precludes accepting pro bono assignments.

(4) Admission Fee. Once the court reviews ~~an~~ the application and verifies the attorney's membership status with the Utah State Bar, the court will send to the attorney ~~will receive~~ an email containing a link to pay the admission fee. The admission fee must be paid within 30 days from the date of the email or ~~. If the fee is not timely paid,~~ the application will be denied and ~~a the attorney will need~~ must to complete a new application. ~~will need to be a member of this court's bar.~~

~~(5) —~~ Efiling Account. An attorney seeking admission ~~to this court must register to efile and receive electronic notifications of case activity. An attorney must be familiar with the District of Utah CM/ECF and Efiling Administrative Procedures Manual.~~

~~(6) —~~ Active Membership Status.

(5) An attorney who is admitted to this court's bar ~~under the provisions of this section and who practices in this court must~~ ~~must maintain their~~ ~~renew their~~ membership ~~on a renewable basis as is~~ ~~as~~ set forth in [DUCivR 83-1.2](#). ~~After~~ an attorney is admitted, the attorney ~~are~~ is not required to pay the annual registration fee until at least 12 months have passed since ~~their~~ admission.

(b) Federal Attorney Admission.

(1) ~~—(1) Eligibility. An attorney employed by the United States Government, its agencies, or the Federal Public Defender's Office, is an active member who has been and admitted to practice and is in good standing in the bar of any state (is it in the bar of any state or the highest court of any state? I think we've said both in various documents) or the District of Columbia, may practice in this district before this court in their the attorney's official capacity.~~

(1) _____

(2) Application. An eligible federal attorney must complete an online application using PACER. A federal attorney must apply to practice before this court using PACER.

(3) Pro Bono Service Requirement. A Ffederal attorney ~~iss~~ ~~are~~ exempt from the court's pro bono service requirement.

(4) Fees. A federal attorney is exempt from paying the ~~The a~~ admission fee and annual registration ewal fees. are waived for Federal Attorneys.

a. Efiling Account. . A Federal Attorney seeking admission to this court must register to efile and receive electronic notifications of case activity. A Federal Attorney must be familiar with the District of Utah CM/ECF and Efiling Administrative Procedures Manual.

(b)(c) Pro Hac Vice Admission.

(1) Eligibility. An attorney (PHV Applicant) who is ~~neither not~~ an active member of the Utah State Bar ~~nor and who is not a Federal Attorney~~ but ~~who has been admitted to practice and~~ is an active member in good standing in the bar of any state ~~who is a member in good standing of the bar of the highest court of another state~~ or the District of Columbia may be admitted pro hac vice for the limited purpose of appearing in a case ~~in before~~ this ~~district~~ court.

(A) Restrictions on Pro Hac Vice Admission. Pro hac vice admission is not available to any attorney who:

(i) is a member of the Utah State Bar;

(ii) maintains any law office in Utah; or

~~_____~~ has already been admitted pro hac vice in 3 unrelated cases in the previous 5 years in this court district, unless the court orders otherwise after finds good cause for the attorney establishes good cause for not seeking admission to the Utah State Bar.

~~(1)~~ (iii)

(2) Local Counsel. The PHV Applicant must associate with an active, local member (Local Counsel) of this court's bar ~~and~~ who resides in the State of Utah. Local Counsel must:

(A) file a motion seeking pro hac vice admission for the PHV Applicant;

(B) attach the application and a proposed order as exhibits;

(C) consent to appear in the matter; and

(D) pay the pro hac vice admission fee at the time of filing the motion.

~~(2)~~ -An attorney admitted pro hac vice may not appear without Local Counsel, unless the court orders otherwise.

(3) Objection to PHV Admission. A party opposing pro hac vice admission must file an objection within 14 days of the filing of the motion, even if the court has granted the motion. ~~or order granting the motion.~~ Local Counsel or the PHV Applicant ~~should need~~ not file a response after an objection is filed unless ordered to do so by the court.

~~(4) Efiling Account. After pro hac vice admission is granted, the pro hac vice attorney (PHV Attorney) must request efile privileges through PACER using their individual, upgraded PACER account to complete the online registration. Without completing the online registration, PHV Attorneys cannot efile documents in a case.~~

(4) Revocation of PHV Admission. The court may revoke a PHV Attorney's admission for good cause shown, including but not limited to, violation of

this court's rules or failure to comply with court orders.

~~(5)~~

~~(c) — **Federal Attorney Admission.**~~

~~(1) Eligibility. An attorney employed by the United States Government, its agencies, or the Federal Public Defender's Office, who has been admitted to practice to and is in good standing of the highest court of any state, but who is not an active member of the Utah State Bar, may nonetheless practice before this court in their official capacity.~~

~~(2) Application. A federal attorney will need to apply to practice before this court using PACER.~~

~~(3) Pro Bono Service Requirement. Federal attorneys are exempt~~

~~(4) Fee. The admission fee and annual renewal fee are waived for federal attorneys.~~

~~(5) Efiling Account.~~

~~(d) — **Pro Se Representation.**~~

~~(1) — A party proceeding on their its own behalf without an attorney will be expected to be familiar with and to proceed in accordance with the rules of practice and procedure of this court and with the appropriate federal rules and statutes that govern the action.~~

~~(2) — Any self-represented party may file a motion requesting permission leave to receive notices of electronic filings by email.~~

~~—— If the court grants the motion, Upon the granting of the motion, the party must shall complete the Electronic Case Noticing Registration Form for Pro Se Parties and email it submit it to the clerk's office for processing. By signing the form, the party consents to:~~

~~—— (ia) receive filings required to be served under Fed. R. Civ. P. 5(a) and 77(d) and Fed. R. Crim. P. 49 via email transmission;~~

~~—— and that such email transmission will constitute inge service under those rules;~~

~~——, (b) waive the right to service by USPS mail; and~~

~~(A)(c) notify the clerk's office of any future name, address, or email address~~

changes:

- (B) ~~—The CM/ECF system does not allow a self-represented party to elect to receive email notification in one case and decline email such notification in another case. When a self-represented party obtains permission leave to receive email notification in any case pending before the court, that individual will automatically receive email notification of filings in all cases in which they are a self-represented party. Similarly, a self-represented party will cease to receive email notification in all cases before the court if a judge revokes the authorization in any case where the individual is a self-represented participant.~~
- (C) ~~—The right to receive electronic notices does not change the requirement that self-represented parties file all documents conventionally in paper. (Don't we allow them to email documents to the intake address if a judge grants a motion?)~~
- (D) Any party filing a paper document with the court must still serve the pro se party with a paper copy of the document.

(e)(d) Rules and Conduct.

- (1) An attorney who practices in this court must ~~read and comply with the Local Rules of Practice, District of Utah CM/ECF and Efiling Administrative Procedures Manual, Utah Rules of Professional Conduct, and Utah Standards of Professionalism and Civility.~~ comply with the Local Rules of Practice, Utah Rules of Professional Conduct, and Utah Standards of Professionalism and Civility. An attorney's conduct and professionalism are governed by these rules and the manual.
- (2) An attorney who practices in this court must register to efile and receive electronic notifications of case activity.
- (3) ~~—An attorney who practices in this court must read and comply with the CM/ECF Administrative Procedures. District of Utah CM/ECF and Efiling Administrative Procedures Manual.~~

(43) An attorney who practices in this court must maintain valid and current contact information, including mailing, email, and telephone, in PACER.

DUCivR 83-1.2 ATTORNEYS - ANNUAL REGISTRATION ~~OF ATTORNEYS~~

(a) **General Requirement.**

~~All attorneys admitted to the practice of law before this court must register with the clerk on or before the first day of July of each year following their admission. Each registrant must certify on the form provided by the clerk to:~~

~~(1) — having read and being familiar with the District Court Rules of Practice, the Utah Rules of Professional Conduct, and the Utah Standards of Professionalism and Civility; and~~

~~— (2) — being a member in good standing of the Utah State Bar and the bar of this court.~~

By July 1 each year, an attorney seeking to maintain active status must pay the annual registration fee, in an amount determined by the court, and register using the court's CM/ECF system. An attorney who maintains active status must:

(1) — comply with the Local Rules of Practice, District of Utah CM/ECF and Efiling Administrative Procedures Manual, Utah Rules of Professional Conduct, and Utah Standards of Professionalism and Civility;

(2) — register to efile and receive electronic notifications of case activity; and

(3) — agree to accept a reasonable number of pro bono assignments from the court, except when employed by a government agency that precludes accepting pro bono assignments.

(b) **Categories of Membership.**

~~All registrants for membership in the bar of this court must request on their annual registration form one of two categories of membership, as set forth below:~~

~~(1) — Active Membership. All attorneys who practice in this court are required to maintain their membership in the court's bar in active status. Such status must be renewed annually and requires payment of a registration fee except where specifically exempted by this rule.~~

~~(1) (2) — Inactive Membership. Attorneys who wish to remain a member of the bar of the court but who have Active Attorney. An attorney who is an active member and in good standing of the Utah State Bar and actively practices in this district.~~

(2) Federal Attorney. An attorney who is employed by, or on special assignment for, the United States, its agencies, or a Federal Public Defender's Office and is an active member and in good standing of any state bar or the District of Columbia and actively practices in this district.

(3) Inactive Attorney. An attorney who is retired or no longer practicepractices in this court maydistrict but wants to maintain their membership in inactive status. An inactive attorney may reactivate membership at any time by so notifying the clerk in writing. Attorneys filing such notice are be ineligible to practice in this court until reinstated to active status under such terms as the court may directpaying the current registration fee.

(3) Exemptions. Judges who are barred by law or rule from the practice of law are exempt from payment of the registration fee for active membership status.

(c) **Non-Member Procedure to Change Status to Inactive.**

~~Attorneys who are members but who wish to relinquish their membership status must notify the clerk in writing of their intent. Upon receiving such notification, the clerk will remove their names from the court's roll of attorneys.~~

By July 1 in the year requesting to go inactive, an attorney seeking to become an inactive member of this court's bar must request inactive status using the court's CM/ECF system.

(d) **Failure to Register.**

~~Attorneys who do not register with the court, who fail to pay the required fee on an annual basis, or who otherwise fail to notify the court of their intentions will receive notice via first class mail at their last known address from the clerk of court that their right to practice in this court will be summarily suspended if they do not comply with the registration requirements within thirty (30) days of the mailing of such notice. Attorneys so suspended will be ineligible to practice in this court until their membership has been reinstated under such terms as the court may direct, including application and payment of any delinquent registration fees and payment of such additional amount as the court may direct.~~

(1) An attorney who does not register online by July 1 of each year will have the membership status changed to "registration lapsed" and will be unable to electronically file documents as of July 2.

(2) To reactive a membership in this court's bar, an attorney must pay a \$200.00 reinstatement fee.

(e) Attorney Contact Information.

An attorney who is a member of this court's bar, including an inactive attorney, must maintain valid and current contact information—including a mailing address, email address, and telephone number—in PACER.

DUCivR 83-1.7 CONDUCT OF AN UNREPRESENTED PARTY

- (a) A party proceeding without an attorney (unrepresented party or pro se party) is obligated to comply with:
- (1) the Federal Rules of Civil Procedure;
 - (2) these Local Rules of Practice;
 - (3) the Utah Standards of Professionalism and Civility; and
 - (4) other laws and rules relevant to the action.
- (b) An unrepresented party must immediately notify the clerk's office in writing of any name, mailing address, or email address changes.