
THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

IN THE MATTER OF ADOPTION OF
AMENDED LOCAL RULES OF
PRACTICE FOR THE DISTRICT
COURT

**GENERAL ORDER
24-003**

Under 28 U.S.C. § 2071 and Fed. R. Civ. P. 83, the proposed changes to the local rules of practice were published for a three-week public comment period in August of 2024. The judges convened in September, considered the proposed rule changes along with any public comment, and adopted the amendments included in the civil and criminal rules summaries below. Simultaneously, the court is implementing a Pilot Program for criminal cases to ensure broader electronic access to filings. The Pilot Program is implemented through [General Order 24-004](#).

The adoption of the new rules and the implementation of the Pilot Program required some additional, non-substantive changes to the local rules that were excluded from the August 2024 public comment notice. These changes include the renumbering of certain rules, as well as updates to content to insert cross-references to [General Order 24-004](#). Additionally, to accommodate the Pilot Program, certain rules have been suspended or eliminated. A table identifying the renumbered, suspended, and eliminated rules will follow the civil and criminal rule amendment summaries below.

CIVIL RULES SUMMARY

DUCivR 1-1	<p>Availability and Amendments (Amend) The amendments improve clarity and readability. Additionally, they move the content of DUCivR 81-1 and DUCivR 86-1 to this rule. The title of the rule has been changed to reflect the adopted amendments.</p>
DUCivR 3-2	<p>Proceeding Without Prepayment or Payment of Filing Fees (Amend) The amendments clarify the magistrate judge may: 1) determine indigency by relying on information in the form motion or income level at the poverty line; and 2) request additional information before deeming a party indigent.</p>
DUCivR 6-2	<p>First Extension of Time to Answer (New) The rule replaces DUCivR 77-2 and clarifies the judge, and not the Clerk of Court, will grant the extension of time.</p>
DUCivR 16-1	<p>Pretrial Procedure (Amend) The amendments eliminate duplicative requirements found in Fed. R. Civ. P. 16 regarding scheduling orders and attendance at pretrial conferences. Additionally, the amendments identify when discovery commences in an action that does not require a scheduling order.</p>
DUCivR 16-2	<p>Alternative Dispute Resolution (Amend) The amendments clarify the court offers only judicial settlement conferences as the court-involved alternative dispute resolution option and confirm discovery is not automatically stayed after the parties are ordered to participate in judicial settlement conferences.</p>
DUCivR 16-3	<p>Settlement Conferences (Eliminate) The rule has been eliminated because it is inconsistent with the court's current procedures for conducting judicial settlement conferences. Judges conducting settlement conferences issue orders notifying the parties of the requirements for their conferences.</p>
DUCivR 42-1	<p>Consolidation of Civil Cases (Amend) The amendments improve readability and clarify the process for filing a motion to consolidate when a case is on consent with a magistrate judge presiding.</p>

DUCivR 43-1	Courtroom Practices and Protocol (Eliminate) The rule has been eliminated because it does not augment judges' inherent authority to establish parameters for questioning or excluding witnesses and other courtroom management procedures.
DUCivR 47-1	Impanelment and Selection of Jurors (Eliminate) The rule has been eliminated because judges issue final pretrial orders that address voir dire examinations.
DUCivR 47-2	Communication with Jurors (Amend) The amendments improve readability and clarify communications with prospective jurors and jurors before, during, and after a trial.
DUCivR 51-1	Instructions to the Jury (Eliminate) The rule has been eliminated because it is redundant. Fed. R. Civ. P. 51 adequately addresses instructions to the jury.
DUCivR 54-1	Judgments: Preparation of Orders, Judgments, Findings of Facts and Conclusions of Law (Eliminate) The rule has been eliminated because it is in disuse.
DUCivR 58-1	Judgment: Final Judgment Based Upon a Written Instrument (Eliminate) The rule has been eliminated because it is in disuse and was implemented before electronic filing was available.
DUCivR 72-1	Magistrate Judge Authority (Amend) The amendments improve clarity, readability, and consolidate DUCivR 72-2 into the rule. The title of the rule has been changed to reflect the amendments.
DUCivR 72-2	Magistrate Judge Functions and Duties in Civil Matters (Eliminate) The rule has been eliminated because the substantive content has been merged into DUCivR 72-1.

DUCivR 77-1	Office of Record; Court Library; Hours and Days of Business (Eliminate) The rule has been eliminated because the information is available on the court's website.
DUCivR 77-2	Motions Grantable by the Clerk of Court (Eliminate) The rule has been eliminated because the rule is now housed in DUCivR 6-2.
DUCivR 81-1	Scope and Applicability of Rules (Eliminate) The rule has been eliminated because the substantive content has been merged into DUCivR 1-1.
DUCivR 83-1.1	Attorneys – Admission to Practice (Amend) The amendments eliminate the Utah residency requirement for local counsel sponsoring a Pro Hac Vice applicant to practice before the court and clarify when local counsel must be present in court with Pro Hac Vice counsel.
DUCivR 83-1.5	Attorneys – Student Practice (Amend)¹ The amendments align the court's student practice requirements with the Utah State Court requirements, identify the responsibilities of a supervising attorney, and require a signed "Consent to Participate in Court Proceedings" form be filed in the case in which the student is participating.
DUCivR 83-2	Assignment and Transfer of Civil Cases (Amend) The amendments improve readability, clarify the random case assignment process, specify a reduced caseload is available to the Chief Judge, and identify when cases are directly assigned, instead of randomly assigned, to a judge.
DUCivR 86-1	Effective Date of Rules (Eliminate) The rule has been eliminated because the substantive content has been merged into DUCivR 1-1.

¹ Student Practice Form, *Consent to participate in Court Proceedings*, has been revised and renamed to correspond to the adopted amendments to DUCivR 83-1.5. A copy is available on the court's [website](#).

CRIMINAL RULES SUMMARY

DUCrimR 12-2	<p>Motion Seeking Relief Similar to Another Party’s Motion (New) The rule establishes the requirements for one party to join another party’s motion. Under the new rule, a party joining a co-party’s motion must specifically and explicitly explain how the other party’s arguments apply to the joining party.</p>
DUCrimR 44-2	<p>Constraints on Joint Representation (Eliminate) The rule has been eliminated because the requirements are set forth in Fed. R. Crim. P. 44.</p>
DUCrimR 53-1	<p>Courtroom Practices and Protocols (Eliminate) The rule has been eliminated because DUCivR 43-1 was eliminated.</p>
DUCrimR 57-3	<p>Association and Filing of Criminal Cases (Amend) The amendments improve readability and clarify the process for requesting reassignment of a post-conviction case when the defendant has new charges pending. The title of the rule has been changed to reflect the amendments.</p>
DUCrimR 57-4	<p>Criminal Case Processing (Eliminate) The rule has been eliminated because it is redundant to the requirements set forth in the Speedy Trial Act.</p>
DUCrimR 57-7	<p>Public Communications Concerning Criminal Matters (Eliminate) The rule has been eliminated because the requirements are set forth in Rule 3.6 of the Utah Rules of Professional Conduct. Under DUCivR 83-1.1(d)(1) and DUCrimR 57-12, attorneys admitted to practice in the District of Utah must comply with the Utah Rules of Professional Conduct.</p>
DUCrimR 57-9	<p>Motions for Post-Conviction Relief (Eliminate) The rule has been eliminated because the requirements are set forth in 28 U.S.C. § 2255 and the rules governing Section 2255 proceedings.</p>
DUCrimR 57-10	<p>Relief from State Detainer (Eliminate) The rule has been eliminated because it is in disuse.</p>

DUCrimR 57-16	Review of Magistrate Judge Detention and Release Orders (Amend) The amendments improve readability, clarify that a response is not required to a motion seeking review of a detention order, establish the requirements for a hearing, and identify the judge who will review a motion to stay. The title of the rule has been changed to reflect the amendments.
DUCrimR 58-1	Petty and Misdemeanor Offenses (Existing Rule Number with New Content - Amend) The rule explains the Collateral Forfeiture Schedules, how a citation for a petty or misdemeanor offense may be resolved, the requirement of a mandatory appearance before a judge, and the effect of payment of collateral forfeiture.
DUCrimR 58-2	Appeal of a Magistrate Judge’s Order in Misdemeanors and Petty Offenses (New Rule Number with Existing Content - New) The rule was previously numbered as DUCrimR 58-1. The amendments improve clarity and readability. The title of the rule has been changed to reflect the amendments.
DUCrimR 59-1	Objection to and Motion to Stay a Magistrate Judge Order (Existing Rule Number with New Content - Amend) The rule establishes the process for objecting to a magistrate judge’s order and requesting a stay of that order. The existing rule—effective date of the local rules—has been merged into DUCrimR 1-1.

Renumbered Rules and Cross-Reference Updates

CIVIL RULE	RENUMBERED/SUSPENDED	CROSS-REFERENCE UPDATES
DUCivR 7-1		Removed cross-reference to DUCivR 77-2
DUCivR 37-1		In section (f), updated cross-reference from DUCivR 72-3 to 72-2
DUCivR 47-2	Renumbered to DUCivR 47-1	
DUCivR 54-2	Renumbered to DUCivR 54-1	
DUCivR 72-3	Renumbered to DUCivR 72-2	Updated rule section cross-references
DUCivR 72-4	Renumbered to DUCivR 72-3	Updated rule section cross-references
DUCivR 79-1		Removed cross-reference to DUCivR 77-1

CIVIL RULE	RENUMBERED/SUSPENDED	CROSS-REFERENCE UPDATES
DUCivR 81-2	Renumbered to DUCivR 81-1	Updated rule section cross-references
DUCivR 83-5	Renumbered to DUCivR 83-4	
DUCivR 83-6	Renumbered to DUCivR 83-5	
DUCivR 83-7.1	Renumbered to DUCivR 83-6.1	
DUCivR 83-7.2	Renumbered to DUCivR 83-6.2	
DUCivR 83-7.3	Renumbered to DUCivR 83-6.3	
DUCivR 83-7.4	Renumbered to DUCivR 83-6.3	
DUCivR 83-7.5	Renumbered to DUCivR 83-6.4	
DUCivR 83-7.6	Renumbered to DUCivR 83-6.4	
DUCivR 83-7.7	Renumbered to DUCivR 83-6.5	
DUCivR 83-7.8	Renumbered to DUCivR 83-6.6	
DUCivR 83-7.9	Renumbered to DUCivR 83-6.7	

CRIMINAL RULE	RENUMBERED/SUSPENDED	CROSS-REFERENCE UPDATES
DUCrimR 1-1		Updated the cross-referenced sections to identify the correct sections in DUCivR 1-1
DUCrimR 5-2	Renumbered to DUCrimR 5-1	Replaced cross-references to DUCrimR 49-2 with General Order 24-004
DUCrimR 12-1		Replaced cross-references to DUCrimR 49-2 with General Order 24-004
DUCrimR 17-1	Suspended	Referred to General Order 24-004
DUCrimR 17-2		In some sections of the rule, practitioners are referred to General Order 24-004
DUCrimR 32-1		In some sections of the rule, practitioners are referred to General Order 24-004
DUCrimR 41-1		In some sections of the rule, practitioners are referred to General Order 24-004
DUCrimR 49-2	Suspended	Referred to General Order 24-004
DUCrimR 53-1		Eliminated the rule because DUCivR 43-1 was eliminated

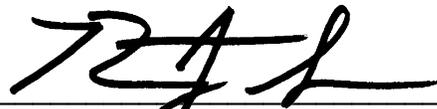
CRIMINAL RULE	RENUMBERED/SUSPENDED	CROSS-REFERENCE UPDATES
DUCrimR 57-5	Renumbered to DUCrimR 57-4	Updated cross-reference from DUCivR 83-5 to 83-4
DUCrimR 57-8	Renumbered to DUCrimR 57-5	Updated cross-reference from DUCivR 47-2 to 47-1
DUCrimR 57-11	Renumber to DUCrimR 57-6	
DUCrimR 57-12	Renumber to DUCrimR 57-7	Updated to include DUCivR 83-1.7
DUCrimR 57-13	Renumber to DUCrimR 57-8	
DUCrimR 57-14	Eliminated	
DUCrimR 57-15	Renumber to DUCrimR 57-9	
DUCrimR 57-16	Renumber to DUCrimR 57-10	

IT IS HEREBY ORDERED as follows:

- (1) the changes to the local rules are adopted;
- (2) the changes to the local rules are effective on December 1, 2024; and
- (3) the Clerk of Court will publish the updated rules to the Federal Bar for the District of Utah and post a copy on the court's [website](#) by December 1, 2024.

DATED this 1st day of December, 2024.

BY THE COURT:



ROBERT J. SHELBY
CHIEF UNITED STATES DISTRICT JUDGE