



LOCAL RULES AMENDMENTS 2022

03/01/2022

GLOBAL CHANGES	EXPLANATION OF AMENDMENTS
	• ECF to CM/ECF • conventionally vs. nonelectronically throughout • email to e-mail
CIVIL LOCAL RULES	EXPLANATION OF AMENDMENTS
Civil 1—General Rules	• 1.1(b)—Chapter II now incorporates LR 48.2. • 1.2(b)—Amended due to the closure of the Clerk’s office in the Helena courthouse. • 1.3(b)(6)—Deleted and addressed in LR 5.1. • 1.3(c)—Broadcasting. Exception has been added for Standing Order BMM-10 to facilitate the Court’s participation in the Judiciary’s District Court Audio Streaming Pilot Program. • 1.3(d)—Cameras and Personal Electronic Devices—personal electronic devices including tablets, cameras, phones, and laptop computers are now permitted in the courthouses of this District. • 1.4 Means of Filing—requires that administrative records be filed in CM/ECF to the greatest extent possible. • 1.4(b)(3)—added to reflect that self-represented litigants may file electronically through PACER. • 1.4(c)(1)—deleted and addressed in LR 5.1. • 1.4(c)(2)—deleted due to NextGen changes. • 1.5(A)(1)—added “no staples”.
Civil 3--Commencing an Action	• 3.1(b)(4) Patent, Trademark cases—clarifies the requirements of 15 U.S.C. § 1116(c). • 3.2 Venue. A provision has been added allowing the court to sua sponte change divisional venue when it is apparent from the pleadings that the case was not filed in the proper division to reflect standard practice. • 3.3(4) Removal and Remand—allows a non-removing party’s counsel to file appear for the limited purpose of seeking an extension to file a response or reply to pending motions.
Civil 4--Summons	• 4.1 Service of Process—Clerks will only issue summonses for pro se plaintiffs proceeding IFP if directed to do so by the court.



Civil 5—Serving and Filing Pleadings and Papers	• 5.1—New local rule which covers the filing of exhibits. It consolidates some of the sections of LR 1.3 and 1.4 and clarifies the filing of exhibits in accordance with the District’s Records Management plan. • 5.2(b)(2) Filing under seal—added sentence regarding submitting documents for in camera review. • 5.2(g)—added section on the filing of Highly Sensitive Documents (HSDs) to incorporate Standing Order BMM-9. • 5.3—revised section on address changes as attorneys now need to do this through PACER since NextGen has been implemented. • 5.4—Added section on emergency filings to incorporate Standing Order BMM 07.
Civil 7—Motions and Other Papers	• 7.1(c)—this rule now only applies to non-dispositive motions. • 7.1(d)(1)(B) and (C)— This amendment ensures all parties will have the full allotted number of days to respond or reply. • 7.1(d)(1)(D)—added remark regarding scheduling order since not all judges consider motions ripe at the close of the time for the response. • 7.1(e)—parties will no longer be directed to arrange for and pay the cost of video or telephone conferences. • 7.2(d) Motion Exhibits—deleted as it is covered by new LR 5.1.
Civil 11—Signing	• 11.1 Signatures--Subsection (b) requires a filing attorney’s visible endorsement on the document. • 11.2 Jointly Filed Documents—Rule amended to authorize an attorney and a self-represented litigant, for example, to file a proposed pretrial order without the need for hand signatures.
Civil 16—Pretrial Conferences; Scheduling; Management	• 16.5(b)(6) Alternative Dispute Resolution—names of mediators are listed on the website, so parties don’t need to call the clerk.
Civil 26—Discovery	• 26.2 Documents of Discovery—added language requiring discovery to comply with Fed. R. Civ. P. 5.2. This change emphasizes the requirement that redaction under Rule 5.2 lies with the parties filing the discovery including depositions.



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Civil 47—Selecting Jurors	• 47.1 Examining Jurors—clarifies sealing of juror names to make the civil rule consistent with criminal LR 55.1.
Civil 48—Jurors	• 48.1 Communications with trial jurors—Withdrawn • 48.2 Nondisclosure of Jurors’ Identities—new rule to prohibit the disclose of juror information.
Civil 54—Costs and Fees	• 54.1 Taxation of Costs—adds requirement that receipts etc. should be submitted with application for taxation of costs and sets forth a new procedure where the clerk’s office will approve costs if there are no objections, but judges will decide applications for costs where objections are filed.
Civil 56—Summary Judgment	• 56.1 Motion for Summary Judgment—clarifies that attorneys do not need to e-mail prisoners (56.1(a)(4)) and prisoners do not need to rewrite the statement of undisputed facts (56.1(b)(1)).
Civil 72—Magistrate Judges	• 72.2—changed to reflect that the new wheel management process no longer directly refers prisoner cases, habeas cases, etc. to a magistrate.
Civil 83—Rules Governing Attorneys and Representation	• 83.1 Attorney admission—multiple changes to clarify the admission process and due to the implementation of NextGen. Added requirements that must be an active member of the bar to apply (except law clerks) and that applicants must disclose whether they have ever had Rule 11 or Rule 37(b) sanctions. • 83.2 Standards of Conduct and Discipline—incorporated Appendix B into the rule. • 83.6(e) Appointment of Counsel. Clarifies the process for reimbursement of expenses. • 83.8 Self Represented Litigants—due to the transition to NextGen, pro se litigants will no longer be allowed to file by e-mail but they may still consent to electronic service.
CRIMINAL LOCAL RULES	EXPLANATION OF AMENDMENTS
CR 1--Scope	• 1.1—Rules Incorporated from Chapter I. Now incorporates LR 48.2.



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CR 16--Discovery	• 16.1—redrafted to comply with the Due Process Protection Act. • 16.4 Sensitive Material—added the CJA supervising attorney as an individual who may have access to sensitive documents.
CR24—Trial Jurors	• 24.2--Communications with Trial Jurors--<i>Withdrawn</i>
CR 32--Sentencing and Judgment	• 32.1(c)--Presentence Reports—reflects a long-standing practice that probation officers do not disclose their recommendation on the sentence to anyone but the court.
CR 47—Motions and Supporting Affidavits	• 47.1 Prerequisites to Filing a Motion—added “except for motions for appointment of counsel.” • 47.2(a) Briefing: This amendment ensures all parties will have the full allotted number of days to respond or reply. • 47.2(f)—added “Post-judgment motions are governed by the briefing schedule in subsection (a) unless the motion is docketed as a motion under 28 U.S.C. § 2255 or the Court issues an order regarding recharacterization of the motion under § 2255. Notwithstanding subsection (a), the Court may deny a post-judgment motion without awaiting a response.”
CR 55--Records	• 55.1(b)(2)—amended to preserve the secrecy of sealed indictments. • 55.1(b)(3)--added “After sentencing, and subject to subsection (1),” court staff may provide copies of other sealed documents filed with respect to a particular defendant to that defendant after sentencing.