CIVIL LOCAL RULES	EXPLANATION OF SUBSTANTIVE AMENDMENTS	Page #s in redline copy
1.1(b) Scope of Local Rules	(b) Chapter I governs civil proceedings. Chapter II, which incorporates this rule, L.R. 5.1, L.R. 11.1(b)-(d), L.R. 11.2, L.R. 47.1, L.R. 48.2, and portions of L.R. 83, governs criminal proceedings. Amendments become effective on the date set forth in the order adopting the amendments. *Rationale: Avoiding duplication between civil and criminal rules.*	1
1.3(b)(2) Records of the Court	(2) *Case Files.* Unless access is restricted or case files have been archived, documents and items filed in the record may be viewed at no cost at the clerk's office. Where feasible, copies may also be obtained for a fee. The electronic record is available ~~to~~for remote access through Public Access to Court Electronic Records ("PACER") ~~PACER~~ for a fee. Archived documents may be ordered for a fee from the National Archives and Records Administration (NARA). *Rationale: Stylistic change since this is the first time PACER is referred to in the Local Rules.*	3
1.3(d)(2) Cameras and Personal Devices—Prohibited Uses	(A) Photography, video recording, audio recording, broadcasting, and transmission of court proceedings ~~and courthouse spaces~~ are~~is~~ strictly prohibited. Photography, video recording, audio recording, broadcasting, and transmission of courthouse spaces are strictly prohibited unless specifically allowed by written order or permission of the District Executive/Clerk of Court. (B) Cameras, such as on mobile devices, may be brought into the courthouse but may not be used to take photographs or make any recordings in the courtrooms or other public spaces of the building.	5

	(C) The foregoing prohibitions do not apply to naturalization ceremonies, attorney admission ceremonies, or investiture ceremonies. By written order, a judge may lift the foregoing prohibitions for other ceremonial occasions. *Rationale: Clarifies that photography etc. of court proceedings is strictly prohibited in all circumstances and allows photography, etc. at attorney admission ceremonies.*	
1.4(b)(3) Means of Filing	~~(3) Self-Represented Litigants. Self-represented litigants may request to file electronically in civil cases through Public Access to Court Electronic Records ("PACER") by submitting a pro se e-filing registration form to the clerk of court's office. The clerk reserves the right to deny requests to file electronically. Once registered in PACER, the self-represented litigant waives their ability to file documents in paper form over the counter or through the mail. All filings by self-represented litigants must be done through PACER, by mail, or by in person delivery to the clerk's office.~~ *Rationale: This paragraph should be deleted as it is duplicative of L.R. 83.8(c).*	7
1.4(b)(4)— Means of Filing-- Technical Problems	(A) User's Problem. Technical problems on the user's end will not excuse untimely filing. Filers may~~must~~ consult the Guide for Filing in the District of Montana or call the help desk during business hours for assistance. *Rationale: Stylistic.*	7
NEW 3.3(a)(5) Removal and Remand-- Removal	Any notice of removal must include a specific listing of the parties named in the action, the parties who have been served in the action, and the parties who have appeared in the action.	13

	Rationale: When notices of removal are filed, sometimes it is unclear who the parties to the case are and whether they have been served.	
5.1(b)(1) Filing with the Clerk--Exhibits	(1) Identification. Exhibits must be identified and electronically filed so as to allow the court and the parties to locate easily and refer unambiguously to a specific page of a specific exhibit. Use of a short descriptive name in filing the exhibit, e.g., "Smith Aff." or "Range Rover Vehicle Registration," in the docket and in the text of the brief is required. In cases involving a large number of exhibits, a bookmarked PDF is allowable. Bookmarks within any such PDF must provide the exhibit number and a short description of the exhibit. Sealed documents and all exhibits/attachments thereto should be filed with the main document as a single PDF. *Rationale: Due to new national sealed document policies, it is easier to access sealed documents if they are filed as a single PDF.*	16
5.1(b)(1) Filing with the Clerk--Exhibits	(6) Digital Exhibits not Supported by CM/ECF. Electronic records in a format not supported by CM/ECF (e.g., audio files, video files, etc.) must be physically submitted to the clerk's office in the division of venue on a ~~DVD, CD, or~~ USB drive with a notice of filing. The clerk's office shall upload all such exhibits to a server maintained by the clerk's office and the docket shall reflect their location. ~~The DVDs, CDs, and/or~~ USB drives will not be returned and will not be maintained by the clerk's office. (7) Voluminous Documents. If the size of a document (such as an administrative record) exceeds the filing parameters set forth in the Guide for Filing in the District of Montana, the filing party may physically	17

	submit the filing to the clerk's office in the division of venue on a ~~DVD, CD, or~~ USB drive with a notice of filing explaining why the filing cannot be done in CM/ECF. The clerk's office shall file the notice of filing in CM/ECF, upload the voluminous documents to a server maintained by the clerk's office, and have the docket reflect their location. ~~The DVDs, CD, and/or~~ USB drives will not be returned and will not be maintained by the clerk's office. *Rationale: The Clerk's Office no longer utilizes DVDs or CDs.*	
NEW 5.1(c).	Certificates of Service. A certificate of service as defined in Fed. R. Civ. P. 5(d)(1)(B) is required when a sealed document is filed or a document is filed in a sealed case. Sealed documents cannot be served via CM/ECF. *Rationale: Due to new national sealed document policies, parties must serve sealed documents in a manner other than CM/ECF.*	18
5.3(a)(3)—Addresses for Service—Address Changes	(3) A self-represented party filing electronically must update any change in name, e-mail, mailing address, ~~law firm affiliation~~and/or telephone number through their PACER account. *Rationale: Self-represented parties do not have law firm affiliations.*	21
16.5 Alternative Dispute Resolution (a)Mediation and Evaluation	(a)(1) Pursuant to 28 U.S.C. §§ 651 et seq., the court encourages mediation and neutral evaluation as alternative dispute resolution ("ADR") procedures. Parties must consider using ADR procedures at an appropriate point in the litigation. Parties may engage in ADR with or without the assistance of the court. District judges, magistrate judges, and bankruptcy judges of this	38

	district are authorized to serve as neutrals and conduct or facilitate ADR processes. (A) Mediation is a non-binding process in which an impartial third party assists the parties in reaching an agreed settlement. A settlement conference is a mediation conducted by a judicial officer. A mediator may confer separately and privately with any party during a session. (B) Neutral evaluation is a non-binding process in which the parties present summaries of their cases to an evaluator, who assesses the parties' legal positions and provides them with an impartial evaluation of the case. The evaluator may help the parties identify areas of agreement, provide case planning guidance, and assist in negotiating a settlement. *Rationale: New guidance from the AO recommends the adoption of a local rule authorizing judges to serve as neutrals.*	
26.3(d) Original Discovery	(d) Original Discovery. Originals of responses to requests for admission or production and answers to interrogatories must be served upon the party who made the request or propounded the interrogatories, and that party must make such originals available for use by any other party at the time of any pretrial hearing or at trial. Likewise, the deposing party must make the original transcript of a deposition available for use by any party at the time of any pretrial hearing and at trial ~~or for filing with the court if so ordered~~. Unless otherwise ordered by the court, within ten days of the conclusion of a hearing or trial, a party must electronically file any deposition transcripts used or referred to pursuant to Fed.R.Civ.P 32.	46

	Rationale: The Local Rules do not specifically provide what to do with original deposition transcripts that are sealed in envelopes under FRCP 30(f) when the deposition is used at trial. FRCP 32(c) provides: *Form of Presentation. Unless the court orders otherwise, a party must provide a transcript of any deposition testimony the party offers, but may provide the court with the testimony in nontranscript form as well. On any party's request, deposition testimony offered in a jury trial for any purpose other than impeachment must be presented in nontranscript form, if available, unless the court for good cause orders otherwise.* *Currently, there is not a local rule that says the parties must file original deposition on the docket if the deposition is used at trial. In fact, the general rule is that they should not be filed unless they are used as an exhibit to a motion or the court orders that they be filed. Here are the relevant local rules:* a. ***Local Rule 26.2(a)*** *prohibits the routine filing of all discovery including depositions.* b. ***Local Rule 26.2(b)*** *requires the filing of discovery as an exhibit to any motion relating to the discovery.* c. ***Local Rule 26.3(d)*** *provides that: "the deposing party must make the original transcript of a deposition available for use by any party at the time of any pretrial hearing and at trial, or for filing with the court if so ordered."* *This proposal would clarify that process.*	

47.1(d) Examining Jurors—Electronic Record	**(d) Electronic Record.** The clerk's list of trial jurors' names and information must be sealed if filed in the record of the case. ~~If filed in the record of the case, the list of trial jurors' names, juror information, and any voir dire transcript containing jurors' names or other identifying information must be sealed.~~ Court reporters shall redact all juror names from any transcript filed in the record. If a prisoner requests a transcript of voir dire, the court will issue an order describing the terms of the prisoner's access to it. *Rationale: This rule change would allow for voir dire transcripts to be more publicly available and allow the redaction of juror names that may be elsewhere outside the voir dire portion of the transcript.*	49
72.2 Referral to Magistrate Judge	(a) **Referral on Filing of a New Case.** ~~Except as~~ Unless otherwise provided by order, all cases will be assigned to a magistrate judge upon filing and be subject to the consent election procedure set forth in L.R. 73.1, except: (1) motions under 28 U.S.C. § 2255; (2) petitions for writs filed by federal prisoners; (3) actions filed by pro se prisoners; (4) cases originating in the bankruptcy court; (5) complaints accompanied by a motion for a temporary restraining order or preliminary injunction under Fed. R. Civ. P. 65; (6) petitions brought pursuant to the Hague Convention; (7) civil forfeiture cases; (8) civil actions filed under 31 U.S.C. § 3729(a) (qui tam cases); (9) immigration detainee cases; (10) petitions to confirm arbitration awards; (11) motions or petitions to quash or enforce administrative summonses or subpoenas; and (12) cases governed by Appendix A of these rules.	60-61

	Rationale: Reorganized as a numbered list for readability and added additional case types that will assigned directly to Article III judges.	
78.2(b) Social Security Cases--Briefs	(b) Briefs. Principal briefs must be no longer than 6250 words and contain: (1) a statement of the issues presented for review; (2) a concise statement of the case setting out the facts relevant to the issues submitted for review, describing the relevant procedural history, and identifying the rulings presented for review, with appropriate references to the record; (3) the party's contentions and the reasons for them, with citations to the authorities and parts of the record on which the party relies; and (4) a short conclusion stating the precise relief sought.~~.; and~~ ~~(5) no more than 6250 words.~~ *Rationale: Stylistic.*	63-64
83.1(d)(4)(A) Attorney Admission and Appearance—Pro Hac Vice Appearance	(A) the applicant's state or territory of residence and office addresses, including firm name and telephone, ~~fax,~~ and e-mail contact information; *Rationale: Fax numbers are no longer required.*	67
83.6(b)(1) Appointment of Counsel	(b)(1) Counsel may be appointed on a pro se party's motion or on the court's own motion with the party's consent upon a finding of indigency or other exceptional circumstances justifying appointment. In social security disability cases, counsel will not be appointed unless the party acknowledges counsel is entitled to obtain compensation from any award of benefits.	80

	Rationale: Pro bono counsel will generally only be appointed if there is a finding of indigency or other exceptional circumstances.	
83.6(g) Appointment of Counsel--Screening	**(g) Screening**. Cases in which a party is proceeding without counsel and which have survived screening pursuant to 28 U.S.C. 1915(e)(2) and 28 U.S.C. 1915A shall be listed on the court's website and referred to the court's Pro Bono Panel to determine if a panel attorney is interested in entering an appearance in the matter. *Rationale: Codifies current practice and allows for more attorneys to see the available pro bono opportunities.*	81
83.8(a) Self-Represented Litigants	**(a) Personal Appearance.** -Any individual acting without an attorney must appear personally and may not delegate that duty to any other person who is not a member of the bar of this court. A self-represented person is bound by the federal rules and all applicable local rules. Sanctions, including but not limited to entry of default judgment or dismissal with prejudice, may be imposed for failure to comply with court ~~local~~ rules.	83
83.8(c) Self-Represented Litigants	**(c) Self-Represented Litigants**. -After initial pleadings are filed, all filings by self-represented litigants must be done through PACER, by mail, or by in-person delivery to the clerk's office. Self-represented litigants may request to file electronically in civil cases through PACER by submitting a pro se e-filing registration form to the clerk of court's office. -The clerk and/or presiding judge reserve the right to deny requests to file electronically and may revoke or suspend the electronic filing privileges of any electronic filer who fails to follow the court's filing rules or otherwise abuses their electronic filing privileges. ~~The clerk reserves the right to deny requests to file electronically.~~ Once registered in PACER, ~~the~~ self-represented litigants waive~~s~~ their ability to file documents in paper form over the counter	84

	or through the mail. ~~After initial pleadings are filed, Aall filings by self-represented litigants must be done through PACER, by mail, or by in- person delivery to the clerk's office.~~	
83.8(d) Self-Represented Litigants--Consent to Electronic Service Only.	(d) Except in attorney discipline ~~and social security~~ matters, a self-represented litigant may consent to have all future documents filed in their case sent to them via e-mail. The agreement must be in writing and signed by the litigant. The clerk may add terms and conditions other than those in this rule and ~~make~~ may revoke the agreement at any time. *Rationale: Self-represented litigants are able to file electronically in social security cases.*	84
CRIMINAL LOCAL RULES	**EXPLANATION OF AMENDMENTS**	**Page #s in redline copy**
CR 1.1 Rules Incorporated from Chapter I	Civil Local Rules 1, 5.1, 11.1(b)-(d), 11.2, 47.1, 48.2, and 83, except 83.3(b), 83.6, and 83.8(c)-(e), apply in criminal proceedings. *Rationale: Avoiding duplication between civil and criminal rules.*	85
CR 55.1 Matters Held Under Seal—(d)(1)(6) Sealed Items	~~(6) transcripts of voir dire, if filed, unless jurors' names or other identifying information are not used;~~ *Rationale: Civil Rule 47.1 is incorporated into criminal rules so this section is unnecessary.*	111