



# District of Oregon Local Rules Update April 26, 2012

**Presented by the Oregon Chapter of the Federal Bar Association and the Clerk's Office, United States District Court for the District of Oregon**

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## Divisions of Court: LR 3-2

- Requirement that division assignment be identified is now limited to case initiating documents
- Clerk now adds division codes to beginning of case numbers, *e.g.*,
  - **1:12-cv-00707-PA** (Medford)
  - **2:12-cv-00125-SU** (Pendleton)
  - **3:12-cv-00706-BR** (Portland)
  - **6:12-cr-00192-AA** (Eugene)

## Efiling new cases required: LR 5-1(a)

- Beginning May 1, Registered Users of the Court's CM/ECF system must open new civil cases electronically via CM/ECF. Standing Order No. 2013-3.
- Clerk's Office will issue process and related documents electronically upon electronic filing. *See* LR 16-1.

Paper copies only necessary when required by Court or for dispositive motions/injunctions: LR 5-1(a) , 100-7

- Registered Users need only provided judge' s copies as required by LR 100-7.
- Non-Registered Users no longer need to provide an additional paper copy of all paper filings, except as required by LR 100-7.

Stipulated orders or judgments may be emailed to  
Court: LR 5-1(f)

- Although the default rule remains that proposed orders are not filed with motions, etc., proposed orders or judgments that have been stipulated to by the parties or requested by the Court may be emailed to chambers.
- New Practice Tips 3 and 4 to LR 5-1 provide formatting instructions and e-mail addresses.

## Redactions responsibility of filing party: LR 5.2

- Parties are responsible for making redactions in filings, in compliance with Fed. R. Civ. P. 5.2.

Word-count limits: LR 7(b), 10-6, 26-3(b), 54-1(c), 54-3(e), 100-7

- Litigants may now comply with size limitations for briefs by word count, or by number of pages.
- When word count is used, briefs should include a certificate of compliance such as that provided at LR 7-2(b)(2).

## Chart for Page and Word-Count Limits: LR 10-6

Document	Page or Word-Count Limits	Local Rule	Comment
Memoranda			
Attorney Fees	10 pages / 3,000 words	LR 54-3(e)	
Bill of Costs	10 pages / 3,000 words	LR 54-1(c)	
Discovery Motions	10 pages / 3,000 words	LR 26-3(b)	Exclusive of Exhibits
Non-Discovery Motions	35 pages / 11,000 words	LR 7-2	Exclusive of Exhibits
Concise Statement of Material Fact	5 pages / 1,500 words	LR 56-1	Filed only upon request of the Court.
State Court Record for Capital Habeas Case	250 pages	LR 81-3(i)(3)(c)	per volume



## Judicial settlement conferences: LR 16-4(e)(1)

- For settlement conferences before a judge of the Court, “[t]he assigned judge will not conduct the settlement conference unless all of the parties in the action jointly initiate a request that the assigned judge do so.”

## Proposed forms of protective order: LR 26-4

- Two forms of protective order have now been adopted, one with “attorney’s eyes only designation” and one without.

## LR 26-4, Practice Tip

- “Issues related to protective orders are handled under F.R.C.P. 26(c). Relevant case law includes *Foltz v. State Farm*, 331 F.3d 1122 (9th Cir. 2003), *Kamakana v. U.S.*, 447 F.3d 1172 (9th Cir. 2006), and *Phillips v. Byrd*, 307 F.3d 1206 (9th Cir. 2002). Parties may amend or supplement the form order as necessary to meet the specific needs of their case, *e.g.*, to address issues regarding the Privacy Act, 5 U.S.C. Sec. 552a. (See form "Stipulated Protective Order.")”

# Adapt forms to show good cause

- “The parties agree that good cause exists to protect the confidential nature of [] information...[which] concerns *[insert detailed statement explaining why the parties, claims or facts at issue create a need for a protective order]*. The parties expect to exchange documents and information relating to *[insert detailed statement describing the confidential or proprietary nature of the documents/ information]*. The parties agree that the entry of this Stipulated Protective Order ... is warranted to protect against disclosure of such documents and information.”

## Summary Judgment Motions and Evidentiary Objections: **LR 56-1(b)** -

- Evidentiary objections raised in summary judgment briefing are subject to the LR 7-1(a) conferral certification.

## LR 77-5 - Substituting a Copy of an Exhibit or Transcript

- This rule, which allowed parties to file a copy of a document, has been deleted since documents are electronically filed.

## LR 83-3(e) - Notices to *Pro Hac Vice* Counsel

- Because pro hac vice counsel can now register as CM/ECF users and receive all filing electronically, the Clerk will no longer mail copies to pro hac vice counsel.

## LR 83-3(e) - Reminders to the Court on matters under advisement

- Matters that have been under advisement for more than 60 days are subject to a requirement that “the parties must jointly send the assigned judge a letter or send an email to the appropriate courtroom deputy clerk describing the matter and stating when it was taken under advisement.”



## LR 100-2 - Format of Mandatory Electronic Filing

- All pleadings and documents filed through the CM/ECF system must be filed as text-searchable PDFs, absent a contrary court order.
- The online User's Manual provides information about formatting.

# LR 100-7 - Judge's Copy Requirements

- Judge's copies now required only for:
  - Dispositive motions (civ.)
  - Motions in limine, dismissal, suppression (crim.)
  - Motions for injunctive relief (civ./crim.)
  - Social security administrative records (civ.)
  - Any other documents (including all related documents) that, in the aggregate, are more than 10 pages (civ./crim.)
- Check with judge

# Additional Resources

- District Court Website <http://www.ord.uscourts.gov/>
- Online PACER training [www.pacer.gov/pes/training](http://www.pacer.gov/pes/training)
- PACER User Manual  
[www.ord.uscourts.gov/en/about-e-filing/cm-ecf-and-pacer](http://www.ord.uscourts.gov/en/about-e-filing/cm-ecf-and-pacer)
- Kathyn Mary Pratt, *2012 District of Oregon Local Rules of Civil Procedure Annotated*
- Pratt Legal Publishing, <http://www.prattlegalpublishing.com/>

Questions?

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