U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
AUG 14 2009
CLERK, U.S. DISTRICT COURT
By _____ Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

Special Order No. 2-72

1. The District Judges of this Court have considered and adopted the attached amendments to the following local civil, criminal, and bankruptcy rules: LR 5.1(f), 6.1, 7.1(e) and (f), 16.4, 26.2(a), (b), and (c), 52.1, 53.1(b) and (c), 72.1(b) and (c), 72.2(c), 81.2, and 83.10(a); LCrR 16.1(a) and (b), 23.1, 30.1, 45.1, 47.1(e), 49.2(g), 49.6, 57.10(a), 59.1(b), and 59.2(b); and LBR 8006.2(a), 8006.3(a) and (b), and 8009.1(a), (b), and (c).

2. Unless modified after receipt of public comment, these rules take effect on December 1, 2009 and apply to all proceedings in civil and criminal actions and bankruptcy appeals thereafter commenced and, insofar as just and practicable, all proceedings in civil and criminal actions and bankruptcy appeals then pending.

3. Any person who desires to comment on any of these rules may do so by submitting written comments to:

Clerk of Court
United States District Court for the Northern District of Texas
Attention: 2009 Time-Computation Rules Amendments
1100 Commerce Street, Room 1452
Dallas, Texas 75242-1495

The deadline by which the Clerk must receive comments is October 5, 2009.

4. The Clerk of Court is directed to make the necessary distribution.

SO ORDERED.

August 14 , 2009.

SIDNEY A. FITZWATER
CHIEF JUDGE

2009 PROPOSED
TIME-COMPUTATION
LOCAL CIVIL RULES AMENDMENTS

New material in an existing rule is redlined, and deleted material is ~~stricken out~~.

LR 5.1 Filing and Serving Pleadings, Motions, or Other Papers.

* * *

(f) Registration as an ECF User Required. Unless excused for cause, an attorney—other than a prisoner pro se party—must register as an ECF user within ~~ten~~ 14 days of the date the attorney appears in a case, following the registration procedures set forth in the ECF Administrative Procedures Manual.

LR 6.1 Time Deemed Filed.

A pleading, motion, or other paper that is filed by electronic means before midnight central time of any day will be deemed filed on that day. A pleading, motion, or other paper that is filed on paper before the clerk's office is scheduled to close on any day will be deemed filed on that day.

LR 7.1 Motion Practice.

* * *

(e) Time for Response and Brief. A response and brief to an opposed motion must be filed within ~~20~~ 21 days from the date the motion is filed.

(f) Time for Reply Brief. Unless otherwise directed by the presiding judge, a party who has filed an opposed motion may file a reply brief within ~~15~~ 14 days from the date the response is filed.

LR 16.4 Pretrial Order.

Unless otherwise directed by the presiding judge, a pretrial order must be submitted to the presiding judge at least ~~10~~ 14 days before the scheduled date for trial. All attorneys are responsible for preparing the pretrial order, which must contain the following:

* * *

LR 26.2 Exchanging Exhibits, Exhibit Lists, and Witness Lists; Designating Deposition Excerpts.

(a) Exchanging Exhibits. All exhibits that a party intends to offer at trial, except those offered solely for impeachment, must be marked with gummed labels or tags that identify them by the exhibit number under which they will be offered at trial, and must be exchanged with opposing parties at least ~~3~~ 14 days before the scheduled date for trial. When practicable, a copy of such exhibits must be furnished to the presiding judge at a time and in a manner prescribed by the presiding judge.

(b) Exchanging Exhibit and Witness Lists. At least ~~3~~ 14 days before the scheduled trial date, the parties must file with the clerk and deliver to opposing parties and the court reporter, separate lists of exhibits and witnesses, except those offered solely for impeachment.

(c) Designating Deposition Excerpts. The parties must designate, in lists delivered to opposing parties and filed with the clerk at least ~~3~~ 14 days before the scheduled trial date, the portions of any depositions to be offered at trial.

LR 52.1 Proposed Findings in Nonjury Cases.

Unless otherwise directed by the presiding judge, at least ~~3~~ 14 days before trial in all nonjury cases, each party must file with the clerk and serve on opposing parties proposed findings of fact and conclusions of law. The parties must submit such amendments to the proposed findings of fact and conclusions of law as the presiding judge directs.

LR 53.1 Briefing Practice for Objections and Motions Concerning Orders, Reports, and Recommendations of Masters.

* * *

(b) Response Brief. A response brief to objections or a motion filed under Fed. R. Civ. P. 53(f)(2) must comply with LR 7.2 and be filed within ~~20~~ 21 days from the date the objections or motion is filed.

(c) Reply Brief. Unless otherwise directed by the presiding judge, a party who files objections or a motion under Fed. R. Civ. P. 53(f)(2) may file a reply brief within ~~15~~ 14 days from the date the response brief is filed. The brief must comply with LR 7.2.

LR 72.1 Briefing Practice Concerning Objections to Magistrate Judge Orders in Nondispositive Matters.

* * *

(b) Response Brief. A response brief to objections filed under Fed. R. Civ. P. 72(a) must comply with LR 7.2 and be filed within ~~20~~ 21 days from the date the objections are filed.

(c) Reply Brief. Unless otherwise directed by the presiding judge, a party who files objections under Fed. R. Civ. P. 72(a) may file a reply brief within ~~15~~ 14 days from the date the response brief is filed. The brief must comply with LR 7.2.

* * *

LR 72.2 Briefing Practice Concerning Objections to Magistrate Judge Recommendations on Dispositive Motions and Prisoner Petitions.

* * *

(c) Reply Brief. Unless otherwise directed by the presiding judge, a party who files objections under Fed. R. Civ. P. 72(b)(2) may file a reply brief within ~~10~~ 14 days from the date the response brief is filed. The brief must comply with LR 7.2.

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LR 81.2 Certificate of Interested Persons.

Within ~~20~~ 21 days after the notice of removal is filed, the plaintiff shall file a separately signed certificate of interested persons that complies with LR 3.1(c) or 3.2(e). If the plaintiff concurs in the accuracy of another party's previously-filed certificate, the plaintiff may adopt that certificate.

LR 83.10 Requirement of Local Counsel.

(a) Local Counsel Required. Unless exempted by LR 83.11, local counsel is required in all cases where an attorney appearing in a case does not reside or maintain an office in this district. "Local counsel" means a member of the bar of this court who resides or maintains an office within 50 miles of the division in which the case is pending. Attorneys desiring to proceed without local counsel must obtain leave from the presiding judge. If the request for leave is denied, written designation of local counsel must be filed within ~~10~~ 14 days of the denial.

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2009 PROPOSED
TIME-COMPUTATION
LOCAL CRIMINAL RULES AMENDMENTS

New material in an existing rule is redlined, and deleted material is ~~stricken out~~.

LCrR 16.1 Exchanging Exhibits, Exhibit Lists, and Witness Lists.

(a) Exchanging Exhibits. All exhibits, except those offered solely for impeachment, that a party intends to offer at trial, must be marked with gummed labels or tags that identify them by the exhibit number under which they will be offered at trial, and must be exchanged with opposing parties at least ~~3~~ 14 days before the scheduled date for trial. When practicable, a copy of such exhibits must be furnished to the presiding judge.

(b) Exchanging Exhibit and Witness Lists. At least ~~3~~ 14 days before the scheduled date for trial, the parties must file with the clerk and deliver to opposing parties and the court reporter, separate lists of exhibits and witnesses, except those offered solely for impeachment.

LCrR 23.1 Proposed Findings in Nonjury Cases.

Unless otherwise directed by the presiding judge, at least ~~3~~ 14 days before trial in all nonjury cases, parties must file with the clerk and serve on opposing parties proposed findings of fact and conclusions of law. The parties must submit such amendments to the proposed findings of fact and conclusions of law as the presiding judge directs.

LCrR 30.1 Requested Jury Charge.

Unless otherwise directed by the presiding judge, at least ~~3~~ 14 days before trial, each party must file with the clerk and serve on opposing parties the requested jury charge, including instructions. The requested instructions should cite the authorities relied on.

LCrR 45.1 Time Deemed Filed.

A pleading, motion, or other paper that is filed by electronic means before midnight central time of any day will be deemed filed on that day. A pleading, motion, or other paper that is filed on paper before the clerk's office is scheduled to close on any day will be deemed filed on that day.

LCrR 47.1 Motion Practice.

Unless otherwise directed by the presiding judge, motion practice is controlled by subsection (h) of this rule. In addition, the parties must comply with the following:

* * *

(e) Time for Response and Brief. A response and brief to an opposed motion must be filed within ~~10~~ 14 days from the date the motion is filed.

LCrR 49.2 Filing and Serving Pleadings, Motions, or Other Papers.

* * *

(g) Registration as an ECF User Required. Unless excused for cause, an attorney—other than a prisoner pro se party—must register as an ECF user within ~~ten~~ 14 days of the date the attorney appears in a case, following the registration procedures set forth in the ECF Administrative Procedures Manual.

LCrR 49.6 Requirement of Paper Copies of Certain Electronically-Filed Documents.

When a charging document—including a complaint, information, indictment, or superseding indictment—or any document signed by a criminal defendant is submitted by electronic means, the attorney who submitted the document must deliver an original, signed paper document to the clerk within ~~three~~ 7 days.

LCrR 57.10 Requirement of Local Counsel.

(a) Local Counsel Required. Unless exempted by LCrR 57.11, local counsel is required in all cases where an attorney appearing in a case does not reside or maintain an office in this district. "Local counsel" means a member of the bar of this court who resides or maintains an office within 50 miles of the division in which the case is pending. Attorneys desiring to proceed without local counsel must obtain leave from the presiding judge. If the request for leave is denied, written designation of local counsel must be filed within ~~10~~ 14 days of the denial.

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LCrR 59.1 Briefing Practice Concerning Objections to Magistrate Judge Orders in Nondispositive Matters.

* * *

(b) Response Brief. A response brief to objections filed under Fed. R. Crim. P. 59(a) must comply with LCrR 47.2 and be filed within ~~10~~ 14 days from the date the objections are filed.

LCrR 59.2 Briefing Practice Concerning Objections to Magistrate Judge Recommendations on Dispositive Motions.

* * *

(b) Response Brief. A response brief to objections filed under Fed. R. Crim. P. 59(b)(2) must comply with LCrR 47.2 and be filed within ~~10~~ 14 days from the date the objections are filed.

2009 PROPOSED
TIME-COMPUTATION
LOCAL BANKRUPTCY RULES AMENDMENTS

New material in an existing rule is redlined, and deleted material is ~~stricken out~~.

LBR 8006.2 Duty of Parties to Provide Copies of Items for Inclusion in the Record.

(a) A party who, pursuant to Fed. R. Bankr. P. 8006, has designated items for inclusion in the record on appeal shall provide copies of the designated items to the clerk of the bankruptcy court within ~~20~~ 14 days of filing the designation. A party who has designated a transcript of any proceeding or part thereof shall provide the clerk a copy of the transcript within ~~5~~ 7 days of the date the reporter files the transcript in accordance with Fed. R. Bankr. P. 8007(a). A bankruptcy judge or, by delegation from that judge, the clerk of the bankruptcy court, may for good cause grant reasonable extensions of the deadlines prescribed by this rule.

* * *

LBR 8006.3 Duty of Bankruptcy Clerk When Party Fails to Provide Copies of Designated Items; Prepayment Requirement.

(a) If a party who has designated items for inclusion in the record on appeal fails to provide copies of the items designated to the clerk of the bankruptcy court within the time prescribed by LBR 8006.2(a), the clerk shall, subject to subpart (b) of this rule, prepare the party's part of the record in accordance with Fed. R. Bankr. P. 8006 ~~and LBR 8006.2~~.

(b) The party must prepay the clerk's costs of preparing the party's part of the record, according to the fees prescribed by law. If the party fails to make the required prepayment within ~~10~~ 7 days of receipt of notice of the required amount, the bankruptcy clerk is excused from the obligations imposed by Fed. R. Bankr. P. 8006 and subpart (a) of this rule. When the record is transmitted to the district clerk, the clerk of the bankruptcy court shall note the party's failure to make the required payment as the reason for not including the party's designations in the record on appeal.

LBR 8009.1 Deadlines for Filing Briefs.

(a) The appellant shall serve and file a brief within ~~20~~ 21 days after entry of the appeal on the docket pursuant to Fed. R. Bankr. P. 8007.

(b) The appellee shall serve and file a brief within ~~20~~ 21 days after service of the brief of the appellant.

(c) The appellant may serve and file a reply brief within ~~15~~ 14 days after service of the brief of the appellee, and if the appellee has cross-appealed, the appellee may file and serve a reply brief to the response of the appellant to the issues presented in the cross-appeal within ~~15~~ 14 days after service of the reply brief of the appellant.