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UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS
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February 8, 2017

**OPPORTUNITY FOR PUBLIC COMMENT ON REVISION OF
THE CIVIL LOCAL RULES**

The U.S. District Court for the Northern Mariana Islands is soliciting comments on proposed revisions to its Civil Local Rules, which will be renamed “Local Rules” and will govern practice in this court. The public and the bar are encouraged to submit any comments and suggestions on the proposed revisions as soon as possible. Comments and suggestions must be received no later than **Monday, March 13, 2017**.

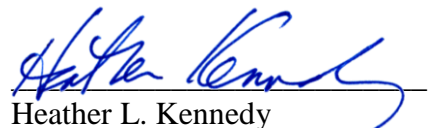
Comments and suggestions can be submitted electronically to:
usdcnmi@nmid.uscourts.gov

Alternatively, hard copy of comments and suggestions may be submitted in person or by mail to:

Hon. Heather L. Kennedy
United States District Court for the Northern Mariana Islands
P.O. Box 500687
Horiguchi Building, 2nd Floor
123 Kopa Di Oru Street
Beach Road, Garapan
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The proposed revisions are so extensive that a redline comparison to the prior version is entirely unhelpful and is therefore not provided. Attached is a summary of the proposed revisions. This summary and the Court’s proposed Local Rules and the existing Civil Local Rules are available on the Court’s public website at <http://www.nmid.uscourts.gov/>.

The court anticipates that the new Local Rules, including any revisions following the public comment period, will take effect on Monday, May 1, 2017.


Heather L. Kennedy
Clerk of Court/Magistrate Judge

Commentary on 2017 Proposed Revisions to the Civil Local Rules

The United States District Court for the Northern Mariana Islands is proposing extensive revisions to its Civil Local Rules (“Rules”). The proposed revisions are so extensive that a redline comparison to the prior version is entirely unhelpful and is therefore not provided. This is a summary of the proposed revisions.

In accordance with 28 U.S.C. § 2071(a), the Court is giving the public and the bar notice of these proposed changes and an opportunity for comment. A thirty-day notice-and-comment period is now open and will continue through **Monday, March 13, 2017**.

These Rules will be renamed “Local Rules” and will govern practice in this court. Throughout the Rules, language has been amended as part of the general restyling of federal rules to make them more easily understood, achieve greater consistency in terminology, and respond to changes in technology. For example, “papers” has been changed to “documents.” These changes are intended to be stylistic only.

Also, most time periods and deadlines have been modified to be multiples of seven days (one full week). For example, case management conference statements will be due seven days before the CMC, instead of five days.

Former LR 1.1(c) and (d) have been combined in proposed LR 1.1(c).

LR 1.1(c): “If any local rule is or becomes in conflict with a federal rule or statute, the federal rule or statute applies.” This replaces similar language formerly in headnotes to Parts III (Pleadings and Motions) and V (Depositions and Discovery).

LR 1.3: Changes clarify the Court’s authority to impose sanctions for violations of the Rules or the Court’s orders.

LR 5.1: Formerly LR 5.1a.

LR 5.2. Formerly LR 5.2a. Its ten lettered paragraphs have been consolidated into seven lettered paragraphs.

Former LR 5.2a(a) has been deleted. Its substance is incorporated in other rules.

LR 5.2(a): “The text of all documents filed in CM/ECF must be searchable, in conformity with Appendix A.3 of these Rules.” This addition to the rule on “General Format” of documents emphasizes a provision formerly only in Appendix A and not in the main body of the Rules.

LR 5.2(b): “If a cited case or other authority is not available on LexisNexis or Westlaw, the citing party must attach a copy of the authority to the pleading as an exhibit.” This rule acknowledges that in federal practice, electronic databases have largely replaced hardcopy, and that the Court’s Chambers law library is no longer updating published Reporters.

LR 5.2(c): Counsel identification will now include bar identification number and e-mail address, and the requirement of a fax number has been eliminated.

Former LR 5.2a(h) has been deleted. Because of the widespread availability of electronic filing outside regular business hours, the drop box at the Clerk’s Office is being eliminated.

LR 5.2(f), “Information to Be Redacted”: The list of categories of information to be redacted has been deleted. Instead, users are directed to Fed. R. Civ. P. 5.2 and Appendix A.14, which list the categories.

LR 5.2(g), “Deficiency Notice”: This is a new rule. The docket clerks will be reviewing all filings for compliance with format requirements, alerting parties to deficiencies in filings, and requiring parties to correct the deficiencies promptly.

LR 5.2 (formerly LR. 5.5): Expanded to filing by e-mail as well as by fax. Pro se parties and attorneys without CM/ECF access rights for sealed matters may now file by e-mail.

LR 6.1: New rule, stating that Fed. R. Civ. P. 6(a) “will govern computation of time under these Local Rules.” This does not represent a change in the Court’s practice.

LR 7.1(a)(3): Creates a category of “non-hearing motions” that the Court will decide on the briefs, without a hearing, unless a party specifically requests a hearing or the Court on its own determines to set one.

LR 7.1(b)(3): Along with proposed LR 16.5(h)(5), creates standards for submitting translations of documents in foreign languages.

LR 7.1(b)(4): Requires that proposed orders be sent to the Court electronically in an editable format.

LR 7.1(c): Makes several changes in the timing of motions hearings and briefings. The changes have three purposes: (1) to make it easier to calculate when the hearing will be held and when the opposition and reply briefs are due; (2) to allow sufficient time after the reply deadline for the court to properly prepare for the hearing; and (3) to eliminate disparities in the time permitted for a response depending on the day of the week when a motion was filed. The hearing will normally be “on the first Thursday not less than thirty-five (35) days after the motion is filed.” The opposition will be due fourteen (14) days after the motion is served; the reply will be due seven (7) days after the opposition is served.

LR 7.1(d): New language that aids the Court in enforcing page limitations and prevents parties from circumventing those limits by reducing the size of type, margins, and line space and reduces the table of contents and authorities requirement from 15 to 10 pages.

LR 7.1(e): Simplifies the rule on continuance of scheduled motions and gives the parties and the Court more flexibility.

LR 7.1(f): Specifies when requests to extend the time for briefing must be accompanied by a request to continue the hearing date, and discourages making extension requests after time has already expired.

LR 7.1(g): “Emergency Ex Parte Motions” has been taken out of LR 7.1(f) and now stands on its own. The purpose is to make it clear that this procedure applies to *all* emergency ex parte motions, not only last-minute motions to shorten or extend time.

LR 7.2 (formerly LR 7.4): “A stipulation must be in writing and signed by all affected parties.” This change distinguishes a stipulation from an unopposed motion.

The former LR 16.CJ series of rules has been extensively reorganized and the “CJ” suffix has been dropped. The descriptions of case management events formerly found in an initial “Definitions” section have been moved into the body of the LR 16 rules. The revision leaves most of the substantive provisions for case management, track assignment, and pretrial practice intact.

LR 16.2(a): This rule establishes specific time frames for the case management scheduling conference (CMC) and related orders. No later than 42 days after the complaint has been filed, the court will issue an order setting a CMC, which will take place “approximately thirty-five (35) days after the order is issued.” This change will ensure that the timeline set for the CMC order in Fed. R. Civ. P. 16(b)(2) is met.

LR 16.3: New rule with details regarding the contents of the case management scheduling order. This rule encapsulates the court’s current practice. LR 16.4: New rule regarding alternate dispute resolution which expands on the content of former LR 16.2CJ(e)(5) and allows for an early dispute resolution conference if requested by the parties or ordered by the court.

LR 16.2(b): The pre-CMC requirement has been modified to conform with the timing set forth in Fed. R. Civ. P. 26(f).

LR 16.5(a)(5): This is a new rule on the preparation and submission of English language translations of non-English language documents. Its purpose is to ensure that reliable translations are offered as exhibits and to provide a reasonable opportunity for the opposing party to inspect and respond to proffered translations.

LR 16.8: The time when parties must be present in court before trial begins on trial days is shortened from 30 minutes to 15 minutes.

Former LR 16.11CJ, which provided a process for non-binding summary jury trials, has been removed because the process has not been used in many years and is less cost-effective than other forms of alternate dispute resolution utilized in this court.

LR. 26.2: This rule on resolution of discovery disputes replaces former LR 16.2CJ(d)(1) and substantially revises the procedure, including establishing that the meet and confer obligation may not be met by e-mail or written correspondence alone and affording the parties an opportunity to resolve their differences by an informal telephone conference with the court.

Former LR 33.1, requiring that space be left after each interrogatory question, has been deleted as unnecessary in electronic documents.

Part IX, “Proceedings Before Magistrate Judges” (LR 72.1–4), is new. It sets forth the authority of magistrate judges, the method for assignment of matters to magistrate judges, and procedures for consenting to magistrate judge jurisdiction and objecting to magistrate judge orders, reports and recommendations.

LR 79.1, “Custody of Files and Exhibits”: Revised to clarify the procedure for removing or otherwise disposing of exhibits at the conclusion of the case.

LR 79.2, “Filing of Documents Under Seal”: This new rule establishes a procedure for requesting leave to file a document under seal, lists the types of documents that may be filed under seal without a court order, and describes the conditions under which sealed documents will be unsealed.

LR 79.3, “Use of Jury Electronic Evidence Presentation System”: This new rule describes the system for presentation of evidence electronically that is currently in use in jury trials and the procedures for parties to follow in preparing electronic exhibits.

LR 83.2: This is an extensive revision of the current LR 83.2 on cameras in the courtroom. Its purpose is to respond to changes in recording and communication technology, permitting some uses of smartphones and similar technology while maintaining courtroom security and the dignity of court proceedings.

LR 83.4: This rule on appearances in court expands on the obligations of pro se litigants (persons appearing without an attorney), appearances by phone or video, the conditions for substitution of counsel and withdrawal from a case, and proper courtroom attire (formerly included in LR 83.3).

LR 83.5: The revisions to this rule change the temporary admission requirements to include payment of an admission fee as required by U.S. Judicial Council Policy; clarify the local counsel and pro hac vice requirements; and authorize the court to establish a nominal renewal fee to ensure that the court’s roll of attorneys is accurate and current.

Appendix A: Allows for the filing of some documents by e-mail or flash drive and expands the size of documents that may be filed in CM/ECF to 5 megabytes.

Index: Removed because the sections in the new local rules will be linked to the table of contents and the document will be word searchable.