

Rule Change Summary
Civil and Criminal Rules Effective 5/1/2017

Local Civil Rule	Description	Change
5.1	Additional Copies For Court Use	This rule was modified to reflect preferences for courtesy copies that are different than LR 5.1. Judges preferences are accessible from the Court's Judicial Preferences Summary web page.
5.3(b)	Registration for Electronic Filing	Section (b) was modified to allow consenting non-prisoner pro se parties to receive electronic notices from CM/ECF.
5.3(d)	Filing and Service of Civil Case Opening Documents	This rule was modified to clarify the procedures for submitting summonses and proposed temporary restraining orders.
5.3(f)	Entry of Court Orders	A reference to the CM/ECF User's Manual was corrected to the CM/ECF Administrative Policies and Procedures Manual. The clerk e-mail address was specified for submitting proposed temporary restraining orders in new cases.
5.4	Filing Documents Under Seal	Sentencing memorandums and unexecuted search warrants were added to the list of items that can be filed under seal without a motion to seal.
7.1(a)	Form of Pleadings and Papers	This rule was modified to require handwritten documents to be double spaced.
7.1(b)	Form of Pleadings and Papers	The requirement to use the heading format in the FRCP Appendix of Forms was deleted, because the Appendix of Forms was abrogated in the 2015 Federal Civil Rule Amendments.
7.1(d)	Form of Pleadings and Papers	The last sentence of this rule, which requires prisoners to provide additional copies of complaints for use by the Court and service on defendants, was deleted. These copies are no longer required by the Clerk's Office.

Local Civil Rule	Description	Change
7.3(d), 56.1(c), 72.4	Motion Practice; Summary Judgment Motions; Objections and Responses to Recommendations	<p>Maximum page limits for computer generated documents were replaced by a maximum word count for filers creating documents with computers. Using different types of fonts permissible under LR 7.1(a) can lead to significant variations in the number of pages. A word count gives filers the ability choose font that is easiest to read rather than what can put the most words on a page.</p> <p>The number of allowable words was calculated after referring to Federal Rule of Appellate Procedure. FRAP 32 currently allows a maximum of 30 pages or 14,000 words and will be reduced to 30 pages or 13,000 words on 12/1/16. The proposed word count of 9,000 words instead of 20 pages approximates the middle of the current and future appellate count.¹</p>
7.3(e)	Motion Practice – Movant’s Supporting Documents and Briefs	Clarify that supporting documents can be added to motions or briefs.
7.3(f) and (h)	Motion Practice – Responses and Replies	The time set for filing responses and replies to discovery motions is shortened to 14 and 7 days.
7.4	Ex Parte Motions	The last two sentences of the rule were deleted. A motion requesting permission to file an ex parte motion should not include the ex parte motion as an attachment. The ex parte motion should be filed as a separate sealed event.
11.1 (new)	Persons Appearing <i>Pro Se</i> in Civil and Criminal Cases	This rule requires <i>pro se</i> litigants to keep the Court advised of any address changes.

¹ The calculation for the 9,000 word count can be made by finding the halfway point between the current and future appellate rule ((14,000 words +13,000 words)/2 = 13,500) and multiplying the result by the ratio of the local rule page count to the appellate rule page count (20 pages/30 pages = .66667). The full formula is (14,000+13,000)/2 times .66667 = 9,000.

Local Civil Rule	Description	Change
16.1	Requirement for Initial Pretrial Order	<p>This rule was modified to exempt cases where all defendants are <i>pro se</i> from the timing and sequence of discovery provisions under Rule 26(d).</p> <p>The rule was clarified to specify that for cases involving <i>pro se</i> parties, discovery shall not commence prior the entry of an initial scheduling order.</p> <p>For cases where the plaintiff is <i>pro se</i>, parties are instructed that they may file Rule 26(f) reports.</p>
16.2 and 16.3	Rule 26(f) Reports	<p>These rules were modified to require parties to discuss postponing or limiting discovery when there is a pending dispositive motion. See proposed modifications to LR 26.1 below for further detail.</p>
26.1	Differentiated Case Management and Discovery	<p>Rule 26.1(a) was modified to require parties to address in their 26(f) reports whether there is any reason to delay or postpone discovery. The most common example would occur when there is a pending motion that could dispose of the entire case or of significant issues.</p> <p>Section (a) was also modified to clarify that the discovery start time in the three case management tracks begins to run on the date specified in the initial pretrial order.</p>
26.2(e)	Protective Orders	<p>Section (e) was added to specify that responses to motions for protective orders are due within 14 days, and replies to responses are due within 7 days.</p>
37.1(a)	Motions to Compel Discovery	<p>Section (c) was added to specify that responses to motions to compel discovery are due within 14 days, and replies to responses are due within 7 days.</p>
40.1(c)	Final Pretrial Preparation	<p>A word count limit for trial briefs comparable to the motion briefing limits was added to this rule.</p>

Local Civil Rule	Description	Change
67.1	Deposit and Disbursement of Registry Funds	This rule has been changed to give procedures for depositing registry funds. Unless otherwise ordered, all registry funds will be deposited with the Treasury using the Court Registry Investment System (CRIS) administered by the Administrative Office of the U.S. Courts.
83.1(b)	Attorneys – Eligibility and Admissions	This rule was changed to clarify that admittance orders or certificates of good standing from neighboring North Carolina districts can be used for attorney admissions.
83.1(e)	Withdrawal of Appearance	The change to this rule requires attorneys to serve their clients when filing a motion to withdrawal without substitution of counsel.
83.9d	Selection of the Mediator	This rule was changed to clarify that parties to a case should submit (and not file) any statement regarding an agreed-upon mediator.
83.10h(a)	Reinstatement	For clarification purposes, the word "actively" was added to the first sentence to read as “An attorney actively suspended for 3 months.”
103.6(a)	Final Contentions	The reference to LR 303.1(c) and (d) was changed to the correct reference of LR 103.1(c) and (d).
103.7	Amendment to Contentions	The reference to LR 303.6 was changed to the correct reference of LR 103.6.

Local Criminal Rule	Description	Change
32.2	Sentencing Procedures	<p>Paragraph (a) of this rule was modified to extend the minimum time for a sentencing proceeding when the Court orders the defendant to participate in a sex offender evaluation.</p> <p>A sentence was added in paragraph (c) to reflect informal ways to resolve objections to the presentence report.</p> <p>The time for filing position papers in paragraph (d) was changed from 20 to 21 days to be consistent with the 2009 federal rule amendments changing 10 or 20 day response times to 14 or 21 days.</p> <p>Paragraphs (b), (c), (d) and (e) were modified to changes related to the electronic filing of presentence investigation reports in CM/ECF.</p>
57.1	Incorporation Of Certain Local Rules Of Civil Practice	Added new LR 11.1 to list of local civil rules incorporated by reference.