

SUMMARY OF AMENDMENTS TO THE LOCAL RULES OF CRIMINAL PROCEDURE

The Judges of the United States District Court for the Western District of New York have approved modifications to several of the Court's Local Rules of Criminal Procedure. The following list is a brief, but not exhaustive, description of some of the more substantive amendments.

Rule 12.1: Procedures for Criminal Cases The language governing arraignment procedures in subdivision (a) is updated to reflect the Court's current procedures.

Rule 12.2: Motions Subdivision (c) now includes a cross-reference to Local Rule of Criminal Procedure 49.1 regarding filing of motion papers. Subdivision (d) is amended, and subdivision (e) is added, to clarify procedures for those seeking to adjourn motion hearings.

Rule 23: Free Press - Fair Trial Directives This is a new rule which details the responsibilities of lawyers and those under their supervision with respect to information disclosure.

Rule 26: Exhibits This rule is modified to provide that, once a verdict is rendered, responsibility for custody of trial exhibits is upon the parties who must safeguard them and produce them as required in the event of an appeal.

Rule 44: Appointment of Counsel Modifications to this rule reflect the Court's practices for appointing counsel in criminal cases in accordance with the current CJA Plan.

Rule 46: Deposits of Money Into Court This rule is modified to better reflect the Court's current policies regarding deposits of money into Court.

Rule 49.1: Service and Filing of Papers Language is added to subdivision (a) expressly requiring a party to file a certificate of service with any documents being filed with the Court. Subdivision (d) is substantially amended to set forth the requirements for parties seeking expedited hearings. Subdivision (e) provides that any requests to exceed the page limit on briefs and memoranda must be made at least 3 business days before the brief filing deadline. Subdivision (h) requires individuals requesting date-stamped copies of filed documents to submit an addressed envelope of sufficient size with postage affixed. Subdivision (j) is amended to provide for the parties to file a written consent to accept service by electronic means.

Rule 49.2: Form of Papers Subdivision (a) requires the text and footnotes of all documents to be presented in at least 12-point type and double-spaced. The requirement that documents be presented in covers with 2 holes punched at the top has been deleted. Subdivision (b) requires parties submitting initial pleadings to number and identify all parties with accurate capitalization and spacing.

Rule 49.6: Copies of Orders This is a new rule establishing that the Clerk will mail one copy of every order entered to each law firm representing a party or non-party movant to an action.

Rule 49.7: Documents to be Provided by the U.S. Attorney's Office This is a new rule that requires the U.S. Attorney's office to provide adequate copies of charging instruments as well as any necessary redacted copies of such documents.

Rule 50: Speedy Trial Amendments to this rule direct parties to the Federal Rules of Criminal Procedure and Federal statutes for speedy trial issues.

Rule 55.2: Sealing of Documents in Criminal Cases This is a new rule detailing procedures for filing documents under seal in criminal cases.

Rule 57.2: Attorney Admission, Appearance and Discipline and Student Law Clerks and Practice This rule incorporates by reference the relevant provisions of the Local Rules of Civil Procedure.

Rule 58.1: Assignment of Matters to Magistrate Judges Subdivision (b) is added to expressly authorize Magistrate Judges in the District to conduct extradition proceedings under 18 U.S.C. section 3184.