United States District Court
for the District of Puerto Rico

Local Rules

• Civil • Admiralty • Criminal

Effective December 3, 2009
with amendments through September 2, 2010

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RULE 1

SCOPE; DEFINITIONS

(a) Application

These Local Rules apply in civil actions as defined in Federal Rules of Civil Procedure 1 and 2. The Court may modify these rules in exceptional circumstances or when justice so requires.

(b) Definitions

The term “judge” includes district judges and magistrate judges. The term “district judge” refers to a federal judge as defined in 28 U.S.C. § 451. The term "magistrate judge" refers to a federal judge as defined in 28 U.S.C. §§ 631-639. The term “party’s attorney” or similar term whenever used in these rules shall include a party appearing without counsel. The term “clerk” includes the Clerk of the United States District Court for the District of Puerto Rico, the chief deputy clerk, and deputy clerks. The term “marshal” includes the United States Marshal and deputy marshals.

(c) Numbering

The numbering of the local rules tracks the numbers of the Federal Rules of Civil Procedure. Supplemental local rules concerning admiralty or maritime claims have been assigned letters “A” through “F”, corresponding to the pertinent Supplemental Rules for Certain Admiralty and Maritime Claims. Rules concerning specific local matters have been listed under the letter “H”.

(d) Citation

Citation of a particular provision of the local rules of civil practice, including the local rules concerning admiralty or maritime claims, shall be by name and number, including the year of enactment when referring to a previous version of the rule: e.g., Local Civil Rule or L.Cv.R. 1(e); Local Admiralty Rule or L.Adm.R. A (1997). If the pleading makes reference to the local rules of this district or of another district, give the abbreviated district name followed by the year of enactment, including the year of enactment when referring to a previous version of the rule: e.g., Local Civil Rule for the U.S. District Court for the District of Puerto Rico or L.Cv.R. 1(d) (D.P.R. 2009); Local Criminal Rule for the U.S. District Court for the District of Puerto Rico or L.Crim.R. 101(d) (D.P.R. 2009).

(e) Failure to Comply

The violation or failure to comply with these rules may entail sanctions.

(f) Suspension of the Rules

The Court may suspend or modify the requirements or provisions of any of these Rules in a particular case by written order. When a judge of this Court issues any order in a specific case which is not consistent with these Rules, that order shall constitute a suspension of these Rules for that case and only to the extent that it is inconsistent with these Rules.

RULE 3

COMMENCEMENT OF ACTION

(a) Payment of Fees

The filing fee shall be paid to the clerk upon filing the complaint. A party who desires to proceed in forma pauperis pursuant to 28 U.S.C. § 1915 shall file with the complaint a motion for leave to proceed in forma pauperis together with an affidavit showing in detail the party's inability to pay fees and costs and that the party is entitled to redress. All complaints shall be accompanied by a properly completed Civil Cover Sheet (Form JS-44), and Category Sheet which are available from the Clerk, and from the Court's website at, www.prd.uscourts.gov.

Except as otherwise required by law or ordered by the Court, the clerk shall not docket any filings, issue any process, or render any other service for which a fee is prescribed by statute or by the Judicial Conference of the United States unless the fee is prepaid or in forma pauperis status has been granted.

(b) In Forma Pauperis Applications

(1) All Applications. All applications to proceed in forma pauperis shall be accompanied by a financial affidavit which shall disclose the applicant's income, assets, expenses, and liabilities, and shall be submitted in the forms approved by the Administrative Office of the U.S. Courts or provided by the clerk, or in a format substantially conforming to those forms and these Rules. The Court may require applicants who are not incarcerated to file an additional affidavit or produce additional information relevant to the applicant's financial ability to pay the full filing fee.

(2) Applications by Incarcerated Persons. Incarcerated persons shall also submit, for the prior six-month period, and certified by the institution or entity, a copy of the trust fund account statement (or institution equivalent) showing the average monthly deposits to and the average monthly balance in the applicant's account. 28 U.S.C. § 1915, requires an inmate to pay the full filing fee when bringing a civil action. If insufficient funds exist in the inmate's account, the Court will assess an initial partial filing fee.

(3) Litigation Expenses. The granting of an application to proceed in forma pauperis does not waive the applicant's responsibility to pay the expenses of litigation which are not waived by 28 U.S.C. §§ 1915 and 1925.

(c) Form of Complaint in Social Security Actions and Civil Rights Cases Pursuant to 42 U.S.C. § 1983, and Prisoner Petitions Pursuant to 28 U.S.C. §§ 2241, 2254 or 2255.

(1) In any action based upon social security claims, employment discrimination, and non-prisoner or prisoner civil rights, or any other civil matter, in which a plaintiff files pro se (which means without assistance of an attorney), the complaint should be filed on the forms provided in the Clerk's office or found on the Court's web site at www.prd.uscourts.gov.

(2) Habeas corpus petitions under 28 U.S.C. § 2241, 2254, and 2255, and cases filed under the Civil Rights Act, 42 U.S.C. § 1983, shall be filed on forms available from the clerk, or found on the Court's website at, www.prd.uscourts.gov. Section 2255 cases are to be filed without charge.

(3) A petition not filed on the appropriate form shall be subject to the issuance of a notice of defective filing by the clerk. Failure to correct the filing by using the appropriate form within thirty (30) days from the notice of defective filing will cause the case to be submitted for final disposition by the Court. The statute of limitations shall be tolled during said period.

(4) An indigent pro-se plaintiff or petitioner (28 U.S.C. §§ 2241 or 2254) may seek in forma pauperis status to file his or her action without payment of fees by filing the form affidavit available in the Clerk's office or found on the Court's web site at www.prd.uscourts.gov, along with the complaint or petition. The case will be given a civil docket number and the in forma pauperis application will be submitted to a judge of the Court. If the judge denies in forma pauperis status, the plaintiff or petitioner will be given notice by written order that the case will be dismissed without prejudice if the fee is not paid by the date specified in the order.

RULE 3A

ASSIGNMENT AND REASSIGNMENT OF CASES

(a) Assignment and Reassignment in General; Case Assignment System.

All actions or proceedings of a civil nature shall be numbered consecutively upon the filing of the first document in each action or proceeding. Neither the clerk nor any judge shall have any discretion in determining the judge to whom any matter is assigned. The clerk shall assign cases to judges by lot, using the computerized case assignment system, in such manner that each judge shall be assigned an equal number of cases by category. The clerk shall assign appeals from decisions of the U. S. Bankruptcy Court to the district judges by lot so that each district judge is assigned an equal number of bankruptcy appeals.

The judge to whom any particular action or proceeding is assigned will have full charge of the action or proceeding. No change in the assignment shall be made except by order of the judge affected, or by order of the Chief Judge with the consent of the judge from whom transfer is to be made, except as may otherwise be provided in these rules.

(b) Transfer of Cases.

In the interest of justice, consolidation of cases, recusals, or to further the efficient performance of the business of the Court, a judge may return a case to the clerk for reassignment, whether or not the case is related to any other case, or may transfer the case to another judge if the receiving judge consents to the transfer. The clerk shall then reassign the returned case using the computerized case assignment system and shall add an additional card in the assignment deck to the judge who returned the case.

(c) Recusals.

Any judge who recuses himself or herself from a case shall enter an appropriate order for implementation by the clerk.

(d) Related Cases.

Upon filing, a party must indicate whether a case is related to a pending case, by listing the title and number of the related action in the category sheet. An action is deemed related to another if:

(1) both actions involve the same parties and are based on the same or a similar claim;

(2) both actions involve the same property, transaction, or event; or,

(3) both actions involve similar questions of fact and the same question of law and their assignment to the same district judge is likely to effectuate a substantial saving of judicial effort.

(e) Special Assignments.

(1) Transfer of Cases due to Prolonged Illness or Unavoidable Delay. Whenever the Court –acting as determined by majority vote of the district judges– deems it necessary and in order to prevent excessive delay in the disposition of cases, it may, in the event of prolonged illness, disability, or other unavoidable absence of any judge, transfer cases from the calendar of that judge. The transfer to another judge shall be made by order of the Chief Judge or his or her designee, returning the case for reassignment using the computerized case assignment system.

(2) Matters and Proceedings Requiring Immediate Action. If the judge to whom a case had been assigned is unavailable or otherwise unable to hear a matter which requires immediate action, the clerk shall inform the Chief Judge or his or her designee, who shall make a special assignment to hear the matter. The assigned judge will dispose of the matter only to the extent necessary to meet the immediate need. Proceedings in the case will thereafter be in the care of the judge already assigned to preside.

(3) Cases Remanded from the First Circuit Court of Appeals. A case remanded for further proceedings following a vacation or remand of any pretrial order or judgment shall be assigned to the judge who acted in the matter, unless otherwise ordered by the court of appeals.

(4) Unanticipated Crowding of the Docket; Emergencies. In the event of an unanticipated crowding of the docket that unexpectedly strains the institutional resources of the Court, or in the event of an emergency, and in order to manage the Court's calendar fairly and efficiently, the Chief Judge, upon consultation with the district judges, may order the reassignment or transfer of cases in the Court's docket superseding the computerized case assignment system and the method of assignment, reassignment, and transfer of cases set forth in these Rules.

(f) Calendar Conflicts Amongst Judges.

(1) Order of Precedence. All actions and proceedings before the Court are subject to the following order of precedence:

(A) trials shall take precedence over all other hearings;

(B) jury trials shall take precedence over non-jury trials;

(C) criminal cases shall take precedence over civil cases;

(D) criminal cases involving defendants in custody shall take precedence over other criminal cases;

(E) among criminal cases not involving defendants who are in custody, the case having the earliest docket number shall take precedence over the others;

(F) among civil cases, the case having the earliest docket number shall take precedence over the others.

(2) Notice by Counsel. When there is a conflict between court appearances, counsel shall notify each judge involved in writing not later than seven (7) business days after receipt of the notice giving rise to the conflict. The motion shall indicate the names and docket numbers of each case, and the date and time of the hearings. The case(s) not having precedence will be rescheduled.

RULE 5

SERVING AND FILING PLEADINGS AND OTHER PAPERS

(a) Place of Filing.

Unless otherwise ordered by the Court, original actions and papers shall be filed with the clerk.

(b) Electronic Filing and Service (CM/ECF).

(1) Filing. Pursuant to Federal Rule of Civil Procedure 5(d) and Federal Rule of Criminal Procedure 49(d), the clerk will accept papers filed, signed or verified by electronic means that are consistent with technical standards that the Judicial Conference of the United States establishes. A paper filed by electronic means in compliance with this rule constitutes a written paper for the purpose of applying these rules and the Federal Rules of Civil and Criminal Procedure.

No papers shall be submitted to the Court for filing by means of a facsimile machine without prior leave of Court.

(2) Service. Pursuant to Federal Rule of Civil Procedure 5(b)(2)(E) and Federal Rule of Criminal Procedure 49(b), receipt of the notice of electronic filing generated by the Court's electronic case filing system shall constitute the equivalent of service of the pleading or other paper on persons.

(c) Service by Other Electronic Means.

Service of pleadings or other documents by other means, including electronic means, is effective and complete on transmission when made pursuant to Fed.R.Civ.P. 5(b)(2)(D)-(E), and consented to in writing by the person served. Service by other means is effective when consented to by the recipient. Absent written consent, service by electronic means remains ineffective.

Service by electronic means under Fed.R.Civ.P. Rule 5(b)(2)(E) is not effective if the party making service learns that the attempted service did not reach the person to be served.

(d) Administrative Procedure for Filing and Service.

All filings shall be made electronically absent leave of the Court. From time to time, the Court may establish, by means of a standing order or otherwise, the process governing electronic filing and service by electronic means using the Court's transmission facilities, as well as those instances in which documents may be filed conventionally and not electronically.

(e) Additional Time After Service/Effect on Time Computation.

Parties receiving service by electronic means are entitled to three (3) additional days to respond pursuant to Fed.R.Civ.P. 6(d).

(f) Service of Process.

Electronic service shall not be used for service of process.

(g) Translations.

All documents not in the English language which are presented or filed, whether as evidence or otherwise, must be accompanied by a certified translation into English prepared by an interpreter certified by the Administrative Office of the United States Courts. Certification by a federally-certified interpreter may be waived upon stipulation by all parties.

RULE 5.2

PRIVACY PROTECTION FOR FILINGS MADE WITH THE COURT

(a) Restrictions on Personal Identifiers in Filings.

In compliance with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the Court, including exhibits, whether filed electronically or in paper, unless otherwise ordered by the Court:

(1) **Social Security Numbers.** If an individual's social security number must be included in a pleadings, only the last four digits of that number should be used.

(2) **Names of Minor Children.** If the involvement of a minor child must be mentioned, only the initials of that child should be used.

(3) **Dates of Birth.** If an individual's date of birth must be included in a pleading, only the year should be used.

(4) **Financial Account Numbers.** If financial account numbers are relevant, only the last four digits of these numbers should be used.

(5) **Home address.** Limited to city and state.

(b) Restricted Filings.

A party wishing to file a document containing the personal data identifiers listed above may file a CM/ECF Restricted Copy of the unredacted document. The Court may, however, still require the party to file a redacted copy for public viewing.

(c) Responsibility for Redaction.

The responsibility for redacting these personal identifiers rests solely with counsel and the parties. The clerk will not review each pleading for compliance with this rule.

RULE 6

COMPUTING AND EXTENDING TIME

The clerk is authorized to enter orders granting a first extension of time, provided it encompasses a period not to exceed thirty (30) days. Any further extensions of time can only be granted by the Court. Statutes of limitation may never be enlarged by the clerk. All motions for extension of time shall specifically set forth the purpose of the extension sought, the expiration date for the period sought to be extended, and the expiration date of the proposed extension.

RULE 7

PLEADINGS ALLOWED; FORM OF MOTIONS, AND OTHER PAPERS

(a) Submission of Motions and Supporting Memoranda.

All matters submitted to the Court for consideration shall be presented by written motion filed with the clerk incorporating a memorandum of law, including citations and supporting authorities. Affidavits and other documents setting forth the facts on which the motion is based shall be filed with the motion.

(b) Objection to Motions.

Unless within fourteen (14) days after the service of a motion the opposing party files a written objection to the motion, incorporating a memorandum of law, the opposing party shall be deemed to have waived objection.

Any objection shall include citations and supporting authorities and affidavits and other documents setting forth or evidencing facts on which the objection is based. Objections to motions filed during trial will not be deemed waived pursuant to this rule.

(c) Reply Memorandum.

With prior leave of Court and within seven (7) days of the service of any objection to a motion, the moving party may file a reply memorandum, which shall not exceed ten (10) pages in length and which shall be strictly confined to replying to new matters raised in the objection or opposing memorandum.

(d) Form and Length of Motions.

All memoranda shall be typed, printed or prepared by a clearly-legible duplication process, on 8-1/2 x 11 inch white paper or format, in a font size no smaller than ten (10) characters per inch or, if a proportionately spaced font is used, no less than twelve (12) points. All text shall be double-spaced except for quoted material, and all pages shall be consecutively numbered preferably at the bottom center of each page. Footnotes should be used sparingly. Motions and supporting memoranda, when not electronically filed, shall be stapled or otherwise attached but shall not be permanently bound, and may be double-punched at the top to facilitate filing.

Except by prior leave of Court, motions to dismiss, for judgment on the pleadings, requesting summary judgment, for injunctive relief, or appeals from a decision by a magistrate judge, shall not exceed twenty-five (25) pages. Non-dispositive motions and memoranda or oppositions to those motions shall not exceed fifteen (15) pages in length. Reply memoranda shall not exceed ten (10) pages.

(e) Form and Length of Appendices, Exhibits, and Attachments to Motions.

Unless permitted or required to be filed in paper format by these Rules or the presiding judge, appendices, exhibits, and attachments to motions must be submitted in electronic format and verified for readability by filing counsel.

When granted leave to file conventionally, appendices, exhibits, and attachments which exceed fifty (50) pages shall be permanently bound on the left side. When an appendix or attachment includes more than one exhibit, it shall also include a table of contents or index, and each exhibit shall be separately numbered and marked with a tab. All documents submitted to the Court as exhibits shall be complete, legible copies. Counsel shall not write any comments or make legal arguments on such exhibits.

(f) Written Submissions and Oral Argument.

The Court may, on its own motion or upon request by a party, grant oral argument as to a motion. Otherwise, the motion will be decided on the written record.

RULE 7.1

DISCLOSURE STATEMENT

Any non-governmental corporate party shall file a statement identifying all parent companies, subsidiaries and affiliates that have issued shares to the public. The statement shall be filed with a party's first appearance.

RULE 9

SOCIAL SECURITY CASES

The following procedures shall govern all actions challenging a final decision of the Commissioner of the Social Security Administration filed pursuant to § 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

(a) The defendant shall serve and file its answer, together with a certified copy of the administrative record, within ninety (90) days after service on the Commissioner. If a closed case is reopened, the defendant shall serve and file a certified copy of the administrative record within sixty (60) days after the order reopening the case is issued.

(b) Within thirty (30) days after the administrative record is filed, the plaintiff shall serve and file a motion for order reversing decision of the Commissioner or for other relief, and a supporting memorandum.

RULE 10

FORM OF PLEADINGS

(a) General Requirements.

All pleadings presented for filing shall be typed or printed to be clearly legible using a font no smaller than ten (10) characters or twelve (12) points per inch and 8 ½" x 11" paper. Pages shall be numbered consecutively at the bottom center. The first page shall include a caption which complies with Fed.R Civ.P. 10(a). All pleadings shall be double-spaced except for the caption, title, footnotes, quotations, exhibits, descriptions of real property, and identification of counsel.

Electronically-filed pleadings shall be created and formatted to comply with these requirements when viewed or printed. When granted leave to file conventionally, pleadings and courtesy copies must be firmly bound at the top left corner.

Parties may adopt pleadings by reference only if the adopted pleading is expressly named and identified, when applicable, by reference to its docket entry number. Ancillary papers attached as exhibits to a pleading are made a part of the pleading for all purposes but shall not be used to compute the length of the pleading.

RULE 11

SIGNING PLEADINGS, MOTIONS, AND OTHER PAPERS

Every document or pleading filed with the clerk or otherwise submitted to the Court by an attorney or pro-se litigant shall be signed pursuant to Fed.R.Civ.P. 11, stating, as applicable, the signer's name, USDC-PR Bar Identification Number or "pro-se" status, mailing and e-mail addresses, and telephone and facsimile numbers. If a party has retained counsel, documents or pleadings must be signed by the attorney.

RULE 16

PRETRIAL CONFERENCES; SCHEDULING; MANAGEMENT

(a) Scheduling Conference.

A Scheduling Conference may be ordered by a judge no later than sixty (60) days following the defendant's first appearance after the filing of the complaint. Counsel may be required to file pretrial memoranda for the scheduling conference and shall be fully prepared to discuss, among others:

(1) jurisdictional issues

(2) questions concerning joinders of parties or claims

(3) amendments to the pleadings

(4) material factual contentions and the applicable rules of law

(5) framing of stipulations concerning factual admissions and documents with respect to which there will be no discovery so as to avoid unnecessary proof

(6) the time reasonably required for completion of discovery

(7) the time estimated for filing and disposition of pending or reasonably anticipated motions

(8) the desirability of separation of issues and limits on discovery, including issues regarding discovery of electronically stored information

(9) pending or contemplated related actions

(10) the need to adopt special procedures for managing potentially difficult or protracted actions that may involve complex issues, multiple parties, difficult legal questions or unusual evidentiary problems

(11) the possibility of settlement or pretrial adjudication

(12) anticipated dates for the pretrial conference and trial

(b) Scheduling Order.

Immediately after the scheduling conference, the judge will enter a Scheduling Order detailing any agreements between the parties, setting time limits to cure any jurisdictional

deficiencies, for joinder, amendments to the pleadings, file motions, and to complete discovery. The Scheduling Order shall also set a date for the pretrial conference, trial, and any other matter. The Court may issue a Scheduling Order without convening an Initial Scheduling Conference.

(c) Certificate of Readiness for Pretrial Conference.

Any party may move to proceed for a pretrial conference provided the motion is accompanied by a certificate of readiness, indicating that:

(1) the action is at issue as to all parties;

(2) it has completed all desired depositions, other discovery, and pretrial motions;

(3) it has met all obligations with respect to depositions, requests for discovery or motions initiated by other parties;

(4) it is ready for pretrial conference and trial.

(d) Proposed Pretrial Order.

A pretrial conference shall be held not less than fourteen (14) days prior to the scheduled trial date, unless the Court provides otherwise. At least fourteen (14) days prior to the pretrial conference date, counsel for each party shall meet in order to prepare a proposed Pretrial Order, to be filed with the Court at least seven (7) days before the pretrial conference, containing the following information:

(1) the names, mailing and email addresses, and telephone and facsimile numbers of all attorneys involved in the litigation;

(2) a brief factual statement of each party's claim or defense, as the case may be, including an itemized statement of any damages claimed;

(3) a brief statement of the party's contentions with respect to any controverted material facts, contested issues of law, including evidentiary questions, together with supporting authority;

(4) proposed stipulations concerning facts and documents which are not in substantial dispute;

(5) the names and addresses of all witnesses the party intends to call at trial, other than those to be used for impeachment and rebuttal; but in the absence of a stipulation, the disclosure of a witness shall not constitute a representation that the witness will be produced or called at trial;

(6) a list of the documents and items each party intends to offer as evidence at trial, sufficiently describing each document or item for ready identification, identifying those whose admissibility is stipulated or contested, together with supporting authority for the objection:

(A) documents and items to be presented by the plaintiff(s) shall be marked as "Exhibit" if stipulated or as "Identification" if not stipulated in numerical order beginning with the number "1";

(B) documents and items to be presented by the defendant(s) shall be marked as "Exhibit" if stipulated and as "Identification" if not stipulated in alphabetical order beginning with the letter "A";

(C) documents and items to be presented jointly by the parties shall be marked as "Exhibit" in Roman numerals, beginning with Roman Numeral I;

(D) documents and items as to which privilege, attorney work-product, or other confidentiality claim is yet to be determined may refer to the document or item in general terms, and present any substantiated claim of privilege or confidentiality to the Court;

(7) a list of all the trial witnesses (except impeachment or rebuttal witnesses) for each party, including a brief statement of each witness' testimony;

(8) a list of all the expert witnesses at trial for each party, including a brief and general statement about each;

(9) a statement by each party about claims or defenses that are deemed waived or abandoned;

(10) a list of all pending motions;

(11) an estimate of the number of days required for each party's presentation of its case at trial;

(12) if one has not already been set by the Court, a suggested date for commencement of trial, including a statement by each party as to potential problems concerning attendance of parties, counsel or essential witnesses, or any other matter pertinent when scheduling the trial;

(13) whether the parties consent to full jurisdiction by a magistrate judge, including the entry of judgments.

At the pretrial conference, each party shall be prepared to discuss the issues set forth above, to exchange or to agree to exchange medical reports, hospital records, and other documents, to make a representation concerning settlement as set forth in this rule and to discuss fully all aspects of the case. Absent good cause shown, the Court may exclude from evidence at trial documents, items or witnesses not listed or identified as required in this rule. Objections not specified in the pretrial conference shall be deemed waived.

(e) Pretrial Conference.

At the pretrial conference the Court will consider: The proposed Pretrial Order, the pleadings and papers on file, all pending motions and other proceedings, and any other matters referred to in this rule or in Fed. R. Civ. P. 16 which may be applicable.

Unless excused for good cause, each party shall be represented at the pretrial conference by counsel who is to conduct the trial on behalf of each. Counsel shall be required to make a representation to the Court that he or she has made a recommendation to the client with respect to settlement and that the client has acted on the recommendation.

(f) Pretrial Order.

Either at or following the Pretrial Conference, the Court shall enter a final Pretrial Order, which shall recite the action taken at the conference; the order shall control the subsequent course of the action, unless modified by the Court to prevent manifest injustice.

Unless otherwise ordered, any objections to the final Pretrial Order must be made within fourteen (14) days after receipt by counsel of a copy. Any discussion at the conference relating to settlement shall not be a part of the final Pretrial Order. The final Pretrial Order deadlines will not be effective until after the last settlement conference has been held and it appears that trial is unavoidable. In any case where there is a pending dispositive motion, one item on the final pretrial conference agenda shall be whether the provisions and deadlines of the final Pretrial Order should be stayed until the motion is resolved.

The number of copies of documents to be filed shall be limited. In a jury case, the original set of exhibits is ordinarily sufficient and should not be filed with the clerk before trial. Only an original and one copy of trial briefs, voir dire, jury instructions, etc., are sufficient. In a non-jury case, one extra set for the judge to review in advance of the trial is adequate.

(g) Sanctions.

If a party fails to comply with the requirements of Fed. R. Civ. P. 16 or this rule, the Court may impose such penalties and sanctions as are just, including those set forth in Fed.R.Civ.P. 16(f), 37.

(h)

(i) Special Circumstances or Judge-Specific Requirements.

The Court may provide for a special pretrial procedure in any case when special circumstances warrant. The judge presiding at the final pretrial conference may tailor this rule's requirements and the final Pretrial Order to the individual case and consider whether certain provisions should not be included.

(i) Settlement Conferences.

A judge may direct that a separate settlement conference be held with party representatives present or available telephonically.

(j) Deadlines.

(1) Deadlines Established by the Court. Deadlines established by the Court shall not be changed by agreement between the parties without Court approval.

(2) Discovery Deadlines. A stipulation extending the time within which to respond or object to a discovery request or to take a deposition need not be approved by the Court provided the extended date by which the response is due or on which the deposition is to be taken is prior to the discovery completion date established for the case or at least thirty (30) days prior to the date set for the pretrial conference, whichever is earlier. Any out of court stipulation shall not alter the discovery deadlines set forth in the Scheduling Order. The stipulation shall be in writing. Any request for written discovery under Rules 33, 34 or 36 of the Federal Rules of Civil Procedure must be served with sufficient time to allow the response to be served before the expiration of the discovery period.

(k) Continuances.

No motion for continuance of a scheduling conference, pretrial conference, settlement conference, hearing or trial will be entertained unless the moving attorney first contacts all other counsel of record and certifies at least three (3) alternative dates available to all parties.

RULE 26

DISCOVERY

(a) Filing of Discovery.

Unless otherwise ordered by the Court, depositions upon oral examination and interrogatories, requests for documents, requests for admissions, answers and responses and disclosures made under Fed. R. Civ. P. 26(a)(1)-(3) or pursuant to scheduling orders, shall be served upon other parties but shall not be filed with the Court, except as required by subsection (c) of this rule. The party that has served notice of a deposition or has served discovery papers shall be responsible for preserving and for insuring the integrity of original transcripts and discovery papers for use by the Court.

(b) Discovery Disputes.

A judge shall not consider any discovery motion that is not accompanied by a certification that the moving party has made a reasonable and good-faith effort to reach an agreement with opposing counsel on the matters set forth in the motion. An attempt to confer will not suffice.

After efforts to resolve the dispute have been exhausted, any dispute not resolved shall be presented to the judge by motion. If the parties are unable to resolve the dispute and the discovery deadline is about to expire, or if the dispute arises during the taking of a deposition, the dispute may be promptly presented to a judge by telephone. In such cases, the judge shall resolve the dispute by telephone or order the parties to submit the matter by motion.

Unless otherwise ordered by the Court, the complete transcripts or discovery papers need not be filed with the Court pursuant to subsection (c) of this rule unless the discovery dispute cannot be fairly decided without reference to the complete transcript.

(c) Use of Depositions and Discovery Material by the Court.

If depositions, interrogatories, requests, answers, responses or any other discovery material are to be used at trial, other than for purposes of impeachment or rebuttal, the complete original of the transcript or the discovery material to be used shall be filed with the clerk seven (7) days prior to trial. If the discovery transcript or material is not originally prepared or presented in the English language, it must be accompanied by a certified English translation. A party relying on discovery transcripts or materials in support of or in opposition to a motion shall file a copy of the transcript or materials with the memorandum required by Rule 7, as well as a list of specific citations to the portions of the transcript on which the party relies. Discovery transcripts and materials filed with the Court shall be returned to counsel after final disposition of the case.

RULE 38

DEMAND FOR JURY TRIAL

If a demand for jury trial is endorsed on a pleading, the designation or title of the pleading shall include the words "AND DEMAND FOR JURY TRIAL" or the equivalent on the first page in addition to the endorsement.

RULE 39

TRIAL BY JURY OR BY THE COURT

(a) Examination of Witnesses.

Upon oral motion by a party or on its own motion, the Court may order, on the terms it may prescribe, that a witness under examination in Court shall not discuss the witness' testimony, including during any recess taken during the examination or before the witness is finally excused.

(b) Attorneys as Witnesses.

No attorney shall, without leave of Court, conduct the trial of a jury action in which the attorney is a witness for the party represented at trial.

(c) Exhibits.

(1) Custody and Marking. All exhibits shall be marked for identification prior to trial in accordance with the final pretrial order. Unless otherwise ordered by the Court, all exhibits offered in evidence, whether admitted or not, shall be held in the custody of the clerk during the pendency of the proceedings, except that exhibits which because of their size or nature require special handling shall remain in the possession of the party introducing them. Exhibits retained by counsel shall be preserved in the form in which they were offered until the proceeding is finally concluded. Exhibits that are excluded, withdrawn or not tendered shall not be held in the custody of the clerk but shall be identified as such on both the exhibit list and on the exhibits themselves. A party who offers valuable exhibits shall be responsible for their insurance and protection.

(2) Inspection and Copying of Exhibits. All inspections of exhibits of any type shall be conducted in the presence of the clerk. Inspections by attorneys for the parties are not excepted from this rule, nor is application of this rule affected by whether the inspection is being made with or without specific leave of Court.

(A) Sensitive Exhibits. Sensitive and special criminal evidence may not be inspected or copied without specific leave of the Court. That evidence includes, without limitation, narcotics, weapons, currency, exhibits of a pornographic nature, articles of high monetary value, exhibits depicting or describing a particularly brutal crime, exhibits in a highly-publicized case, and any other evidence designated by the Court.

(B) Sealed Exhibits. Exhibits ordered sealed or impounded by the Court may not be inspected or copied by anyone, including attorneys for the parties, except upon leave of the Court.

(C) Other Exhibits. Attorneys of record for any party may inspect or copy all exhibits, other than those exhibits defined in (A) and (B) above, without specific leave of Court.

(3) Return. Unless otherwise ordered by the Court, exhibits shall be withdrawn by counsel who offered them within thirty (30) days after the parties have exhausted their appeals before the court of appeals. Upon counsel's failure to remove any exhibit timely, the clerk may, after due notice to counsel, dispose of them as necessary.

(d) Official Record.

The official record of court proceedings shall consist of the following:

(1) The official docket entries and documents related to them;

(2) Transcripts prepared by U.S. Court-employed or contracted court reporters;

(3) Electronic sound recordings of court proceedings made by courtroom deputy clerks using the For-the-Record (FTR) recording system; and

(4) Transcripts from FTR-recorded proceedings prepared by certified court reporters employed by the district court or certified transcribers of FTR-recorded proceedings authorized by the district court.

Private transcriptions of FTR-recorded proceedings shall not constitute an official record of the Court.

RULE 41

DISMISSAL OF ACTIONS

(a) Dismissal Upon Settlement.

Once counsel have notified the Court that an action has been settled, the Court shall set a date certain for the execution and filing of the papers necessary to terminate the action. Failure to comply with this deadline may result in dismissal.

(b) Court Approval of Settlements on Behalf of Minors.

No approval of settlement of actions on behalf of minors will be given unless a verified motion is filed signed by the parent or guardian containing the following information where applicable:

(1) A brief description of the accident and of all injuries sustained;

(2) An itemized statement of all medical expenses;

(3) The total amount of the settlement and whether the bills are to be paid out of the total settlement or are being paid in addition as part of the parent's or guardian's claim. If the parent is being paid anything directly, the motion shall contain a statement of the total amount being paid the parent and a specification of the items covered;

(4) Whether the settlement was negotiated by counsel actually representing the minor and, if so, the amount claimed as attorney's fees; and

(5) The amount to be deposited on behalf of the minor and the name of the savings institution preferred by the parent or guardian.

RULE 42

CONSOLIDATION

A motion for consolidation shall be presented in the case first filed within the cases identified for consolidation. The motion for consolidation shall be served on all parties within all cases for which consolidation is sought. If consolidation is approved by the Court, the clerk shall designate the case having the earliest docket number as the lead case, unless otherwise directed by the Court. All documents or pleadings filed or tendered after the consolidation shall (1) include the caption of all consolidated cases, and (2) be served on all parties within such cases, and (3) be filed only in the lead case.

RULE 43

TAKING OF TESTIMONY

All proceedings in this Court shall be conducted in the English language. Testimony presented in a language other than English shall be translated into English. Exhibits offered as evidence of recorded testimony (including, but not limited to, depositions or recordings) shall be transcribed in English.

RULE 47

JURORS

(a) Examination of Jurors.

Unless otherwise ordered by the Court, the presiding judge will personally conduct the initial examination of prospective jurors requesting that each juror address the court orally, stating his or her name, address, occupation, and previous jury service. At the close of the examination, the Court will afford counsel an opportunity, at the bench, to request that the Court ask additional questions.

(b) Challenges for Cause.

Challenges for cause of individual prospective jurors shall be made at the bench, at the conclusion of the Court's examination.

(c) Communication with Jurors.

Except under the supervision of the Court, attorneys involved in a particular case may not interview or interrogate any juror with respect to the action heard by the juror. This prohibition applies even after the jury has been discharged.

(d) Post-Verdict Jury Challenge.

Counsel and the parties shall refrain from any post-verdict communication with the jurors, except under the supervision of the Court.

RULE 51

INSTRUCTIONS TO JURY

Each party shall file proposed jury instructions and voir dire questions at least seven (7) days prior to the commencement of trial, unless otherwise ordered by the Court. Each instruction shall be numbered and tendered in separate sheets of paper with citation to the legal authority or source. Proposed instructions shall be discussed prior to closing arguments.

RULE 54

COSTS

(a) Claims for Attorneys' Fees.

An application for attorneys' fees in those cases in which fees have been contracted for or in any case in which no notice of appeal has been filed shall be filed within fourteen (14) days of the expiration of the time for filing a timely appeal.

An application for fees in all other cases shall be filed within fourteen (14) days after issuance of the mandate. A claim for fees filed before the final disposition of any appeal shall have no effect and a new application must be filed within the time prescribed herein.

(b) Taxation of Costs.

Within fourteen (14) days of the entry of judgment, bills of costs shall be filed on forms available from the clerk, or on a substantially-similar filing, and shall include supporting memoranda. Unless within fourteen (14) days after the filing of a bill of costs the opposing party files a written objection with a memorandum of law, the opposing party shall be deemed to have waived objection and the clerk shall tax the costs which appear properly claimed.

In cases where there is a pending appeal, the Court may deny claims for costs without prejudice to refiling within fourteen (14) days after issuance of the mandate.

(c) Assessment of Jury Costs in Actions that are Settled or Disposed.

The Court may assess the parties or attorneys the costs of jury attendance equally if a case is settled or otherwise disposed of after the jury has been summoned. A jury is considered summoned for trial as of Noon (12:00 p.m.) of the regular business day preceding the designated date for commencement of trial, unless the Court rules otherwise.

RULE 55

DEFAULT

(a) Damages.

Any motion for a default judgment pursuant to Fed. R. Civ. P. 55(b) shall contain a statement that a copy of the motion has been mailed to the last known address of the party from whom such damages are sought. If the moving party knows, or reasonably should know, the identity of any attorney thought to represent the defaulted party, the motion shall also state that a copy has been mailed to that attorney.

(b) Collection or Foreclosure Actions.

Motions for judgment by default in any civil action brought for the collection of monies, foreclosure of mortgage filed by a financial institution or government agency, shall be accompanied, when applicable, by the following documents:

(1) A verified statement of account signed by plaintiff's authorized representative, indicating the principal amount and interest due, plus any other amount to which the plaintiff is certified;

(2) an affidavit or declaration under penalty of perjury as to the defendant's competency and military service;

(3) original or certified copies of all promissory notes;

(4) copies of all mortgage deeds;

(5) a certification from the Registry of the Property or a verified title search.

RULE 56

SUMMARY JUDGMENT

(a) Motions for Summary Judgment.

Motions for summary judgment, as well as oppositions and replies thereto, shall comply with all the requirements set forth in Fed. R. Civ. P. 56 and Local Civil Rule 7. Unless otherwise ordered by the Court, summary judgment practice shall comply with the time deadlines established by Local Civil Rule 7.

(b) Supporting Statement of Material Facts.

A motion for summary judgment shall be supported by a separate, short, and concise statement of material facts, set forth in numbered paragraphs, as to which the moving party contends there is no genuine issue of material fact to be tried. Each fact asserted in the statement shall be supported by a record citation as required by subsection (e) of this rule.

(c) Opposing Statement of Material Facts.

A party opposing a motion for summary judgment shall submit with its opposition a separate, short, and concise statement of material facts. The opposing statement shall admit, deny or qualify the facts supporting the motion for summary judgment by reference to each numbered paragraph of the moving party's statement of material facts. Unless a fact is admitted, the opposing statement shall support each denial or qualification by a record citation as required by this rule. The opposing statement may contain in a separate section additional facts, set forth in separate numbered paragraphs and supported by a record citation as required by subsection (e) of this rule.

(d) Reply Statement of Material Facts.

A party replying to the opposition to a motion for summary judgment shall submit with its reply a separate, short, and concise statement of material facts which shall be limited to any additional facts submitted by the opposing party. The reply statement shall admit, deny or qualify those additional facts by reference to the numbered paragraphs of the opposing party's statement of material facts. Unless a fact is admitted, the reply shall support each denial or qualification by a record citation as required by subsection (e) of this rule.

(e) Statement of Facts Deemed Admitted Unless Properly Controverted; Specific Record of Citations Required.

Facts contained in a supporting or opposing statement of material facts, if supported by record citations as required by this rule, shall be deemed admitted unless properly controverted. An assertion of fact set forth in a statement of material facts shall be followed by a citation to the

specific page or paragraph of identified record material supporting the assertion. The court may disregard any statement of fact not supported by a specific citation to record material properly considered on summary judgment. The court shall have no independent duty to search or consider any part of the record not specifically referenced in the parties' separate statement of facts.

RULE 65

INJUNCTIONS

Any motion for a temporary restraining order or preliminary injunction shall be accompanied by a proposed order.

RULE 65.1

PROCEEDINGS AGAINST A SURETY

(a) Approval by Clerk.

The clerk is authorized to approve the form of, and the sureties on, all bonds and undertakings required in any proceeding in this Court, and approve any other security offered in lieu of sureties as provided by law; but the clerk's action may be suspended or altered or rescinded by the Court upon cause shown.

(b) Court Officers as Sureties.

No clerk, marshal, member of the bar, or other officer or employee of this Court may act as surety or guarantor of any bond or undertaking in any proceeding in this Court. An attorney who is not representing any party in the case or any related action and wishes to act as surety in an individual capacity as a relative or close friend of a party to a proceeding in this Court must first obtain permission from the Court.

(c) Supersedeas Bond.

A supersedeas bond staying execution of a money judgment shall be in the amount of the judgment plus interest at a rate consistent with 28 U.S.C. § 1961(a), plus an amount to be set by the Court to cover costs and any award of damages for delay. The parties may waive the supersedeas bond by stipulation without order of the Court.

(d) Form of Bond.

Surety bonds shall be signed and acknowledged by the party and surety or sureties. They shall refer to the statute, rule or Court order under which they are given, state the conditions of the obligation, and contain a provision expressly subjecting them to all applicable federal statutes and rules and the jurisdiction of this Court.

(e) Security.

Except as otherwise provided by law or by order of the Court, a bond or similar undertaking must be secured by:

(1) Deposit of Cash or Obligations - deposits of cash or obligations of the United States of a type acceptable as collateral by the Treasury Department of the United States under 31 C.F.R. § 225 in the amount of the bond, including certified checks payable to the “Clerk, U.S. District Court” issued within five (5) days of deposit with the clerk; or

(2) Guaranty of a Company or Corporation - guaranty of a company or corporation holding a certificate of authority to act as surety from the Commonwealth of Puerto Rico, and from the Secretary of the Treasury of the United States pursuant to 31 U.S.C. §§ 9304 *et seq*.; or

(3) Guaranty of the Owner of Unencumbered Real Estate or Personal Property - guaranty of an individual resident of this district who owns unencumbered real or personal property within the United States worth the amount of the bond in excess of legal obligations or exemptions. Property owned jointly is acceptable provided all joint owners execute the bond; where an estate is the owner, all heirs must execute the bond. The clerk is not bound to accept as guarantee for bond properties having two or more mortgages. In addition, the following documents must be deposited with the clerk when real estate property is submitted as surety:

(A) the original of any outstanding bearer note to which the property is subject;

(B) a certified copy of the deed of sale;

(C) the lender's mortgage balance certificate;

(D) a property tax certification from the appropriate agency (the Puerto Rico Treasury Department and/or the Municipal Tax Collecting Agency ["Centro de Recaudación de Impuestos Municipales" or "CRIM"] for property within the district of Puerto Rico);

(E) a certification from the Registry of the Property or duly authorized municipal office;

(F) an original appraisal of the property by a licensed appraiser;

(G) a certified copy of judicial declaration of heirs.

(f) Modification of Bond.

The Court, on its own initiative or on motion of a party, may alter the amount or terms of a bond or similar undertaking at any time as justice requires.

(g) Additional or Different Security.

The Court, on its own initiative or on motion of a party, may order a party to furnish additional or different security or require personal sureties to furnish additional justification.

(h) Execution of Bond and Deposit of Deed.

When real estate is posted as security for a bond or pledged as a condition of bail in a criminal case, a certified copy of the deed shall be deposited with the clerk.

(i) Discharge.

Upon satisfaction of the condition of the bond or similar undertaking, the monies or obligations shall be returned to the owner by order of the Court.

RULE 67

DEPOSIT INTO COURT

(a) Receipt of Funds.

All funds received by the clerk on any case pending or adjudicated before this Court pursuant to 28 U.S.C. § 2041 shall be deposited with the Treasury of the United States, in the name and to the credit of this Court in a local banking institution authorized to accept deposits on behalf of the United States Department of the Treasury.

All funds tendered to the clerk for deposit pursuant to Fed.R.Civ. 67 must be accompanied by an order of the Court permitting the deposit, unless a relevant statute allows or requires such a deposit. The tendering of the order at the time of tendering the funds constitutes effective service of the order on the clerk.

The procedures for receipt, disbursement and custody of funds deposited with this Court shall not be waived except by order of this Court.

(b) Investment of Registry Funds.

(1) Investment of Funds. All funds tendered to the clerk pursuant to Fed.R.Civ.P. 67, in an amount equal to, or greater than one thousand dollars ($1,000.00), shall be deposited in an interest-bearing account with a local banking institution insured with the Federal Deposit Insurance Corporation (FDIC), unless the order for deposit of such funds requires a different type of financial investment.

Upon the Court's order to deposit or invest funds, the clerk shall serve as custodian of the investment, and shall safeguard the documents evidencing such investment, until further order of the Court, or until the date stipulated by the policies adopted by the Judicial Conference of the United States implemented in The Guide to Judiciary Policies and Procedures, whichever date is later.

(2) Registry Fee. The clerk is authorized and directed to deduct a registry fee from all funds invested pursuant to Fed.R.Civ.P. 67. The proper registry fee shall be determined pursuant to 28 U.S.C. § 1914 on the basis of the rates authorized by the Judicial Conference of the United States and set forth by the Director of the Administrative Office of the United States Courts as published in the Federal Register.

(3) Motion for Investment of Funds. Motions for investment seeking a departure from the amounts and investments stipulated by this local rule must include the following:

(A) The party or beneficiary's name, social security number or tax payer identification number, mailing and physical address as provided in Local Civil Rule 5.2.

(B) The amount to be invested.

(C) The type of investment.

(D) The name of the depository institution.

(E) The birth date of the party or beneficiary if such party or beneficiary is a minor, as provided in Local Civil Rules 5.2.

(F) An authorization, directing the clerk, to assess and deduct, at the date of withdrawal, a registry fee from the final balance of the investment. The registry fee is to be determined on the basis of the rates authorized by the Judicial Conference of the United States and set forth by the Director of the Administrative Office of the United States Courts as published in the Federal Register.

(4) Cash Bails. The clerk will deposit in interest-bearing accounts any bails in excess of $1,000.00 deposited with the Court. A registry fee will be deducted from such investment at the time of its disbursement. The registry fee will be in the amounts authorized by the Judicial Conference of the United States pursuant to 28 U.S.C. § 1914.

(c) Withdrawal of Invested Funds.

No disbursements will be made from funds in the registry of the Court, or invested by the clerk pursuant to Fed.R.Civ.P. 67, except by order of the Court. The motion for withdrawal of funds must include the full name of the payee and a statement reflecting that the total amount of the payment to be issued is the balance on the investment on the date of the withdrawal, less the registry fee to be assessed by the clerk.

(d) Funds Accepted by the Court.

All funds tendered to the clerk pursuant to 28 U.S.C, § 2041 or Fed.R.Civ.P. 67, shall be in cash, money order, cashier's check or manager's check. Personal checks will be accepted for an amount not to exceed $1,000 from those payors not included on the Court's list of payors having issued a check with insufficient funds to the clerk.

RULE 72

DUTIES OF UNITED STATES MAGISTRATE JUDGES

(a) Authority and Duties of United States Magistrate Judges.

A United States District Judge may require a magistrate judge to submit proposed findings of fact and recommendations for disposition by the judge regarding:

(1) Motions for preliminary and permanent injunctions;

(2) motions to strike affirmative defenses;

(3) motions for judgment on the pleadings;

(4) motions for summary judgment;

(5) motions to dismiss or quash an indictment or information;

(6) motions to suppress evidence in a criminal case;

(7) motions to dismiss or permit maintenance of a class action;

(8) motions to dismiss for failure to state a claim upon which relief can be granted;

(9) motions to dismiss an action involuntarily or to remand an action to the state courts; and,

(10) motions for review of default judgments.

(b) Other Duties.

United States Magistrate Judges are also authorized to:

(1) exercise general supervision of civil calendars, conduct calendar calls, some disposition hearings, status conferences, pretrial conferences, settlement conferences, mediation proceedings, and other related pretrial proceedings;

(2) upon consultation with the presiding judge, decide motions to expedite a trial setting or continue the trial;

(3) conduct voir dire and select petit juries for the court in civil cases;

(4) accept petit jury verdicts in civil cases in the absence of a district judge;

(5) issue subpoenas, writs of habeas corpus *ad testificandum* or *ad prosequendum*, or other orders necessary to obtain the presence of parties, witnesses or evidence needed for court proceedings;

(6) approve surety bonds in civil cases, and order the termination, exoneration, or forfeiture of said bonds;

(7) conduct examination of judgment debtors, in accordant with Fed. R. Civ. P. 69;

(8) approve attorneys' expense vouchers pursuant to 18 U.S.C. § 3006A, in appropriate cases;

(9) enter orders in admiralty cases:

(A) Authorizing the arrest of a vessel;

(B) appointing substitute custodians of vessels or property seized in rem;

(C) fixing the amount of security which must be posted by the claimant of a vessel or property seized in rem;

(D) upon stipulation between the parties or a showing that the legal controversy has been terminated or adjudicated, enter orders releasing any arrested or seized vessel;

(E) in limitation of liability proceedings -- monition and restraining orders, orders approving the ad interim stipulation filed with the complaint, orders establishing the means of notice to potential claimants and a deadline for the filing of claims and, orders restraining further proceedings against the plaintiff except by means of the filing of a claim.

(10) consider and determine motions for service of process, to quash service of process or to impose non-resident bonds;

(11) issue administrative inspection warrants;

(12) supervise proceedings of letters rogatory or requests pursuant to 28 U.S.C. §§1781, *et seq.*;

(13) enter orders to withdraw Registry Fund in civil cases disposed of by a Magistrate Judge and in pretrial matters referred to a Magistrate Judge for disposition;

(14) make recommendations concerning the Court's efforts in the promulgation of local rules and procedures, and in the promulgation of procedures for the administration of the forfeiture of collateral system;

(15) serve, upon designation by the Court or consent of the parties, as special master in any civil action pending, subject to the procedures and limitations of 28 U.S.C. § 636(b)(2), and Rule 53 of the Federal Rules of Civil Procedure;

(16) preside over the qualification and selection of petit and grand jurors;

(17) preside and administer oaths of allegiance to new citizens at naturalization hearings;

(18) administer oaths of admission to attorneys.

The enumeration of specific duties in this rule is not to be construed as limiting the referral of any other matter otherwise not inconsistent with the Constitution and laws of the United States.

(c) Reviews and Appeals of Non-dispositive Pretrial Matters.

Any party may appeal from a magistrate judge's determination as to any non-dispositive pretrial motion or other pretrial matter in accordance with 28 U.S.C. §636(b)(1)(A), within fourteen (14) days after being served with the magistrate judge's order, unless a different time is prescribed by the magistrate judge or a district judge. The party shall file with the clerk and serve on all parties a written notice of appeal specifically designating the order or part of the order appealed from and the basis of the objection to it. The district judge shall consider the appeal and set aside any portion of the magistrate judge's order found to be clearly erroneous or contrary to law.

(d) Objections to Report of Proposed Findings and Recommendations as to Dispositive Motions and Prisoner Cases.

Any party may object to the magistrate judge's report of proposed findings and recommendations pursuant to 28 U.S.C. § 636(b)(1) within fourteen (14) days after being served a copy of it. The party shall file with the clerk and serve on all parties written objections which shall specifically identify the portions of the proposed findings and recommendations to which objection is made and the basis for the objection.

A district judge shall make a de-novo determination of those portions to which objection is made and may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate judge.

The district judge need not normally conduct a new hearing and may consider the record developed before the magistrate judge, making his or her own determination on the basis of that record. The district judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

RULE 73

ASSIGNMENT OF CASES TO UNITED STATES MAGISTRATE JUDGES

(a) Designation of Jurisdiction.

The district judges may designate and authorize the United States magistrate judges for this district to conduct, with the consent of the parties, any and all proceedings in a jury or non-jury civil matter, including determination of all pretrial, trial, post-trial and dispositive motions, and order the entry of judgment in the case without further order of the court.

Nothing in these rules shall preclude a district judge from reserving any proceedings to be conducted by him or her. The Court may modify the designation of jurisdiction or duties assigned to magistrate judges in this district as conditions may warrant. The Court may also, pursuant to 28 U.S.C. §636(c)(4), vacate a referral of a civil matter to a magistrate judge for good cause.

(b) Consent to Order of Reference.

At the time a civil action or notice of removal is filed, the clerk shall deliver to the filing party or counsel, if so represented, (i) a notice of the party's right to consent to the exercise of a magistrate judge's jurisdiction to conduct any or all proceedings and order the entry of judgment, and (ii) a consent form for execution by all the parties.

RULE 77

CONDUCTING BUSINESS; CLERK'S AUTHORITY

(a) Office Hours.

The Clerk's office will be open from 8:30 a.m. until 4:45 p.m. each day, except Saturday, Sunday, and court-observed holidays.

(b) Access to Electronic Records.

Access to the Court's civil and criminal electronic docket, opinions, rules, and notices is available via the court's web site (www.prd.uscourts.gov) and/or the Public Access to Court Electronic Records (PACER), an electronic retrieval system that provides criminal and civil summaries and docket information using a computer terminal (http://pacer.prd.uscourts.gov). PACER is available 24 hours a day, including weekends.

(c) Filings.

The Clerk's office will docket papers which are filed electronically or, upon leave of Court, original papers which may be delivered to the Clerk's office main facilities at the Federico Degetau Federal Building in Hato Rey, or to its satellite office at the José V. Toledo U.S. Courthouse in Old San Juan. Original pleadings and papers may also be filed in a depository box for filings located at the main entrance to the Federico Degetau Federal Building. The depository has a built-in time and date stamp and is available from 6:00 a.m. to 6:30 p.m.

(d) Orders by the Clerk.

The clerk may issue the following orders without further direction of the Court:

(1) orders allowing extensions of not more than five (5) pages of the page limitations established in these rules;

(2) orders granting a first extension of time not to exceed thirty (30) days.

RULE 77A

COMMUNICATIONS WITH JUDGES

Unless the Court orders otherwise, parties and their counsel shall not correspond or otherwise communicate with a judge regarding a pending matter unless all other parties are present or have expressly consented.

Communications with the Court shall be by means of a written motion.

RULE 79

RECORDS KEPT BY THE CLERK

Except upon Court order, no paper or record on file with the clerk shall be removed from the clerk's custody, other than by authorized court personnel or for transmission to an appellate court. Any person may inspect and copy such papers or records unless otherwise provided by statute, rule or Court order.

RULE 83A

ATTORNEYS: ADMISSION TO THE BAR

(a) Eligibility for Admission.

Any attorney who is of good personal and professional character, and who is an active member in good standing of and eligible to practice before the bar of the highest court of a state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, and who is not then disbarred from or under a period of suspension in any court of record in the United States, is eligible for admission to the bar of this Court provided the attorney also complies with one of the following provisions:

(1) Has received a satisfactory score on the bar examination as determined by the District Bar Examination Committee; or,

(2) has served, for a period of one year, as a District Judge, Magistrate Judge, Clerk, Chief Deputy Clerk, Law Clerk, United States Attorney, or Assistant United States Attorney, Federal Public Defender or Assistant Federal Public Defender, in this Court; or,

(3) has served, for a period of five (5) years, as a Supreme Court Justice, a Court of Appeals Judge, or a Judge of the Court of First Instance in the General Court of Justice of the Commonwealth of Puerto Rico; or,

(4) has served on a continuous basis for at least ten (10) years as a full-time tenured law professor at a law school duly accredited by the American Bar Association and any other pertinent authority, provided that both at the time of his or her graduation from law school and the start of his or her tenure no district examination was administered in this district.

(b) Committee on Admissions.

A Committee on Admissions composed of three (3) members in good standing of the bar of this Court shall be named by the judges to aid in the screening and evaluation of the applications for admission to the bar of this Court. The members shall be appointed for terms of three (3) years, except that initial appointments shall be for one, two or three years, so that the term of three members shall expire each year and membership shall rotate with continuity. Upon its expiration an appointment may be renewed or filled by the Court, as appropriate, provided that the same member does not serve continuously for more than two (2) regular terms. The Court shall designate one member to chair the Committee.

(c) Procedure for Admission.

(1) Petition. Each applicant for admission to the bar of this Court shall file a sworn written petition setting forth: residential, office, and electronic addresses, residential and office telephone and facsimile numbers; courts to which admitted to practice; legal training and experience; proficiency in written and oral English; and the availability to work pro bono.

The Petition shall be filed with the clerk accompanied by the following documents: certificate of admission and good standing from the clerk of any and all courts to which applicant is admitted to practice; certificate of good conduct issued by the police department where applicant resides; an itemized written statement detailing the nature, status, and disposition of any criminal prosecution or conviction; evidence of satisfaction of one of the eligibility criteria set forth in subsection (a) above, including evidence of receipt of a satisfactory score in the District Bar Examination, if applicable; three (3) personal references, of which two (2) must be by members in good standing of the bar of this Court. The date of issuance of the documents must not exceed three (3) months from the date of the Petition.

(2) Referral for Report. Upon filing of the Petition and accompanying documents, the clerk shall refer the matter to the Committee on Admissions. The Committee shall consider the Petition and render a report to the Court within thirty (30) days of its receipt, or such additional period of time as the Court may determine upon request by the Committee.

If the Committee on Admissions finds that it has grounds to render an unfavorable report, it shall notify the applicant in writing of the nature of the evidence. The applicant may rebut this evidence within the reasonable time established by the Committee. The Committee shall, upon reviewing all the evidence, render its report to the Court. If the report is unfavorable, the Committee shall state the bases for its findings.

(3) Determinations on Admissions. Upon receipt of the report from the Committee on Admissions, the Court shall convene to consider and pass upon the application. Determinations on petitions for admission will be made by a majority vote of the active judges of this Court. Whenever a majority of the judges cannot agree as to the admission of an applicant, the decision shall be made by the Chief Judge. The clerk shall notify each applicant in writing of the Court's decision.

(4) **Hearing.** The Court may deny any petition for admission, regardless of the nature of the report, provided that the applicant is served with notice of the grounds for the denial and afforded an opportunity to be heard.

(5) **Certificate of Admission.** Upon admission to the bar of this Court and payment of the applicable admissions fee, the clerk shall issue a certificate of admission after the applicant has taken and subscribed the following oath or affirmation before this Court:

> *I do solemnly swear (affirm) that I will demean myself as an attorney and counselor of this Court uprightly and according to law; and that I will support and defend the Constitution of the United States. So help me God.*

The applicant shall sign the roll of attorneys of this Court, shall be assigned a bar member number by the clerk, and shall thenceforth be a member of the bar of this Court.

(d) Practice Before this Court; Continuing Membership; Practice Prohibited While on Inactive Status.

Except as otherwise provided by these rules, only members of the bar of this Court shall practice in this Court. Admission to and continuing membership in the bar of this Court is limited to attorneys who are of good moral character and are active members in good standing of the bar of the highest court of any state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States. Any attorney previously admitted to the bar of this Court who no longer is in good standing of the bar of the highest court of any state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, shall not practice before this Court.

(e) Attorneys for the United States and Federal Public Defenders.

(1) Eligibility to Practice. An attorney who is not eligible for admission under subsection (a) of this rule, but who is a member in good standing of, and eligible to practice before, the bar of any United States court or of the highest court of any state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, and who is of good moral character and is not subject to pending disciplinary proceedings as a member of the bar in any jurisdiction, may appear and practice in this Court in any matter in which the attorney is employed or retained by the United States or its agencies, and is representing the United States or any of its officers or agencies in an official capacity.

(2) Temporary Permission. Attorneys permitted to practice in this Court pursuant to subsection (1)(e) are subject to the jurisdiction of the Court with respect to their conduct to the same extent as members of the bar of this Court, and the Court may at any time revoke the permission for good cause without a hearing. Once the attorney ceases to be employed or retained by the United States or any of its agencies, he or she shall cease to practice in this Court in that official capacity. The attorney shall then be required to apply for admission to the bar of this Court pursuant to subsection (a) above, in order to appear and practice in this Court.

(3) Application. Attorneys for the United States requesting permission to appear and practice before this Court pursuant to this rule, shall file a motion to appear and practice with the clerk addressing the required eligibility standards. The motion shall be signed by the attorney applicant and the authorized representative of the employing or retaining instrumentality or agency of the United States. The clerk shall, within fourteen (14) days from the filing of the motion, enter an order denying or granting permission to appear and practice, or requesting additional information, as appropriate.

(4) Special Roll of Attorneys. Upon authorization by the clerk, the attorney shall sign the specially-designated roll of attorneys of this Court, whereupon he or she shall be assigned an appearance number.

(5) Admission Fee not Applicable. Although permission to appear and practice before this Court pursuant to this rule subjects attorneys to the jurisdiction of the Court with respect to their conduct to the same extent as members of the bar of this Court, the permission is not considered an admission to the bar of this Court. Therefore, no admission fee shall be taxed.

(f) Pro Hac Vice.

An attorney who does not reside in the Commonwealth of Puerto Rico and who is authorized to practice law before the bar of any United States court or of the highest court of any state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands or the Virgin Islands of the United States, may apply for permission to appear as attorney of record in a particular case or proceeding. The movant shall:

(1) designate a member of the bar of this Court as local counsel;

(2) state the court(s) in which the movant is admitted to practice law;

(3) attest that the movant is not currently suspended from practicing law before any court or jurisdiction;

(4) state if any complaint for unethical misconduct, disciplinary proceeding, or criminal charges involving the movant are currently pending before any court or jurisdiction; and,

(5) pay the appropriate fee.

The pro hac vice application shall be presented to the Court in the form available at the Clerk's office or on the court's web site (www.prd.uscourts.gov), together with the prescribed admission fee. The Court will not refund the fee if the motion is denied.

The Court may at any time revoke pro hac vice admission for good cause without a hearing. An attorney permitted to practice before this Court pro hac vice in a particular action shall at all times remain associated in the action with a member of the bar of this Court. All process, notices, and other papers shall be served on the attorney admitted pro hac vice and on the member of the bar of this Court. Both attorneys shall sign all filings submitted to the Court. The attendance of the member of the bar of this Court is required at all proceedings, unless excused by the Court.

(g) Disciplinary Jurisdiction.

Whenever an attorney applies to be admitted or is admitted as a member of the bar of this Court or pro hac vice for purposes of a particular proceeding, the attorney shall be deemed to have conferred disciplinary jurisdiction upon this Court for any alleged misconduct of that attorney arising in the course of or in the preparation for such proceeding.

(h) Other Persons.

A person who is not a member of the bar of this Court, and who is not otherwise eligible for admission pursuant to these rules, will only be allowed to appear and practice before the Court pro se, that is, on his or her own behalf. That representation may not be delegated to any other person, including a spouse, parent or other relative, nor to any other party on the same side who is not represented by an attorney. A non-attorney guardian for a minor or an incompetent person who is not an attorney must be represented by counsel.

Any person appearing pro se will be required to comply with these local rules and with the federal rules of evidence and procedure. Pro-se litigants are expected to compose their pleadings substantially to the standards set forth in the Federal Rules of Procedure and these rules, and to allege sufficient facts to support a cognizable legal claim. Although the Court may be more lenient with pro-se litigants, unrepresented parties are not immune from sanctions.

RULE 83B

LAW STUDENT PRACTICE

(a) Appearance in Court by Law Students.

Upon satisfaction of the requirements of this Rule, a law student is deemed eligible to assist in the preparation of briefs, motions and other documents in civil matters and in criminal matters on behalf of an indigent defendant, as assigned by the Court, provided that the law student is supervised by an attorney admitted to the bar of this Court. At the discretion of the Court, and upon the express prior approval of the presiding Judge, the student may appear and make oral presentations accompanied by a supervising attorney. Law students in law school clinics are prohibited from receiving direct or indirect payment or remuneration of any kind in connection with his or her student practice before this Court.

The Court may, at its discretion, establish any exceptions it deems necessary to this Rule and at any time may revoke permission for an eligible law student to appear and practice, without cause, notice, or hearing.

(b) Eligible Law Students.

Eligible law students must be actively enrolled and in good standing in a law school accredited by the American Bar Association and have completed four (4) semesters of the legal studies required for graduation, including courses in civil and criminal procedure, and evidence.

Motions requesting permission for an eligible law student to appear and practice before this Court must be filed by a supervising attorney with the clerk accompanied by all necessary documents demonstrating compliance with the provisions of this rule, including: A certification by the dean of the law school that the law student is adequately trained to fulfill all responsibilities as a law student intern to the Court; and a statement by the law student that he has read and is familiar with the Local Rules and the Model Rules of Professional Conduct, as adopted by this Court.

(c) Certification.

The dean of a duly accredited school of law may certify a law student who meets the following requirements:

(1) has completed legal studies amounting to at least 4 semesters;
(2) is of good character and competent legal ability and is adequately trained to perform as a legal intern;

(3) promises neither to ask for nor receive any compensation or remuneration of any kind for his or her services from the person on whose behalf service

is rendered; but this shall not prevent a legal aid bureau, law school, law firm, or government from paying compensation to the eligible law student, nor shall it prevent any agency or law firm from making such charges for its services as it may otherwise properly require; and,

(4) has read and is familiar with the American Bar Association's Model Rules of Professional Conduct, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, and the Local Rules of this Court.

The certification shall be filed with the clerk and may be withdrawn by the dean at any time by mailing notice to that effect to the clerk; it is not necessary that the notice state the cause for withdrawal. The certification may be terminated by the Court without notice or hearing and without any showing of cause. Notice of such termination shall be filed with the clerk.

(d) Supervising Attorneys.

Supervising attorneys must have been admitted to practice before this Court for at least three (3) years. Supervising attorneys shall attend all assigned law student practice proceedings before the Court and sign all filings submitted to the Court. Supervising attorneys must assist and counsel law students in all aspects of, and assume professional responsibility and liability for the supervised law students' practice in matters before the Court.

RULE 83C

DISTRICT BAR EXAMINATION

(a) District Examination Committee.

The Chief Judge or his or her designee, together with up to nine (9) members in good standing of the bar of this Court appointed by the judges of this Court, shall develop a testing format and administer District Bar Examinations twice a year. The members shall be appointed for staggered terms of three (3) years, except that initial appointments shall be for one, two or three years, so that the term of three members shall expire each year and membership shall rotate with continuity. Upon expiration, an appointment may be renewed or filled by the Court, as appropriate, provided that the same member does not serve continuously for more than two (2) regular terms. The Court shall designate one member to chair the Committee. Five members of the Committee shall constitute a quorum.

(b) Exam Format.

The examination shall test candidates' knowledge of eight (8) separate subject areas: Federal Civil Procedure, Federal Evidence, Federal Jurisdiction and Venue, Federal Criminal Procedure, Federal Appellate Procedure, Bankruptcy, Local Rules, and Ethics. The examination shall include a mandatory essay question to verify candidates' certification of the ability to read, write, and understand the English language. The examination shall be administered twice each year.

(c) Application.

Applicants to take the district bar examination shall file an application form at the Clerk's office or transmit it online within the deadline for the prescribed application period. The application form must be accompanied,or supplemented, within said period, with payment of the prescribed non-refundable examination fee (payable in cash, or check or money order made to "Clerk, U.S. District Court"), and evidence of admission to the bar of any United States court or of the highest court of a state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States. The application form is available at the Clerk's office or on the Court's website, www.prd.uscourts.gov.

RULE 83D

ATTORNEYS: APPEARANCES AND WITHDRAWALS

(a) Appearances.

An attorney's signature to a pleading shall constitute an appearance. Otherwise, an attorney who wishes to participate in any manner in any action must file a formal written appearance. An appearance, whether by pleading or formal written appearance, shall be signed by an attorney in his or her individual name and shall state his or her bar admission number, email, office and postal addresses, and facsimile and telephone numbers.

(b) Withdrawals.

No attorney may withdraw an appearance in any action except by leave of Court.

RULE 83E

ATTORNEYS: DISCIPLINARY RULES AND ENFORCEMENT

(a) Standards for Professional Conduct - Basis for Disciplinary Action.

In order to maintain the effective administration of justice and the integrity of the Court, each attorney admitted or permitted to practice before this Court shall comply with the standards of professional conduct required by the Model Rules of Professional Conduct (the "Model Rules"), adopted by the American Bar Association, as amended. Attorneys who are admitted or permitted to practice before this Court are expected to be thoroughly familiar with the Model Rules' standards.

Any attorney admitted or permitted to practice before this Court may be disbarred, suspended from practice, reprimanded, or subjected to such other disciplinary action as the circumstances may warrant for misconduct and for good cause shown, and after notice and an opportunity to be heard.

Acts or omissions by an attorney admitted or permitted to practice before this Court, individually or in concert with any other person or persons, which violate the Model Rules, shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship or in the course of judicial proceedings.

(b) Disciplinary Proceedings.

When misconduct or allegations of misconduct which, if substantiated, would warrant discipline on the part of an attorney admitted or permitted to practice before this Court, shall come to the attention of a judge of this Court, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by these Rules, the judge shall refer the matter before a magistrate judge or the Disciplinary Committee for investigation and a report and recommendation. The magistrate judge or the Disciplinary Committee shall afford the attorney the opportunity to be heard. The attorney may submit objections to the report and recommendation. Any objections are to be filed with the Court within fourteen (14) days upon notice of the report and recommendation. The matter will then be submitted to the Court for final determination.

(c) Disciplinary Penalties.

An order imposing discipline under this rule may consist of any of the following:

(1) disbarment;

(2) suspension;

(3) public or private reprimand;

(4) monetary penalties, including an order to pay the costs of proceedings; or

(5) if the attorney was admitted pro hac vice or has been otherwise permitted to appear, preclusion from again appearing before this Court.

Any suspension or reprimand imposed may be subject to additional specified conditions, which may include continuing legal education requirements, counseling, or supervision of practice, or any other condition which the Court deems appropriate.

(d) Powers of Individual Judges to Deal with Contempt or Other Misconduct Not Affected.

The remedies for misconduct provided by this rule are in addition to the remedies available to individual judges under applicable law with respect to lawyers appearing before them. Misconduct of any attorney in the presence of a judge or in any manner with respect to any matter pending before the Court may be dealt with directly by the judge in charge of the matter or, at the judge's option, referred to the Chief Judge, or both.

Nothing in this rule shall limit the Court's power to punish contempt or to sanction counsel in accordance with the federal rules of procedure or the Court's inherent authority to enforce its rules and orders.

(e) Notice of Disciplinary Action to Other Courts.

The clerk shall give prompt notice of any order imposing discipline under this rule to the Court of Appeals for the First Circuit, the Supreme Court of Puerto Rico, and the American Bar Association.

(f) Confidentiality.

Unless otherwise ordered by the Court, complaints or grievances and any files based on them, shall be treated as confidential.

(g) Disbarment or Suspension on Consent While Under Disciplinary Investigation or Prosecution.

(1) Affidavit of Consent. Any attorney admitted or permitted to practice before this Court who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may consent to disbarment or suspension, but only by delivering to this Court an affidavit stating that the attorney desires to consent to disbarment or suspension and that:

(A) the attorney's consent is freely and voluntarily given; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of consenting;

(B) the attorney is aware that there is a pending investigation or proceeding involving allegations that grounds exist for the attorney's discipline the nature of which the attorney shall specifically set forth;

(C) the attorney acknowledges that the material facts so alleged are true; and,

(D) the attorney so consents because the attorney knows that if charges were predicated upon the matters under investigation, or if the proceedings were prosecuted, the attorney could not successfully defend himself.

(2) Order of Disbarment or Suspension on Consent. Upon receipt of the required affidavit, the Court shall enter an order disbarring or suspending the attorney.

(3) Disclosure. The order disbarring or suspending the attorney on consent shall be a matter of public record. The affidavit required under the provisions of this rule shall not be publicly disclosed, however, or made available for use in any other proceeding except upon order of this Court.

(h) Disbarment on Consent or Resignation in Other Courts.

(1) Any attorney admitted to practice before this Court who is disbarred on consent or resigns from the bar of any Court while an investigation into allegations of misconduct is pending, shall be stricken from the roll of attorneys admitted to practice before this Court, upon the filing of a certified copy of the judgment or order of disbarment or accepting such disbarment on consent or resignation.

(2) Any attorney admitted to practice before this Court, upon being disbarred on consent or resigning from the bar of any Court while an investigation into allegations of misconduct is pending, shall promptly inform the clerk of the disbarment on consent or resignation.

(i) Attorneys Convicted.

(1) Felony Convictions.

(A) Conviction in this District. Upon the entry of judgment of a felony conviction against an attorney admitted or permitted to

practice before this Court, the clerk shall immediately notify the Chief Judge of the conviction. The Chief Judge or his or her designee may then immediately issue an order suspending the attorney, regardless of the pendency of any appeal, until final disposition of a disciplinary proceeding as set forth in this rule.

(B) **Convictions in Other Courts.** Upon the filing with this Court of a certified copy of a judgment of conviction demonstrating that any attorney admitted or permitted to practice before this Court has been convicted of a felony in any Court of the United States or of a state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, the Chief Judge or his or her designee shall enter an order immediately suspending that attorney, regardless of the pendency of any appeal, until final disposition of a disciplinary proceeding to be commenced upon such conviction. A copy of such order shall immediately be served upon the attorney.

(C) **Other Crimes.** Upon the filing of a certified copy of a judgment of conviction of an attorney for any crime, the Chief Judge may appoint a Disciplinary Committee for whatever action deemed warranted.

(2) Certified Judgment as Conclusive Evidence. A certified copy of a judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.

(3) Reinstatement Upon Reversal of Conviction. An attorney suspended under the provisions of this rule will be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction has been reversed, but the reinstatement will not terminate any disciplinary proceeding then pending against the attorney.

(j) Discipline Imposed by Other Courts.

(1) When it is shown to this Court that any member of its Bar has been suspended or disbarred from practice in any other court of record, or has been guilty of conduct unbecoming a member of the bar of this Court, the member will be subject to suspension or disbarment by this Court. The member shall be afforded an opportunity to show good cause, within such time as the Court shall prescribe, why the member should not be suspended or disbarred. Upon the member's response to the order to show cause, and after hearing, if requested, or upon expiration of the time prescribed for a response, if no response is made, the Court shall enter an appropriate order.

(2) Upon the filing of a certified copy of a judgment or order establishing that an attorney admitted or permitted to practice before this Court has been disciplined by any court of competent jurisdiction, this Court shall issue forthwith a notice directed to the attorney containing:

(A) a copy of the judgment or order from the issuing court; and

(B) an order directing the attorney to show cause within thirty (30) days after service why disciplinary action should not be taken against him or her.

(3) The Chief Judge may designate another judge or a Disciplinary Committee to investigate and submit a report and recommendation.

(k) Reinstatement.

(1) After Disbarment or Suspension. An attorney suspended or disbarred may not resume practice until reinstated by order of this Court.

(2) Hearing on Application. Petitions for reinstatement by an attorney who has been disbarred or suspended under this rule shall be filed with the Chief Judge of the Court who shall schedule the matter for consideration by the active district judges of this Court within thirty (30) days from receipt of the petition. In considering the petition for reinstatement, the active district judges shall enter the order they deem appropriate. In considering the petition for reinstatement, the Court may schedule a hearing at which the petitioner shall have the burden of demonstrating by clear and convincing evidence that he or she has the moral qualifications, competency and learning in the law required for admission to practice before this Court and that resumption of the practice of law will not be detrimental to the integrity of the bar, the administration of justice, or undermine the public interest.

(3) Conditions of Reinstatement. If the petitioner is found unfit to resume the practice of law, the petition shall be dismissed. If the petitioner is found fit to resume the practice of law, the judgment shall reinstate him, provided that the judgment may make reinstatement conditional upon the payment of all or part of the costs of the proceedings and upon the making of partial or complete restitution to parties harmed by the petitioner whose conduct led to the suspension or disbarment.

(l) Duties of the Clerk.

(1) Upon being informed that an attorney admitted or permitted to practice before this Court has been convicted of any crime, the clerk shall determine whether the clerk of the court in which such conviction occurred has forwarded a certificate of such

conviction to this Court. If a certificate has not been forwarded, the clerk shall promptly obtain a certificate and file it with this Court.

(2) Upon being informed that an attorney admitted or permitted to practice before this Court has been subjected to discipline by another court, the clerk shall determine whether a certified or exemplified copy of the disciplinary judgment or order has been filed with this Court, and, if not, the clerk shall promptly obtain a certified or exemplified copy of the disciplinary judgment or order and file it with this Court.

(3) Whenever it appears that any person convicted of any crime or disbarred or suspended or censured or disbarred on consent or precluded from appearance and practice by this Court is admitted to practice law in any other jurisdiction(s) or before any other court, the clerk shall promptly transmit to the other court(s), a certificate of the conviction or a certified exemplified copy of the judgment or order of disbarment, suspension, censure, disbarment on consent, or order of preclusion, as well as the last known office and residence addresses of the defendant or attorney.

(4) The clerk shall, likewise, promptly notify the National Discipline Data Bank operated by the American Bar Association of any order imposing public discipline upon any attorney admitted to practice before this Court.

RULE 83F

SECURITY

(a) Courthouse Security.

(1) Screening and Search. All persons entering federal courthouse facilities in this district and all items carried by them are subject to appropriate screening and search by the marshal, or any other designated law enforcement officer. Persons may be requested to provide identification and to state the nature of their business in the courthouse. Anyone refusing to cooperate with these security measures shall be denied entrance to the courthouse.

(2) Firearms and Other Weapons. All persons, including all law enforcement personnel not employed by the United States Marshals Service, shall deposit any firearm or other weapon with a deputy marshal or any other law enforcement officer designated by the marshal, directly upon entering federal courthouse facilities, unless otherwise specifically authorized by the marshal.

No firearms or other weapons are permitted in any courtroom, except when carried by United States Marshals Service personnel or when used as exhibits. Upon entering the courthouse, the custodian of the firearm or other weapon exhibit must submit it to the marshal's office for a determination that the firearm or other weapon exhibit is inoperative.

(b) Photographing; Broadcasting; Televising; Recording.

(1) Photographic, Broadcasting and Recording Equipment. The taking of photographs and the use of radio, television or other recording or broadcasting equipment anywhere inside the courthouses, or in any leased space, occupied by the district court, the bankruptcy court, the U.S. Probation Office or the United States Marshal, are strictly prohibited. For the purpose of this rule, the area around the courtrooms shall include the Judges' chambers, halls, passageways and stairways on those floors of the building on which court proceedings are conducted; elevators; the Clerk's office; the marshal's office, and all areas encompassed within the courthouse building which communicate with the entrances to the courthouse.

Photographing, recording (audio or video), broadcasting, transmission or televising of court proceedings is not allowed. This disposition is extensive to all attorneys and legal aides who may be using cellular telephones or any other electronic device with built-in features allowing for the taking of photographs, audio or video recording and scanning documents.

(2) Exceptions. A judge may authorize broadcasting, televising, recording or taking photographs in the courtroom or adjacent areas, however, during naturalization, admissions to the bar or other ceremonial or special proceedings.

The use of electronic, photographic and recording equipment may be allowed in any courtroom as a means for presentation of evidence or for the perpetuation of the record of the proceedings in court, videoconferencing, electronic case filing and access, for security purposes, for purposes of judicial administration, or in accordance with any pilot program allowed by the Judicial Conference of the United States.

(c) Cellular Phones, Pagers, Tape or Digital Recorders, and Laptop Computers.

(1) Authorized Court Personnel. Only authorized Court personnel may possess cellular phones or pagers in court facilities. The United States Attorney and his or her assistants are authorized to possess cellular phones and pagers in Court facilities by virtue of their federal law enforcement status pursuant to 18 U.S.C. § 115(c)(1), in the discharge of their official government duties, upon a demonstrated need to the presiding judge. Such devices shall be switched to their "silent mode" when brought into or possessed in any courtroom or judge's chamber, however, unless specific advance authorization to the contrary is given by a judge. Those devices shall be switched to their "silent mode" when brought into or possessed in or during mediation sessions unless specific advance authorization to the contrary is given by the mediator in the proceedings.

(2) Members of the Bar. Attorneys, and their assistants, when providing services to counsel, may be allowed to use laptop computers in the courtrooms upon counsel's certification to the presiding judge that he or she will comply, and be responsible for his staff's compliance, with the Rules of this Court, specifically with the provisions under subsection (b)(1) of this rule.

(3) Other Persons. All other persons shall deposit any cellular phone, pager, laptop computer, personal digital assistant (PDA) or similar device, tape or digital recorders, with a deputy United States Marshal or any other law enforcement officer designated by the United States Marshal, directly upon entering the federal courthouse or courtroom facilities.

RULE 83G

COURT PROCEEDINGS; RELEASE OF INFORMATION

(a) Court Supporting Personnel.

Court personnel, including the United States Marshal, deputy marshals, the clerk, deputy clerks, probation officers, assistant probation officers, bailiffs or court security officers, official court reporters, court staff interpreters, and employees or subcontractors retained by the court-appointed official reporters, judges' secretaries, law clerks, student assistants, and other employees, are prohibited from publicly or privately disclosing, without authorization by the Court, any information related to pending grand jury proceedings or non-public information related to any case, civil or criminal, or mediation processes, without the Court's express authorization. Divulging information concerning in- camera hearings or conferences is also prohibited.

(b) Duty of Attorneys Not to Release or Authorize Release of Information.

As officers of this Court, it is the duty of the United States Attorney and all assistants, as well as all attorneys engaged in the practice of law before this Court, to refrain from releasing, or authorizing anyone within his or her control to release information for public use or dissemination in connection with pending or imminent criminal litigation, if there is a reasonable likelihood that such use or dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice.

(c) Duty of Attorneys Not to Make Extrajudicial Statements.

With respect to a grand jury or other pending investigation of any criminal matter, the United States Attorney, all assistants, and any attorney participating in or associated with the investigation shall refrain from making any extrajudicial statement for public use or dissemination if such statement goes beyond the public record or is not necessary to inform the public that the investigation is under way, to describe the general scope of the investigation, to obtain assistance in the apprehension of a suspect, to warn the public of any dangers, or otherwise to aid in the investigation.

(d) Duty of Attorneys Not to Release or Authorize the Release of Extrajudicial Statements.

From the time of arrest, issuance of an arrest warrant or the filing of a complaint, information or indictment in any criminal matter until the commencement of trial or disposition without trial, the United States Attorney and assistants or any attorney associated with the prosecution or defense, shall be prohibited from releasing or authorizing the release of any extrajudicial statement which a reasonable person would expect to be disseminated by any means of public communication, relating to the matter and concerning:

(1) The prior criminal record (including arrest, indictment, or other charges of crime), or the character or reputation of the accused, except that the attorney may make a factual statement of the accused's name, age, residence, occupation and family status and, if the accused has not been apprehended, the United States Attorney may release any information necessary to aid in his or her apprehension or to warn the public of any dangers he or she may present;

(2) The existence or contents of any confession, admission or statement given by the accused, or the refusal or failure of the accused to make any statement;

(3) The performance of any examinations or tests or the accused's refusal or failure to submit to an examination or test;

(4) The identity, testimony, or credibility of prospective witnesses, except that the lawyer or law firm may announce the identity of the victim if the announcement is not otherwise prohibited by law;

(5) The possibility of a plea of guilty to the offense charged or a lesser offense;

(6) Any opinion as to the accused's guilt or innocence or as to the merits of the case or the evidence in the case.

The foregoing shall be not construed to preclude the United States Attorney's office or any defense lawyer during this period, in the proper discharge of his, her or its official or professional obligations, from announcing the fact and circumstances of an arrest (including time and place of arrest, resistance, pursuit, and use of weapons), the identity of the investigating and arresting officer or agency, and the length of the investigation; from making an announcement, at the time of seizure of any physical evidence other than a confession, admission or statement, limited to a description of the evidence seized; from disclosing the nature, substance, or text of the charge, including a brief description of the offense charged, from quoting or referring without comment to public records of the court in the case; from announcing the scheduling or result of any stage in the judicial process; from requesting assistance in obtaining evidence; or from announcing without further comment that the accused denies the charges made against him or her.

(e) During Trial.

During the course of any jury trial of a criminal matter, including during the period of selection of the jury, no United States Attorney, assistant or attorney associated with the prosecution or defense shall give or authorize any extrajudicial statement or interview on the trial or the parties or issues in the trial, which a reasonable person would expect to be disseminated by means of public communication, if there is a reasonable likelihood that such dissemination will interfere with a fair trial, except that the United States Attorney, assistant or defense lawyer may quote from or refer without comment to public records of the Court in this case.

(f) Application of Rules Under Special Circumstances.

Nothing in this Rule is intended to preclude the information or application of more restrictive rules relating to the release of information about juvenile or other offenders, to preclude the holding of hearings or the lawful issuance of reports by legislative, administrative, or investigative bodies, or to preclude any attorney from replying to charges of misconduct, that are publicly made against him or her.

(g) Special Orders in Appropriate Cases.

In widely-publicized or sensational cases, the Court, on motion of either party or on its own motion, may issue a special order governing such matters as extrajudicial statements by parties and witnesses likely to interfere with the rights of the accused or the parties to a fair trial by an impartial jury, the seating and conduct in the courtroom or spectators and news media representatives, the management and sequestration of jurors and witnesses, and any other matters which the Court may deem appropriate for inclusion in such an order. Such special order may be addressed to one, some or all of the following subjects:

(1) A proscription of extrajudicial statements by participants in the trial, including attorneys, parties, witnesses, jurors, about a judicial matter not of public record in the case, including statements concerning the evidence in the case.

(2) Specific directives regarding the clearing of entrances to and hallways in the courthouse and respecting the management of the jury and witnesses during the course of the trial so as to avoid their mingling with or being in the proximity of reporters, photographers, parties, attorneys and others, both when entering and leaving the courtroom and courthouse, and during recess during the trial.

(3) Specific direction that the jurors refrain from reading, listening to, or watching news reports concerning the case, and that they similarly refrain from discussing the case with anyone during the trial and from communicating with others in any manner during their deliberations.

(4) Sequestration of the jury on motion of either party or the court, without disclosure of the identity of the movant.

(5) Direction that the names and addresses of jurors or prospective jurors not be publicly released except as required by statute, and that no photograph be taken or sketch made of any juror within the environs of the court.

(6) Insulation of witnesses from news interviews during the trial period.

(7) Specific provisions regarding the seating of spectators and representatives of news media, including:

(A) An order that no member of the public or news media representative be at any time permitted within the bar railing;

(B) The allocation of seats to news media representatives in cases where there is an excess of requests, taking into account any pooling arrangement that may have been agreed to among the news persons.

The list of subjects mentioned above is not intended to be exhaustive, but it is merely illustrative of some of the matters which might appropriately be dealt with in such an order. In an appropriate civil case the Court may enter a special order governing the same matters.

RULE 83H

COMPLAINTS OF JUDICIAL MISCONDUCT OR DISABILITY

Complaints alleging judicial misconduct or disability are governed by 28 U.S.C. §§351 *et seq.*, and by the Rules of the Judicial Council of the First Circuit Governing Complaints of Judicial Misconduct or Disability, as amended. Any such complaint shall be filed with the Clerk of the United States Court of Appeals for the First Circuit in the form prescribed by the Judicial Council of the First Circuit which shall be available at the Clerk's office, on this Court's web site (www.prd.uscourts.gov), or on the web site for the Court of Appeals for the First Circuit (www.ca1.uscourts.gov) under the Circuit Executive link.

RULE 83I

CERTIFICATES OF APPEALABILITY

A petitioner wishing to appeal from the denial of a petition pursuant to 28 U.S.C. § 2254 or 28 U.S.C. § 2255, must file a timely notice of appeal and should promptly apply to the presiding judge for a certificate of appealability. The application will be directed in the first instance to the district court judge who refused the writ.

RULE 83J

COURT-ANNEXED MEDIATION

(a) In General.

Mediation is a non-binding process whereby parties and counsel meet with a neutral mediator trained to assist them in settling disputes. Although mediators have no power to render a decision or dictate a settlement, mediation is generally recognized as improving communication between disputing parties by assisting them to articulate their interests. Mediators also assist in identifying areas of agreement in order to generate options for a mutually-agreeable resolution.

(b) Eligible Cases; Selection for Mediation.

All civil cases arising under the jurisdiction of this Court are eligible for mediation. A case may be selected for mediation:

(1) By the Court at its discretion;

(2) By the Court on the motion of one of the parties; or

(3) By the stipulation of all parties to a case.

(c) Mediators.

(1) Qualifications. In order to be eligible to serve as a mediator in this district, an applicant must:

(A) have been a member in good standing of the bar of this Court for a period of at least five (5) years; and,

(B) have at least five (5) years of experience in the resolution of legal disputes (as an arbitrator, judge, mediator, or similar); and,

(C) demonstrated professionalism, integrity, and sound judgment throughout his or her careers, as determined by the committee of judges designated pursuant to subsection (c)(3) of this rule.

(2) List. This Court will establish a list of mediators. The list will be comprised of judges, retired judges, and attorneys who, based on their training or experience, are deemed to possess the qualities necessary to perform effectively as mediators.

(3) Applications. The clerk will solicit and receive applications from individuals wishing to serve as mediators, and the Chief Judge will designate a committee of judges

to evaluate each candidate and determine which applicants may be included on the list. The applications shall be submitted in the form approved by the Court and available at the Clerk's office ("Application for Inclusion in List of Mediators"), or at the Court's web site (www.prd.uscourts.gov).

(4) Selection of a Mediator.

(A) **By the Parties.** The Court will promptly notify the parties in writing when a case is referred to mediation. Once notice has been given, the parties will first be given an opportunity to select a mediator from the list maintained by the Court. The parties may select a mediator not on the Court approved list, provided the mediator signs a written agreement to be bound by these local rules. The parties must, within fourteen (14) days of the date of the Court's notice of referral to mediation, notify the Court of the name of the person selected by the parties to serve as mediator and file a written agreement with the selected mediator.

(B) **By the Court.** If the parties fail to agree to a mediator within the fourteen (14) day time period or fail to notify the Court within the fourteen (14) day time period, the Court will select a mediator from the approved list maintained by the Court.

(C) **Potential Conflict of Interest.** If the Court selects the mediator, then it must identify all interested parties to the mediation and determine whether a mediator selected by the Court has any potential conflict of interest.

(D) **Acceptance of Designation**. Upon selection, a mediator shall acknowledge his designation in writing by filing an acknowledgment and declaration in the form approved by the Court and available at the Clerk's office, or at the Court's web site (www.prd.uscourts.gov).

(5) Compensation. A mediator will be compensated at a reasonable rate taking into consideration the qualifications of the mediator and the complexities of the issues in the case. The mediator's fee will be borne equally by the parties unless directed otherwise by the Court. The rate of compensation shall be agreed to in writing by the parties during the fourteen (14) day period parties are given to select a mediator as prescribed in subparagraph (4)(A). Should the parties fail to come to an agreement the Court shall set the level of fees.

(6) Oath. Each individual certified as a mediator of the Court shall take the oath or affirmation prescribed by 28 U.S.C. § 453.

(7) Disqualification. No mediator shall serve in any matter in violation of the standards set forth in Section 455 of Title 28 of The United States Code. If a mediator is concerned that a circumstance covered by Section 455(a) might exist, the mediator shall promptly disclose that circumstance in writing to all counsel to the dispute.

(A) A party who believes that the mediator has a conflict of interest shall bring this concern to the attention of the Court in writing, within fourteen (14) days of learning of the potential conflict or the objection shall be deemed waived.

(B) A party who believes that the mediator has engaged in impermissible misconduct shall bring this concern to the attention of the Court in writing, within fourteen (14) days of learning of the alleged misconduct or the objection shall be deemed waived.

(d) Mediation Order.

Once a mediator has been selected, the Court shall enter a mediation order. The order shall:

(1) Appoint a mediator;

(2) State the rate of compensation of the appointed mediator; and,

(3) Establish a deadline for when mediation must be completed. The deadline shall not exceed six (6) months from the date of the order. Once mediation has commenced, the parties may request the Court for an extension of time beyond the deadline in order to complete the mediation process.

A party may object for good cause to Court ordered mediation by filing a written request for reconsideration, within fourteen (14) days after the Court has issued a mediation order. Mediation processes will be stayed pending a decision on the request for reconsideration unless otherwise ordered by the Court.

(e) Mediation Process.

(1) Scheduling of Mediation Sessions. The mediator shall contact all attorneys to fix the date and place of the first mediation session. The first session must be held within thirty (30) days from the date the mediation order is entered. The mediation shall be held at the office of the mediator or at any other location mutually agreed to by the parties. At the completion of the first session, the mediator may schedule additional mediation sessions at a time and place agreed to by the parties.

(2) Written Submissions to the Mediator. At least seven (7) days before the first mediation session, the parties must submit to the mediator:

(A) Copies of all relevant pleadings and motions; and

(B) A Mediation Statement not to exceed ten (10) pages double-spaced (not including exhibits) outlining the key facts and legal issues in the case. The statement will also include each party's position regarding settlement. Mediation statements are not briefs and are not to be filed with the Court. Only the mediator shall have access to the statements.

(3) Attendance at Mediation Sessions. Once the mediation order has been entered, all parties and their respective counsel must attend all mediation sessions and engage in a good-faith effort to resolve the dispute as prescribed by subparagraph (f) of this Rule. If a party is a corporation, governmental institution or a minor, a representative of that party must attend with binding authority to settle the matter.

(4) Separate Caucuses. The mediator may hold separate, private caucuses with any party or counsel.

(5) Expert Advice. The mediator may obtain expert advice concerning technical aspects of a dispute, provided all parties agree and assume the expenses of obtaining such assistance.

(6) Conclusion of Mediation. Mediation shall conclude when:

(A) A settlement is reached. If the parties reach an agreement, the mediator will prepare a written summary reflecting the agreement. The parties shall sign the agreement and file it with the court;

(B) The mediator concludes and informs the Court that further efforts would not be useful; or

(C) One of the parties requests the Court that mediation be terminated. The Court shall grant such a request upon a showing by the requesting party that it has participated in the mediation in good faith and that further sessions are not likely to result in settlement.

(7) At the Court's discretion, proceedings may be stayed pending the conclusion of the mediation process.

(f) Good-Faith Participation.

In all cases designated by the Court for mediation, good-faith participation shall be mandatory for all parties. The failure of any party to participate in good faith shall result in sanctions. In determining good-faith participation, the Court will rely heavily on the recommendation of the mediator.

(g) Confidentiality.

All mediation proceedings conducted pursuant to this Rule shall remain confidential. All written and oral communications made by the parties and the mediator in connection with or during any mediation session are confidential and may not be disclosed for any purpose unrelated to the mediation process. The mediator shall not be called by any party as a witness in any court proceeding related to the subject matter of the mediation unless related to alleged misconduct of the mediator or with respect to the good-faith requirement contained in subparagraph (f) of this Rule. No papers generated or produced by the mediation process will be included in Court files, nor shall the judge or magistrate judge assigned to the case have access to them. Information about what transpires during mediation sessions will not at any time be made known to the Court, except to the extent required to resolve issues of noncompliance with the mediation procedures. Nothing in this section shall be construed to prohibit parties from entering into a written agreement resolving some or all of the case or entering and filing with the Court any procedural or factual stipulations based on suggestions made or agreements reached as a result of the mediation process.

RULE 83K

BANKRUPTCY

(a) Delegated Jurisdiction.

Pursuant to 28 U.S.C. § 157(a) and the district court's Resolution of July 19, 1984, as it may be amended from time to time, the Court refers cases and proceedings in bankruptcy to the bankruptcy court of this district. Copies of the Resolution are available at the Clerk's office or on the Court's web site (www.prd.uscourts.gov).

(b) Local Rules of Bankruptcy Practice.

Pursuant to Federal Rule of Bankruptcy Procedure 9029, the bankruptcy judges of this district are authorized to make such rules of practice and procedure as they may deem appropriate, subject to the requirements of Fed.R.Civ.P. 83, provided that in promulgating the rules governing the admission or eligibility to practice in the bankruptcy court, the bankruptcy judges shall require district court admission, except for pro-se appearances or for appearances pursuant to the student practice rule of this Court.

(c) Conduct of Jury Trials by Bankruptcy Judges.

Each bankruptcy judge for the District of Puerto Rico is specially designated to conduct jury trials pursuant to 28 U.S.C. Section 157(e).

(d) Bankruptcy Appeals.

All appeals from the bankruptcy court are to the First Circuit Bankruptcy Appellate Panel unless a timely election is filed to have an appeal heard by this Court pursuant to 28 U.S.C. § 158(c)(1) and Rule 8001(e) of the Federal Rules of Bankruptcy Procedure.

The clerk shall issue appropriate directives for the electronic transmission of the record on appeal in those cases appealed before the district court. Parties to an appeal shall notify a judgment concluding an appeal to the bankruptcy court within thirty (30) days of its entry.

RULE 83L

PRO-BONO PROGRAM

(a) General.

Pursuant to 28 U.S.C. §1915 (e), this Rule and the American Bar Association Rules of Professional Conduct, each member of the trial bar has the responsibility to represent any person unable to afford counsel. The pro-se rules provide for the reimbursement of expenses of counsel appointed under this Rule. The admission fees collected when counsel join the trial bar form a major source of the funds used to pay the expenses. The procedures for appointment involve selecting from a current panel of members of the bar as set forth below.

(b) Definitions.

The following definitions shall apply to the pro-bono program:

(1) The term **"appointment of counsel"** shall mean the appointment of a member of the trial bar to represent a party who lacks the resources to retain counsel by any other means. The appointment shall only be in a civil action and shall not include any appointment made pursuant to the Criminal Justice Act of 1964, 18 U.S.C. §3006A.

(2) The term **"panel"** shall mean those members of the trial bar who have volunteered for appointment and those whose names were selected pursuant to section (c).

(3) The terms **"pro-bono rules"** and **"pro-bono program"** shall refer to this Rule.

(c) Creating the Panel.

From time to time, the Clerk of the Court shall select names at random from the trial bar to create a panel to be used in assigning members of the bar to provide pro bono representation to indigent persons in civil cases. The panels are formed annually. The names are selected in such a manner that no member of the trial bar is selected for a subsequent panel until all other members of the bar have been selected.

(d) Notification to Panel.

Following the selection of a panel, the Clerk shall notify each member and obtain from each the following information to be used in assigning counsel from the panel:

(1) counsel's prior civil trial experience, including a general indication of the number of trials and areas of trial experience;

(2) counsel's ability to consult and advise in languages other than English;

(3) counsel's preferences for appointment among the following types of matters:

(a) Social Security appeals;

(b) employment discrimination actions;

(c) civil rights actions filed by persons in custody; and

(d) other civil rights actions.

(4) Information supplied by counsel may be amended at any time by letter.

(e) Exemptions.

A member of the trial bar–

(1) whose principal place of business is outside of this District, or

(2) who is employed full-time by an agency of the United States, a state, a county, a municipality or any of their sub-divisions, or

(3) who is employed full-time by a not-for-profit legal aid organization,

shall, when selected for a panel, be removed from it and returned to the pool. That removal, however, shall not preclude counsel from being selected for a subsequent panel.

(f) Volunteers.

A member of the trial bar may volunteer to be included in a panel. Whenever a volunteer is appointed, the Clerk, as part of the notification process, will ask the volunteer to elect one of the following options:

(1) the volunteer's name will be moved to the end of the list of names on the panel, or

(2) the volunteer's name will be removed from the panel and either replaced after a specified time period or at the request of the volunteer.

The Clerk will make a similar request of any volunteer whose name has been on a panel for 12 months and who has not been appointed during that time.

The only exemption from being included on a panel is the limited one granted to members of the groups specified in section (e).

(g) Application.

Any application for the appointment of counsel by a party appearing pro-se shall be made on a form approved by the Court. The application shall include a form of affidavit stating the party's efforts, if any, to obtain counsel by means other than appointment and indicating any prior pro-bono appointments of counsel to represent the party in cases brought in this Court, including both pending and previously terminated actions. A completed copy of the affidavit of financial status shall be attached to the application. The Clerk shall provide the application forms and financial status affidavits on request, together with a cover sheet informing the party of the following:

(1) the steps needed to complete and file the application;

(2) the party's responsibility under this Rule to pay expenses to the extent reasonably feasible based on the party's financial condition;

(3) the party's responsibility under this Rule to pay part or all of counsel's fees to the extent reasonably feasible based on the party's financial condition;

(4) the provisions of 42 U.S.C. §2000e-5(k) and 42 U.S.C. §1988(b) and (c) for the award of attorney's fees to prevailing parties in Title VII employment discrimination actions and civil rights actions; and

(5) the provisions for awarding statutory attorney's fees from any award of retroactive disability benefits in social security appeals.

Failure of a party to make a written application for appointed counsel shall not preclude appointment.

(h) Reapplication.

A pro-se party who was ineligible for appointed counsel at the outset of the litigation who later becomes eligible by reason of changed circumstances may apply for appointment of counsel within a reasonable time after the change in circumstances has occurred. The procedures set out in section (g) shall be followed in making the reapplication.

(I) Factors Used in Determining Whether to Appoint.

Upon receipt of an application for the appointment of counsel, the judge shall determine whether counsel is to be appointed to represent the pro-se party pursuant to 28 U.S.C. §1915(e). That determination shall be made within a reasonable time after the application is filed.

The following factors will be taken into account in making the determination:

(1) the potential merits of the claims as set forth in the pleadings;

(2) the nature and complexity of the action, both factual and legal, including the need for factual investigation;

(3) the presence of conflicting testimony calling for a lawyer's presentation of evidence and cross-examination;

(4) the capability of the pro-se party to present the case;

(5) the inability of the pro-se party to retain counsel by other means;

(6) the degree to which the interests of justice will be served by appointment of counsel, including the benefit the court may derive from the assistance of appointed counsel; and

(7) any other factor deemed appropriate by the Court .

(j) Order of Appointment.

Whenever the judge concludes that the appointment of counsel is warranted, the judge shall enter an order pursuant to 28 U.S.C. §1915(e) directing the appointment of counsel to represent the pro-se party. The judge may specify in the order of appointment an area of expertise or preference so that the Clerk may select a prospective appointee who indicated preference for that area, if one is available. The order shall be transmitted forthwith to the Clerk. If service of the summons and complaint has not yet been made, an order directing service by the marshal or by other appropriate method of service shall accompany the appointment order.

The selection of a member of the panel for appointment pursuant to the appointment order will normally be made in accordance with section (i). The Court may determine that an appointment be made, however, in any of the following manners:

(1) Where the pro-se party has one or more other cases pending before this Court in which counsel has been appointed, the judge may determine it to be appropriate that counsel appointed in the other case or cases be appointed to represent the pro-se party in the case before the judge.

(2) Where the judge finds that the nature of the case requires specific expertise and among the panel members available for appointment there are some with the required expertise, the judge may direct the Clerk to select counsel from among those included in the group or may designate a specific member of the group.

(3) Where the judge finds that the nature of the case requires specific expertise and none of the panel members available for appointment has indicated that expertise, the judge may appoint counsel with the required expertise who is not on the panel.

In order to assist the judge in determining whether or not to make a direct appointment under subsection (1) of this section, the Clerk shall provide on request the case number, case title, judge to whom assigned, and name of counsel appointed of each case currently pending before the Court in which the pro-se party has had counsel appointed.

(k) Selection of Attorney to be Appointed.

Except where another method of appointment is ordered pursuant to section (h), the Clerk, on receipt of the order of appointment shall select a name from the panel in the following manner:

(1) Where the order specifies a particular area of expertise or a preference, the Clerk shall select the first available panel member indicating the expertise or preference. If no person with the expertise or preference is found, the next available person listed on the panel shall be selected.

(2) Where the order does not specify any area of expertise or preference, the Clerk shall select the first available person listed on the panel.

(l) Notice of Appointment.

After counsel has been selected, the Clerk shall file counsel's appearance through CM/ECF. The Clerk shall also immediately send written notice of the appointment.

(m) Stay of Proceedings.

The Court will stay all proceedings in the action for a period of thirty (30) days from the date the attorney is appointed by the Court to represent the litigation. The purpose of the stay is to permit the appointed counsel sufficient time to meet and interview the client, review the case file and conduct preliminary investigation and legal research.

(n) Making Private Counsel Court-Appointed.

Where a party is represented by counsel and because of the party's financial condition both the party and counsel wish to change the nature of the representation to court-appointed representation in order that counsel may be eligible for reimbursement of expenses from the Court's fund pursuant to this Rule, counsel may petition the court to be court-appointed counsel. The petition shall indicate that if the court grants the petition, existing fee agreements between the party and counsel shall no longer be enforceable and that subsequent fee agreements between the party and counsel may only be made in accordance with the provisions of this Rule. The judge shall grant the petition only if the judge would have granted an application filed under this Rule had the party not been represented by counsel. Where the party is represented by more than one counsel, any order of appointment under this section shall preclude prospective operation of fee agreements with all such counsel but shall appoint only those counsel wishing to be appointed.

(o) Duties and Responsibilities of Appointed Counsel.

Promptly following the Clerk's filing of counsel's appearance, counsel shall communicate with the newly-represented party concerning the action. In addition to a full discussion of the merits of the dispute, counsel shall explore with the party any possibilities of resolving the dispute in other forums, including, but not limited to, administrative forums. If after consultation with counsel the party decides to prosecute or defend the action, counsel shall proceed to represent the party in the action unless or until the attorney-client relationship is terminated.

Except where the appointment is terminated pursuant to this Rule, each appointed counsel shall represent the party in the action from the date the Clerk enters counsel's appearance until a final judgment is entered in the action. If the matter is remanded to an administrative forum, the appointed counsel shall, unless given leave to withdraw by the judge, continue to represent the party in any proceeding, judicial or administrative, that may ensue upon an order of remand. The appointed counsel is not required by these rules to continue to represent a party on appeal should the party represented wish to appeal from a final judgment.

(p) Grounds for Relief from Appointment Application.

After appointment, counsel may apply to be relieved of an order of appointment only on the following grounds or on such other grounds as the appointing judge finds adequate for good cause shown:

(1) A conflict of interest precludes counsel from accepting the responsibilities of representing the party in the action.

(2) In counsel's opinion, counsel is not competent to represent the party in the particular type of action assigned.

(3) A personal incompatibility or a substantial disagreement on litigation strategy exists between counsel and the party.

(4) Because of the temporary burden of other professional commitments involved in the practice of law, counsel lacks the time necessary to represent the party.

(5) In counsel's opinion, the party is proceeding for purpose of harassment or malicious injury, or the party's claims or defenses are not warranted under existing law and cannot be supported by good faith arguments for extension, modification, or reversal of existing law.

(6) For other good cause shown. Reasons which may constitute good cause for the striking of an attorney's name shall include, but are not limited to, infirmity, retirement, and prior recent appointment from the panel.

Any application by appointed counsel for relief from an order of appointment on any of the grounds set forth in this section shall be made to the judge promptly after the attorney becomes aware of the existence of the grounds, or within such additional period as may be permitted by the judge for good cause shown, not to exceed thirty (30) days after learning of the facts warranting such relief. The application shall be a privileged court document kept under seal and shall not be available in discovery or otherwise used in litigation. If the attorney's name is stricken for a specified period of time, then the attorney's name shall be reinstated at the expiration of that period unless the judge has ruled to the contrary.

(q) Order Granting Relief.

If an application for relief from an order of appointment is granted, the judge may issue an order directing the appointment of another counsel to represent the party. The appointment shall be made in accordance with the procedures set forth in this Rule. Alternatively, the judge shall have the discretion not to issue a further order of appointment, in which case the party shall be permitted to prosecute or defend the action pro-se.

Where the judge enters an order granting relief from an order of appointment on the grounds that counsel lacks the time to represent the party due to a temporary burden of other professional commitments, the name of counsel so relieved shall, except as otherwise provided in the order, automatically be included among the names selected for the next panel.

(r) Discharge of Appointed Counsel on Request of Party.

Any party for whom counsel has been appointed shall be permitted to request the judge to discharge him or her from the representation and to appoint another. The request shall be made within thirty (30) days after the party's initial consultation with the appointed attorney, or within such additional period as permitted by the judge for good cause shown.

When the request is supported by good cause, such as personal incompatibility or a substantial disagreement on litigation strategy between the party and appointed counsel, the judge shall forthwith issue an order discharging and relieving appointed counsel from further representation of the party in the action or appeal. Following the entry of such an order of discharge, the judge may, in his or her discretion, enter another order directing the appointment of another counsel to represent the party. In any action where the judge discharges appointed counsel but does not issue another order of appointment, the party shall be permitted to proceed pro-se.

In any action where a second counsel is appointed and subsequently discharged upon request of a party, no additional appointment shall be made except on a strong showing of good cause. Any appointments made following the entry of an order of discharge shall be made in accordance with the procedures set forth in that Rule.

(s) Status Conference at Expiration of Stay.

As near a time as is practical after the expiration of the stay of proceedings in any referred case, the Court shall conduct a status conference with all parties represented. One purpose of the status conference shall be to consider whether expedited discovery and/or other proceedings are appropriate to facilitate efficient resolution of the case.

(t) Expenses.

The party shall bear the cost of any expenses of the litigation to the extent reasonably feasible in light of the party's financial condition. Expenses shall include, but not be limited to, discovery expenses, subpoena and witness fees, transcript expenses and translations. Appointed counsel or the firm with which counsel is affiliated may advance part or all of the payment of any such expenses without requiring that the party remain ultimately liable for such expenses, except out of the proceeds of any recovery. The attorney or firm shall not be required, however, to advance the payment of such expenses.

At the conclusion of the case, to the extent that appointed counsel seeks reimbursement for expenses that are recoverable as costs to a prevailing party under Fed. R. Civ. P. 54 or 28 U.S.C.§1920, the appointed attorney must submit a verified bill of costs and not attempt to recover those expenses from the Fund.

If the party is subsequently reimbursed for an expense that had been funded in whole or in part from the Fund, the party shall be required to reimburse the Fund. In addition, any expenses paid pursuant to this section must be repaid to the Court upon recovery of judgment or monetary settlement.

Expenses incurred by appointed counsel or the firm with which counsel is affiliated may be reimbursed from the Court's fund in accordance with the provisions of the Regulations Governing the Reimbursement of Expenses in Pro-Bono Cases. The Clerk will provide copies of the Regulations on request.

(u) Attorney's Fees; Party's Ability to Pay.

Where as part of the process of appointing counsel the judge finds that the party is able to pay for legal services in whole or in part but that appointment is justified, the judge shall include in the order of appointment provisions for any fee arrangement between the party and the appointed counsel.

If after appointment counsel discovers that the party is able to pay for legal services in whole or in part, counsel shall bring that information to the attention of the judge. The judge may then either (1) authorize the party and counsel to enter into a fee agreement subject to the judge's approval, or (2) relieve counsel from the responsibilities of the order of appointment and either permit the party to retain an attorney or to proceed pro-se.

(v) Fee Agreements Prohibited; Exceptions.

Because the representation of the party was not voluntary at its inception and because the party is unrepresented in dealing with appointed counsel, appointed counsel shall, except as otherwise provided in this rule, neither (1) enter into a binding fee arrangement of any type with the party, nor (2) make such an arrangement a condition to undertaking or continuing the representation.

Where it appears that a reasonable settlement is possible, appointed counsel may enter into a provisional fee agreement with the party counsel was appointed to represent. The provisional fee agreement shall be presented to the court for approval.

(w) Allowance of Fees.

Upon appropriate application by appointed counsel, the judge may award attorney's fees to appointed counsel for services rendered in the action as authorized by applicable statute, regulation, rule, or other provision of law, including case law.

Should the appointed counsel, however, recover attorney's fees by court award as provided by law or by settlement, any fee previously advanced by the Court shall be repaid out of such recovery.

ADMIRALTY RULES

RULE A

SCOPE OF RULES

(1) Authority.

The Local Admiralty Rules of the United States District Court for the District of Puerto Rico are promulgated by a majority of the district judges as authorized by and subject to the limitations of Fed. R. Civ. P. 83.

(2) Scope.

The Local Admiralty Rules apply only to civil actions that are governed by Supplemental Rule A of the Supplemental Rules for Certain Admiralty and Maritime Claims. All other local rules are applicable in these cases, but to the extent that another local rule is inconsistent with the applicable Local Admiralty Rules, the Local Admiralty Rules shall govern.

(3) Officers of the Court.

As used in the Local Admiralty Rules, "judge" means a United States District Judge or United States Magistrate Judge; "clerk" means the Clerk of the United States District Court for the District of Puerto Rico, the chief deputy clerk, and deputy clerks; "marshal" means the United States Marshal, including deputy marshals.

RULE C

ACTIONS IN REM: SPECIAL PROVISIONS

(1) Intangible Property.

The summons issued pursuant to Supplemental Rule C(3) shall direct the person having control of intangible property to show cause, no later than fourteen (14) days after service, as to why the intangible property should not be delivered to the Court to abide the judgment. A judge may lengthen or shorten the time for good cause shown.

Service of the summons has the effect of an arrest of the intangible property and brings it within the control of the Court. The person who is served may deliver or pay over to the marshal the intangible property proceeded against, to the extent sufficient to satisfy the plaintiff's claim. If such delivery or payment is made, the person served is excused from the duty to show cause. The claimant of the property may show cause, as provided in Supplemental Rule C(6), as to why the property should not be delivered to the Court.

(2) Publication of Notice of Action and Arrest.

The notice required by Supplemental Rule C(4) shall be published once in a newspaper named in L.Adm.R. H(3), and plaintiff's attorney shall file a copy of the notice as it was published with the clerk. The notice shall contain:

(a) the court, title, and number of the action;

(b) the date of the arrest;

(c) the identity of the property arrested;

(d) the name, address, and telephone number of the attorney for plaintiff;

(e) a statement that the claim of a person who is entitled to possession or who claims an interest pursuant to Supplemental Rule C(6) must be filed with the clerk and served on the attorney for plaintiff within fourteen (14) days after publication;

(f) a statement that an answer to the complaint must be filed and served within thirty (30) days after publication, and that otherwise, default may be entered and condemnation ordered;

(g) a statement that applications for intervention under Fed. R. Civ. P. 24 by persons claiming maritime liens or other interests shall be filed within the time fixed by the Court; and,

(h) the name, address, and telephone number of the marshal.

(3) Default in Action In Rem.

(a) Notice Required. A party seeking a default judgment in an action in rem must satisfy the judge that due notice of the action and arrest of the property has been given:

(1) by publication as required in L.Adm.R. C(2);

(2) by service upon the master or other person having custody of the property; and,

(3) by service under Fed. R. Civ. P. 5(b) upon every other person who has not appeared in the action and is known to have an interest in the property.

(b) Persons with Recorded Interests.

(1) If the defendant property is a vessel documented under the laws of the United States, plaintiff must attempt to notify all persons named in the United States Coast Guard certificate of ownership.

(2) If the defendant property is a vessel numbered as provided in the Federal Boat Safety Act, plaintiff must attempt to notify the persons named in the records of the issuing authority.

(3) If the defendant property is of such character that there exists a governmental registry of recorded property interests and/or security interests in the property, the plaintiff must attempt to notify all persons named in the records of each such registry.

(4) Entry of Default and Default Judgment.

After the time for filing an answer has expired, the plaintiff may move for entry of default under Fed. R. Civ. P. 55(a). Default will be entered upon showing that:

(a) notice has been given as required by L.Adm.R. C(3)(a); and,

(b) notice has been attempted as required by L.Adm.R. C(3)(b), where appropriate; and,

(c) the time for answer has expired; and,

(d) no one has appeared to claim the property.

The plaintiff may move for judgment under Fed. R. Civ. P. 55(b) at any time after default has been entered.

RULE D

POSSESSORY, PETITORY, AND PARTITION ACTIONS

(1) Return Date.

In a possessory action under Supplemental Rule D, a judge may order that the claim and answer be filed on a date earlier than twenty-one (21) days after arrest. The order may also set a date for expedited hearing of the action.

RULE E

ACTIONS IN REM AND QUASI IN REM: GENERAL PROVISIONS

(1) Itemized Demand for Judgment.

The demand for judgment in every complaint filed under Supplemental Rules B or C shall allege the dollar amount of the debt or damages for which the action was commenced.

The demand for judgment shall also allege the nature of other items of damage.

The amount of the special bond posted under Supplemental Rule E(5)(a) may be based upon these allegations.

(2) Salvage Action Complaints.

In an action for a salvage reward, the complaint shall allege the dollar value of the vessel, cargo, freight, and other property salved, and the dollar amount of the reward claimed.

(3) Verification of Pleadings.

Every complaint in actions governed by Supplemental Rules B, C, or D shall be verified upon oath or solemn affirmation, or in the form provided by 28 U.S.C. § 1746, by a party or by an authorized officer of a corporate party. If no party or authorized corporate officer is present within the district, verification of a complaint may be made by an agent, attorney in fact, or attorney of record, who shall: state the sources of the knowledge, information and belief contained in the complaint; declare that the document verified is true to the best of his/her knowledge, information, and belief; state why verification is not made by the party or an authorized corporate officer; and state that the affiant is authorized to verify. A verification not made by a party or authorized corporate officer will be deemed to have been made by the party as if verified personally. If the verification was not made by a party or authorized corporate officer, any interested party may move, with or without requesting a stay, for the personal oath of a party or an authorized corporate officer, which shall be procured by affidavit or as otherwise ordered.

(4) Review by Judge.

Unless otherwise required by the judge, the review of complaints and papers called for by Supplemental Rules B(1) and C(3) does not require the affiant party or attorney to be present. The applicant for review shall include a form of order to the clerk which, upon signature by the judge, will direct the arrest, attachment or garnishment sought by the applicant. In exigent circumstances, the certification of the plaintiff or his attorney under Supplemental Rules B and C shall consist of an affidavit.

(5) Instructions to the Marshal.

The party who requests a warrant of arrest or process of attachment or garnishment shall provide instructions to the marshal.

(6) Property in Possession of a United States Officer.

When the property to be attached or arrested is in the custody of an employee or officer of the United States, the marshal will deliver a copy of the complaint and warrant of arrest or summons and process of attachment or garnishment to that officer or employee if present, and otherwise to the custodian of the property. The marshal will instruct the officer or employee or custodian to retain custody of the property until ordered to do otherwise by a judge.

(7) Security for Costs.

In an action under the Supplemental Rules, a party may move upon notice to all parties for an order to compel an adverse party to post security for costs with the Clerk pursuant to Supplemental Rule E(2)(b). Unless otherwise ordered, the amount of security shall be $500. The party so ordered shall post the security by surety or otherwise within five (5) days after the order is entered. A party who fails to post security when due may not participate further in the proceedings. A party may move for an order increasing the amount of security for costs.

(8) Adversary Hearing.

The adversary hearing following arrest or attachment or garnishment that is called for in Supplemental Rule E(4)(f) shall be conducted by a judge within seven (7) days, unless otherwise ordered.

(9) Appraisal.

An order for appraisal of property so that security may be given or altered will be entered by the clerk at the request of any interested party. If the parties do not agree in writing upon an appraiser, a judge will appoint the appraiser. The appraiser shall be sworn to the faithful and impartial discharge of the appraiser's duties before any federal or state officer authorized by law to administer oaths. The appraiser shall give one (1) day's notice of the time and place of making the appraisal to counsel of record. The appraiser shall promptly file the appraisal with the clerk and serve it upon counsel of record. The appraiser's fee normally will be paid by the moving party, but it is a taxable cost of the action.

(10) Security Deposit for Seizure of Vessels.

The first party who seeks arrest or attachment of a vessel or property aboard a vessel shall deposit $5,000 with the marshal to cover the expenses of the marshal including, but not limited to, dockage, keepers, maintenance, and insurance. The marshal is not required to execute process until the deposit is made. The party shall advance additional sums from time to time as requested to cover the marshal's estimated expenses until the property is released or disposed of as provided in Supplemental Rule E. In addition, the party shall satisfy any additional insurance or deposit requirement promulgated by the United States Marshals Service in their regulations or manuals that relate to seizure of vessels.

(11) Intervenors' Claims.

(a) Presentation of Claim. When a vessel or other property has been arrested, attached, or garnished, and is in the hands of the marshal or a substitute custodian, anyone having a claim against the vessel or property is required to present the claim by filing an intervening complaint, and not by filing an original complaint, unless otherwise ordered by a judge.

Upon the satisfaction of the requirements of Fed. R. Civ. P. 24, the clerk shall forthwith deliver a conformed copy of the complaint to the marshal, who shall deliver the copy to the vessel or custodian of the property. Intervenors shall thereafter be subject to the rights and obligations of parties, and the vessel or property shall stand arrested, attached, or garnished by the intervenor. An intervenor shall not be required to advance a security deposit to the marshal for seizure of a vessel as required by L.Adm.R. E(11).

(b) Sharing Marshal's Fees and Expenses. An intervenor shall owe a debt to the first plaintiff, enforceable on motion, consisting of the intervenor's share of the marshal's fees and expenses in the proportion that the intervenor's claim bears to the sum of all the claims. If a party plaintiff permits vacation of an arrest, attachment, or garnishment, remaining plaintiffs share the responsibility to the marshal for fees and expenses in proportion to the remaining claims and for the duration of the marshal's custody because of each claim.

(12) Custody of Property.

(a) Safekeeping of Property. When a vessel or other property is brought into the marshal's custody by arrest or attachment, the marshal shall arrange for adequate safekeeping, which may include the placing of keepers on or near the vessel. A substitute custodian instead of the marshal may be appointed by order of the Court.

(b) **Insurance**. The marshal may order insurance to protect the marshal, his deputies, keepers, and substitute custodians from liabilities assumed in arresting and holding the vessel, cargo, or other property, and in performing whatever services may be undertaken to protect the vessel, cargo, or other property, and to maintain the Court's custody. The party who applies for arrest or attachment of the vessel, cargo, or other property shall reimburse the marshal for premiums paid for the insurance and shall be an additional insured on the policy. The party who applies for removal of the vessel, cargo, or other property to another location, for designation of a substitute custodian, or for other relief that will require an additional premium, shall reimburse the marshal for the additional premiums. The premiums charged for the liability insurance are taxable as administrative costs while the vessel, cargo, or other property is in custody of the Court.

(c) **Cargo Handling, Repairs, and Movement of the Vessel**. Following arrest or attachment of a vessel, no cargo handling, repairs, or movement of the vessel may be made without Court order. The applicant for such an order shall give notice to the marshal and to all parties of record. Upon proof of adequate insurance coverage of the applicant to indemnify the marshal for his liability, the Court may direct the marshal to permit cargo handling, repairs, movement of the vessel, or other operations. Before or after the marshal has taken custody of a vessel, cargo or other property, any party of record may move for an order to dispense with keepers or to remove or place the vessel, cargo, or other property at a specified facility, to designate a substitute custodian, or for similar relief. Notice of the motion shall be given to the marshal and to all parties of record. The judge will require that adequate insurance on the property will be maintained by the successor to the marshal, before issuing the order to change arrangements.

(d) **Claims by Suppliers for Payment of Charges**. A person who furnishes supplies or services to a vessel, cargo, or other property in custody of the Court who has not been paid and claims the right to payment as an expense of administration shall submit an invoice to the clerk in the form of a verified claim at any time before the vessel, cargo, or other property is released or sold. The supplier must serve copies of the claim on the marshal, substitute custodian if one has been appointed, and all parties of record. The Court may consider the claims individually or schedule a single hearing for all claims.

(13) Sale of Property

(a) **Notice**. Unless otherwise ordered upon good cause shown or as provided by law, notice of sale of property in an action in rem shall be published as

provided in L.Adm.R. G(3) at least three (3) times during the period of time consisting of fourteen (14) days prior to the day of the sale.

(b) **Payment of Bid**. These provisions apply unless otherwise ordered in the order of sale:

(i) The person whose bid is accepted shall immediately pay the marshal the full purchase price if the bid is $1,000 or less.

(ii) If the bid exceeds $1,000, the bidder shall immediately pay a deposit of at least $1,000 or 10% of the bid, whichever is greater, and shall pay the balance within seven (7) days after the day on which the bid was accepted. If an objection to the sale is filed within that three-day period, the bidder is excused from paying the balance of the purchase price until three court days after the sale is confirmed.

(iii) Payment shall be made in cash, by certified check, or by cashier's check.

(c) **Late Payment**. If the successful bidder does not pay the balance of the purchase price when it falls due, the bidder shall pay the marshal the cost of keeping the property from the due date until the balance is paid, and the marshal may refuse to release the property until this charge is paid.

(d) **Default**. If the successful bidder does not pay the balance of the purchase price within the time allowed, the bidder is deemed to be in default. In such a case, the judge may accept the second highest bid or arrange a new sale. The defaulting bidder's deposit shall be forfeited and applied to any additional costs incurred by the marshal because of the default, the balance being retained in the registry of the Court awaiting its order.

(e) **Report of Sale by Marshal**. At the conclusion of the sale, the marshal shall forthwith file a written report with the Court of the fact of sale, the date, the price obtained, the name and address of the successful bidder, and any other pertinent information.

(f) **Time and Procedure for Objection to Sale**. An interested person may object to the sale by filing a written objection with the clerk within seven (7) days following the sale, serving the objection on all parties of record, the successful bidder, and the marshal, and depositing a sum with the marshal that is sufficient to pay the expense of keeping the property for at least fourteen (14) days. Payment to the marshal shall be in cash, certified check, or cashier's check.

(g) **Confirmation of Sale**. A sale shall be confirmed by order of the Court within five court days but no sooner than three court days after the sale unless an objection to the sale has been filed, in which case the Court shall hold a hearing on the confirmation of the sale. The marshal shall transfer title to the purchaser upon the order of the Court.

(h) **Disposition of Deposits**.

(i) **Objection Sustained**. If an objection is sustained, sums deposited by the successful bidder will be returned to the bidder forthwith. The sum deposited by the objector will be applied to pay the fees and expenses incurred by the marshal in keeping the property until it is resold, and any balance remaining shall be returned to the objector. The objector will be reimbursed for the expense of keeping the property from the proceeds of a subsequent sale.

(ii) **Objection Overruled**. If the objection is overruled, the sum deposited by the objector will be applied to pay the expense of keeping the property from the day the objection was filed until the day the sale is confirmed, and any balance remaining will be returned to the objector forthwith.

(i) **Title to Property**. Failure of a party to give the required notice of the action and arrest of the vessel, cargo, or other property or required notice of the sale, may afford ground for objecting to the sale but does not affect the title of a bona-fide purchase of the property without notice of the failure.

RULE F

LIMITATION OF LIABILITY

(1) Security of Costs.

The amount of security for costs under Supplemental Rule F(1) shall be $1,000; it may be combined with the security for value and interest, unless otherwise ordered.

(2) Order of Proof at Trial.

Where the vessel interests seeking statutory limitation of liability have raised the statutory defense by way of answer or complaint, the plaintiff in the former or the damage claimant in the latter shall proceed with its proof first, as is normal at civil trials.

RULE H

SPECIAL RULES

(1) Emergency Telephone Numbers.

When counsel urgently needs action or advice and cannot wait for normal business hours, counsel may use these emergency telephone numbers to call the person on duty: (787) 766-6000 (United States Marshal); (787) 772-3000 (Clerk).

(2) Assignment of Actions.

If the judge to whom a case under the Local Admiralty Rules has been assigned is not readily available, any matter under the Local Admiralty Rules may be presented to any other judge in the district without reassigning the case.

(3) Newspapers for Publishing Notices.

Every notice required to be published under the Local Admiralty Rules or any rules or statutes applying to admiralty and maritime proceedings shall be published in one of the following newspapers of general circulation in the District: "Puerto Rico Daily Sun," "Primera Hora," "El Nuevo Día," and "El Vocero de Puerto Rico."

(4) Use of State Procedures.

When the plaintiff invokes a state procedure in order to attach or garnish under Fed. R. Civ. P. 4(e), the process of attachment or garnishment shall so state.

CRIMINAL RULES

RULE 101

SCOPE; DEFINITIONS

(a) Application.

These Local Rules apply in criminal actions as defined in Federal Rule of Criminal Procedure 1. The Court may modify these rules in exceptional circumstances or when justice so requires.

(b) Definitions.

The term "judge" includes district judges and magistrate judges. "District judge" refers to a federal judge as defined in 28 U.S.C. § 451. "Magistrate judge" refers to a federal judge as defined in 28 U.S.C. §§ 631-639. The term "party's attorney" or similar term whenever used in these rules shall include a party appearing without counsel. The term "clerk" includes the Clerk of the United States District Court for the District of Puerto Rico, the chief deputy clerk, and deputy clerks. The term "marshal" includes the United States Marshal and deputy marshals.

(c) Numbering.

Local Rules concerning criminal practice have been assigned to the "100 series" and thereafter correspond to the Federal Rules of Criminal Procedure.

(d) Citation.

Citation of a particular provision of the local rules of criminal practice shall be by name and number, including the year of enactment when referring to a previous version of the rule: Local Criminal Rule or L.Crim.R. 101(e)(2003). If a pleading makes reference to the local rules of this district or of another district or to previous versions of a local rule, give name and number followed by the abbreviated district name, including the year of enactment when referring to a previous version of the rule: *e.g.*, Local Criminal Rule for the U.S. District Court for the District of Puerto Rico or L.Crim.R. 101(d) (D.P.R. 2009).

(e) Failure to Comply.

The violation or failure to comply with these rules may entail sanctions.

(f) Suspension of the Rules.

The Court may suspend or modify the requirements or provisions of any of these Rules in a particular case by written order. When a judge issues any order in a specific case which is not consistent with these Rules, such order shall constitute a suspension of these Rules for such case and only to the extent that it is inconsistent with these Rules.

RULE 106

THE GRAND JURY

(a) Grand Jurors.

The names of any jurors drawn from the qualified jury wheel and selected to sit on a grand jury shall be kept confidential and not made public or disclosed to any person not employed by the district court, except as otherwise authorized by a Court order in an individual case pursuant to 28 U.S.C. § 1867(f).

(b) Sealed Records.

All subpoenas, motions, pleadings, and other documents filed with the Clerk concerning or contesting grand jury proceedings shall be sealed unless otherwise ordered by the Court based upon a showing of particularized need. This rule shall not be interpreted to preclude necessary service of papers on opposing parties or their counsel, nor prohibit the Clerk from providing copies of papers to the party or counsel filing them.

(c) Security.

When the grand jury is in session, the area surrounding the grand jury room shall be secured, and no one shall be permitted to wander about, sit in the corridors, or attempt to ascertain the identity of witnesses or members of the grand jury.

(d) Report of Grand Jury Proceedings.

In all proceedings before the grand jury, a court reporter shall be present and shall report the proceeding in the same fashion as trial proceedings in open Court are reported. Electronic recording may be substituted for the service of such reporter.

RULE 107

THE INDICTMENT AND THE INFORMATION

Upon the return of an indictment or the filing of an information, criminal cases shall be assigned to judges by lot, using the computerized case assignment system. All the general principles and assignment and reassignment of cases contemplated in L.Civ.R. 3A apply with equal force to criminal cases.

The clerk shall refer such cases to a magistrate judge for arraignment and, when ordered by the Court, for the hearing and determination of all pretrial procedural and discovery motions.

Cases remanded for resentencing shall be assigned to the judge who imposed the vacated sentence, unless otherwise ordered by the court of appeals.

RULE 111

PLEAS

(a) Time Limits.

Attorneys for defendants are expected to inform the Court as promptly as possible that a defendant will request a change of plea. It is expected that, except for extraordinary circumstances, notification will be given to the Court not less than two (2) business days prior to commencement of the trial, in order to avoid the unnecessary expense of convening a jury panel. The attorneys for the government and defense counsel shall, unless ordered by the Court, file a written plea agreement before the change-of-plea hearing.

(b) Contents of Plea Agreements and Plea-Agreement Supplements.

The parties shall ensure that plea agreements are sanitized as to any reference as to whether a criminal defendant has agreed to cooperate with the United States. A document entitled "Plea Agreement Supplement" shall be filed under seal in conjunction with every plea agreement. If a criminal defendant has agreed to cooperate, the Plea Agreement Supplement shall contain the cooperation agreements. If the criminal defendant and the United States have not entered into a cooperation agreement, the Plea Agreement Supplement shall indicate that there is no cooperation agreement.

(c) Safety-Valve Information.

The parties shall ensure that plea agreements are sanitized as to any reference as to whether a criminal defendant qualifies for sentencing pursuant to the safety-valve criteria set forth in 18 U.S.C. §3553(f) and U.S.S.G. §5C1.2. Information of any agreement reached by the parties shall also be filed under seal as part of the Plea Agreement Supplement.

(d) Public Notice.

All plea agreements will be filed as public (unsealed) documents, with no viewing restrictions. The docket entry noting the filing of the sealed Plea Agreement Supplement shall be publicly available on ECF, but the document itself shall only be available to the Court.

(e) Duration of Sealing.

Plea Agreement Supplements shall remain sealed until otherwise ordered by the Court.

RULE 112

PLEADINGS AND PRETRIAL MOTIONS

Unless otherwise specified in the Federal Rules of Criminal Procedure, by local rule, or by order of the Court, motion practice in criminal cases shall be subject to L.Civ.R. 5, 6, 7, 10, and 11.

RULE 116

DISCOVERY

(a) Voluntary Disclosure by the Government.

The government may voluntarily disclose, within thirty (30) days after the arraignment, all material discoverable pursuant to Fed. R. Crim. P. 16.

(b) Requests for Discovery.

(1) Informal Request; Discovery Letter. Requests for discovery shall be presented informally by any party by letter to the opposing party. The opposing party shall reply in writing to the requests contained in such letter, no later than fourteen (14) days after its receipt stating whether that party agrees or does not agree to furnish the requested discovery. If the party agrees, the reply shall also set forth the date when the party will furnish the requested discovery.

(2) Agreement. If a party agrees in writing to provide the requested discovery, the agreement shall be enforceable to the same extent as a Court order requiring the agreed-upon disclosure. If a party does not agree to provide the requested information, that party must provide the basis for its position in writing.

(3) Parties' Duty to Confer. Except in an emergency, before filing any discovery motion, the moving party shall confer with opposing counsel to attempt to eliminate or narrow the areas of disagreement. In the motion, the moving party shall certify that a good faith attempt was made to eliminate or narrow the issues raised in the motion through a conference with opposing counsel or that a good faith attempt to comply with this requirement was precluded by the opposing party's unwillingness to confer.

(4) Motion. Any discovery motion shall be filed within fourteen (14) days of receipt of the opposing party's written reply to the letter requesting discovery described in section (b)(1) of this rule, or the passage of the period within which the opposing party has an obligation to reply or the date agreed to furnish discovery. In the event a party files a motion requesting discovery and inspection, same shall include a statement setting forth in detail the statements, reports, tangible objects, or other matters or documents, which are being requested and those which the other party has voluntarily disclosed, and shall include a copy of the discovery request letter and any response. Except in an emergency, no discovery motion, or request for a bill of particulars,

shall be filed until the opposing party has failed to provide the requested discovery as agreed, or has failed to respond in writing to a written request.

(5) **Response to Motion**. The opposing party must file its response to all discovery motions within fourteen (14) days of receipt, stating, as to each request, its basis for opposing that request, including citations to authority.

(6) **Multi-defendant Cases**. In multi-defendant cases involving more than five (5) defendants, no discovery motions shall be filed unless there is demonstrable urgent need for a particular discovery motion, or otherwise ordered by the Court. If a discovery motion is to be filed, the defendant parties must endeavor to the maximum extent possible to file a single consolidated motion. Each defendant need not join in every written request submitted to the government or filed in a consolidated motion, but all defense requests and motions, whether or not joined by each defendant, must, to the maximum extent possible, be contained within a single document or filing.

(7) **Continuing Duty**. Each party is under a duty, when it learns that a prior disclosure was in some respect inaccurate or incomplete, to supplement promptly any disclosure required by Court order, these rules, or the Federal Rules of Criminal Procedure.

RULE 116A

SPECIAL PROCEDURES FOR RECORDINGS

(a) Availability of Recordings.

(1) Unless otherwise ordered by the Court, the government must provide a least one (1) copy of all recordings in its possession that are discoverable for examination and review by the defendant parties.

(2) If in a multi-defendant case any defendant is in custody, the government must ensure that an extra copy of all recordings is available for review by the defendant(s) in custody.

(b) Composite Recordings, Preliminary Transcripts, and Final Transcripts.

The parties must make arrangements promptly to provide or make available for inspection and copying by opposing counsel all:

(1) Composite electronic surveillance or consensual interception recordings to be used in that party's case-in-chief, once prepared;

(2) Preliminary transcripts, once prepared. A preliminary transcript may not be used at trial or in any hearing on a pretrial motion without the prior approval of the Court based on a finding that the preliminary transcript is accurate in material respects and it is in the interest of the administration of justice to use it.

(3) Final transcripts, once prepared.

(c) Nothing in this Local Rule shall be construed to require a party to prepare composite tapes, or preliminary or final transcripts, of any recording.

RULE 116B

NOTIFICATION TO LAW ENFORCEMENT AGENCIES AND PRESERVATION OF ROUGH NOTES

The attorney for the government shall inform all enforcement agencies formally participating in the criminal investigation that resulted in the case of the discovery obligation set forth in these Local Rules and obtain any information subject to disclosure from each such agency.

All contemporaneous notes, memoranda, statements, reports, surveillance logs, tape recordings, and other documents memorializing matters relevant to the charges contained in the indictment made by or in the custody of any law enforcement officer whose agency at the time was formally participating in the investigation intended, in whole or in part, to result in a federal indictment shall be preserved by the attorney for the government until the entry of judgment unless otherwise ordered by the Court.

RULE 116C

CONFIDENTIAL MATERIALS; IMPOUNDING

(a) In General.

The general aim of the Jencks Act is to restrict the use of Jencks statements to the impeachment of a government witness by bringing to the attention of the jury during cross-examination of the witness any variances between his testimony and his pretrial statements. Palermo v. United States, 360 U.S. 343, 352 (1959). The Court is specifically concerned with grand jury material which, if disclosed, may cause serious prejudice to parties unrelated to criminal prosecutions or ongoing criminal investigations in the District of Puerto Rico. Because the useful purpose of the Jencks statements does not surpass the limits of cross-examination, its availability and use may, at the parties' request, be limited. The parties may achieve said purpose by filing a motion for impoundment.

(b) Impounded and Confidential Materials.

(1) Motions for impoundment must be filed and ruled upon prior to submission of the actual material sought to be impounded, unless the Court orders otherwise.

(2) The Court will not enter blanket orders that counsel for a party may at any time file material marked confidential with the clerk with instructions that the material be withheld from public inspection. A motion for impoundment must be presented each time a document or group of documents is to be filed.

(3) Whenever a party files a motion to impound, the motion shall contain a statement of the earliest date on which the impounding order may be lifted, or a statement, supported by good cause, that the material should be impounded until further order of the Court. The motion shall contain suggested custody arrangements for the post-impoundment period.

(4) The clerk shall attach a copy of the order to the envelope or other container holding the impounded material.

(5) If the impoundment order provides a cut-off date but no arrangements for custody, the clerk (without further notice to the Court or the parties) shall place the material in the public information file upon expiration of the impoundment period. If the order provides for post-impoundment custody by counsel or the parties, the material must be retrieved immediately upon expiration of the order, or the clerk (without further notice to the Court or the parties) shall place the material in the public file.

RULE 117.1

STATUS AND PRETRIAL CONFERENCES

(a) Status Conferences.

At the earliest practical time before trial consistent with the Speedy Trial Act, the Court may conduct an initial status conference. The Court may at any time during the pendency of criminal proceedings schedule additional status conferences as necessary to determine the status of the case and to resolve any pending issues.

(b) Matters to Discuss at Pretrial Conferences.

The trial or leading attorneys shall appear prepared to:

(1) Discuss any discovery or other motions that have been filed by any party and await the Court's ruling, including, if necessary, the scheduling of any motion to dismiss, suppress or sever;

(2) discuss any matter known to counsel that may cause a delay or continuance of the trial, including the waiver of jury trial;

(3) discuss the establishment of a reliable trial date and the probable length of trial, unless the Court has issued a Scheduling Order;

(4) establish a schedule for the filing and briefing of possible motions in limine, proposed voir dire questions, jury instructions and, if appropriate, trial briefs;

(5) discuss the number of witnesses and their availability for the trial;

(6) discuss and enter into stipulations to undisputed facts and/or testimony of an absent witness;

(7) discuss the exclusion from admissible statements of materials which may be prejudicial to codefendants;

(8) discuss any special trial arrangements, including seating, security measures, necessity for sequestration of the jury, potential witnesses outside courthouse environs, and any other matter which may facilitate or expedite the trial;

(9) discuss the number and use of peremptory challenges;

(10) discuss the procedures on objections, the order of cross-examination, and the order of presentation of evidence and argument, where there are multiple defendants;

(11) any other aspect or matter of the case.

Any co-counsel or attorney who, by exception, is allowed to substitute for the trial attorney must also comply with the requirements of subsection (b)(1) through (b)(11).

RULE 123

JURY OR NON-JURY TRIAL

(a) Opening Statements.

Opening statements shall not be argumentative, and shall not exceed thirty minutes in length, except by leave of Court.

(b) Examination of Witnesses.

The examination of a particular witness, and objections relating to that examination, shall be made by one attorney for each party, except by leave of Court.

(c) Attorneys as Witnesses.

No attorney shall, without leave of Court, conduct the trial of a jury action in which the attorney is a witness for the party represented at trial.

(d) Exhibits.

(1) Filing of Exhibits.

(A) Custody and Marking. Parties are encouraged to have all exhibits marked for identification prior to trial. All exhibits offered and admitted into evidence at trial or at any hearing shall be delivered to the courtroom deputy who shall keep them in custody until a verdict is rendered in a jury case or a final order entered by the Court in a non-jury case. The courtroom deputy clerk may permit United States magistrate judges and official court reporters to have custody of exhibits when necessary to expedite the business of the Court. No persons other than United States magistrate judges and official court reporters shall be permitted to remove exhibits from the courtroom deputy clerk's custody except upon order of the Court in extreme circumstances.

(B) Rejected Exhibits. Exhibits tendered but not admitted into evidence shall be retained by the courtroom deputy clerk in the same manner as admitted exhibits. Rejected exhibits shall be identified as having been rejected on both the exhibit list and on the exhibits themselves.

(C) Withdrawn Exhibits. Exhibits that are either withdrawn or not tendered shall not be retained by the courtroom deputy clerk, but shall

be shown on the exhibit list as having been withdrawn or not tendered.

(e) Inspection and Copying of Exhibits.

(1) Sensitive Exhibits. Sensitive and special criminal evidence may not be inspected or copied without specific leave of the Court. This evidence includes, without limitation, narcotics, weapons, currency, exhibits of a pornographic nature, articles of high monetary value, exhibits depicting or describing a particular brutal crime, exhibits in a highly publicized case, and any other evidence designated by the Court.

(2) Sealed Exhibits. Exhibits ordered sealed or impounded by the Court may not be inspected or copied by anyone, including attorneys for the parties, except upon leave of the Court.

(3) Other Exhibits. Attorneys of record for any party may inspect or copy without specific leave of Court all exhibits, other than those exhibits defined in (1) and (2) above, which have been admitted into evidence or rejected.

(4) Presence of Clerk Required. All inspections of exhibits of any type covered by this rule shall be conducted in the presence of the clerk or an authorized deputy clerk. Inspections by attorneys for the parties are not excepted from this rule nor is application of this rule affected by whether the inspection is being made with or without leave of Court.

(f) Return of Exhibits.

(1) Generally. Unless otherwise ordered by the Court, or after expiration of the appeal term, custody of all exhibits received into evidence, except those defined as sensitive in Rule 123(e), shall be returned to the custody of the filing party or his or her attorney upon the rendering of a verdict in a jury case or upon the entry of a final order in a non-jury case. The Clerk shall obtain a receipt for the returned exhibits. Sensitive exhibits shall remain in the custody of the arresting or investigating agency during the trial of the case and for any appeal period after trial.

(2) Availability for Inspection or Appeal.

(A) The filing party or his or her attorney shall grant a reasonable request for any party to examine an exhibit in his or her custody for use in the proceeding.

(B) Any exhibit in the custody of the filing party or his or her attorney shall, upon request, be returned immediately to the clerk for appeal or other purposes. The filing party or his or her attorney shall be responsible for transporting heavy and bulky exhibits to the appellate court.

(3) **Chain of Custody**. It shall be the responsibility of the filing party or his or her attorney to document the chain of custody for each returned exhibit during the time permitted for filing an appeal and during the pendency of an appeal.

(4) **Disposition of Unclaimed Exhibits**. If exhibits are not removed as required by this Rule, the Clerk shall notify the filing party or his or her attorney in writing of the requirement to do so. If the exhibits are not removed within thirty (30) days, the Court shall authorize the clerk to destroy the exhibits or to dispose of the exhibits by other means.

RULE 124

TRIAL JURORS

(a) Proposed Voir-Dire.

Unless otherwise ordered by the Court, the parties shall file any requests for special voir-dire no later than seven (7) days prior to trial.

(b) Examination of Jurors.

Unless otherwise ordered, the Court shall conduct the examination of prospective jurors. Except in capital punishment cases, the Court will afford counsel an opportunity, at the bench, to propose additional voir-dire questions or propose follow-up questions to prospective jurors at the close of such examination.

(c) Challenges for Cause.

Challenges for cause of individual prospective jurors shall be made at the bench, out of the hearing of prospective jurors, at the conclusion of the Court's examination.

(d) Peremptory Challenges.

In any action in which the Court allows additional peremptory challenges, the order, number and manner in which challenges are to be exercised shall be determined by the Court.

(e) Post-Verdict Jury Challenge.

Counsel are strictly prohibited from any post-verdict communication with jurors, except under the supervision of the Court.

RULE 130

JURY INSTRUCTIONS

Unless otherwise ordered by the Court, written requests for jury instructions pursuant to Fed. R. Crim. P. 30 shall be served and submitted, in duplicate, to the Court at least seven (7) days prior to jury impanelment.

Each instruction shall be numbered and tendered in separate sheets of paper with citation to the legal authority or source. Supplemental requests may be filed at the close of the evidence. Proposed jury instructions shall be discussed prior to closing arguments.

RULE 132

SENTENCING AND JUDGMENT

(a) Generally.

Unless otherwise ordered by the Court, sentencing shall be held without unnecessary delay. Any party filing a sentencing memorandum shall provide copies to all parties and the probation office.

(b) Presentence Report.

The probation office shall prepare a presentence report (PSR) in every case unless the Court finds, pursuant to Fed. R. Crim. P. 32(c)(1)(A), that sufficient information exists in the record to enable the meaningful exercise of its sentencing authority. During the presentence investigation, the probation office shall provide notice and reasonable opportunity to defendant's counsel to attend any interview of the defendant. Counsel for the defendant shall contact the probation officer within fourteen (14) days from notice of the Court's order for the preparation of the PSR. The probation officer may interview the defendant ex parte when the attorney has failed to communicate with the probation office or if reasonable attempts to schedule an interview in order to complete the presentence investigation interview have been futile. Should the defendant refuse to be interviewed, the probation office shall proceed to prepare the PSR.

(1) **Written Version of Facts.** No later than fourteen (14) days following a plea or verdict of guilty, the government shall provide the probation office with a detailed written version of the facts and a detailed description of the evidence in their support. The prosecutor assigned to the case and the primary case agent shall make themselves reasonably available to the probation office to answer any inquiries.

(2) **Disclosure**. At least thirty-five (35) days prior to the scheduled sentencing date, the probation office must give the presentence report to counsel for the defendant and the attorney for the government. Defense Counsel shall review the PSR with and shall provide the defendant copy of said report. The defendant may waive the thirty-five (35) day prior notice requirement.

(3) **Objections to PSR**..

(A) **Informal Resolution**. Parties are advised that they have an obligation to seek informal resolution of any disputed matter in the PSR by consultation with each other and the probation office prior to filing written objections.

Within fourteen (14) days from disclosure of the PSR, counsel for the government and counsel for the defense shall file and deliver to the probation office, and to each other, written objections to the facts or guideline application in the PSR. If counsel have no objections, each shall so notify the probation office, and each other, in writing. A party waives any objection to the PSR by failing to comply with this rule unless the Court determines that the basis for the objection was not reasonably available prior to the deadline.

(4) **Departure and Adjustments**. Any party requesting a sentence departure and/or adjustment must submit a written motion, specifying the grounds and legal authority in support of the request for departure and/or adjustment. This motion shall be filed at least fourteen (14) days prior to the scheduled sentencing hearing, with copies served upon opposing counsel and the probation office.

(5) **Disclosure of Revised Presentence Report and Addendum**. If either party objects to the PSR in writing, the probation officer shall conduct such further inquiries, investigation or consultation with counsel as may be necessary to attempt to resolve the objections raised. The probation officer shall also prepare an Addendum to the PSR that shall address the objections raised by counsel and identify those issues that remain unresolved. The revised PSR and Addendum shall be submitted to the parties at least seven (7) days prior to sentencing.

(6) **Presentence Conference**. Upon receipt of the PSR the Court may schedule a presentence conference with all counsel and the probation officer present, and with the defendant if proceeding pro se.

(c) Modification of Time Limits

The times set forth in this rule may be modified by the court for good cause shown.

RULE 144

RIGHT TO AND APPOINTMENT OF COUNSEL

(a) **Right to Court-Appointed Counsel Generally**.

Pursuant to Fed. R. Crim. P. 44(a), every indigent defendant shall be entitled to have counsel assigned to represent him or her at every stage of the proceedings from initial appearance before a Magistrate Judge or the district court through appeal, including ancillary matters appropriate to the proceedings, unless the defendant waives the appointment and the Court consents, after proper inquiry. Appointments shall be made pursuant to Volume 7 of the Guide to Judiciary Policies and Procedures as approved by the Judicial Conference of the United States.

(b) Reimbursement by Defendant of CJA Fees and Expenses.

If, at any time after the Court has appointed counsel, a defendant retains counsel or it comes to the Court's attention that the defendant is able to retain counsel, the Court may authorize or direct payment or reimbursement of any Criminal Justice Act appropriation, incurred or outstanding at the time, in order to carry out the provisions of this rule. Payment or reimbursement may be ordered to include attorney's fees, expert, investigative, or any other service provided by appointed counsel.

(c) Filing of Vouchers for Fees and Expenses; Statutory Limits.

Counsel appointed under the CJA shall file their completed voucher for fees and expenses as soon as possible upon completion of services rendered but no later than sixty (60) days from the date of entry of judgment. Any request for extension of time shall be filed within the sixty (60) days provided by this rule.

If the amounts claimed as fees and expenses exceeds the statutory limit, counsel shall file a motion requesting approval of the excess amount setting forth the reasons why such excess amount is justified.

(d) Reduction of CJA Compensation Vouchers.

Where the Court approves an amount for payment in a Criminal Justice Act voucher that substantially reduces from the amount requested, the Court may allow counsel to produce an explanation or additional papers in support of the amounts rejected.

RULE 144A

APPOINTMENT OF COUNSEL AND CASE MANAGEMENT IN CAPITAL CASES

(a) Applicability and Purpose.

The provisions set forth in this Rule shall govern in all capital cases. For the purposes of this Rule, "capital cases," or "cases involving the death penalty," are those criminal cases which have been identified as ones in which the death penalty may be or is being sought by the prosecution, as well as proceedings under 28 U.S.C. §2254 or §2255 seeking to vacate or set aside a death sentence. This Rule supplements the Plan for Implementing the Criminal Justice Act of 1964, as amended, 18 U.S.C. Sec. 3006 (A) ("CJA Plan") for this district, which provides that in all capital cases, the presiding judge "shall appoint the most qualified [CJA Panel] attorney, regardless of the number of previous appointments . . . [or] may select an attorney who is not a Panel member." In cases where counsel has already been appointed or retained, this Rule shall apply to permit the appointment of additional or, if necessary, substitute counsel.

The provisions of this Rule shall be implemented by the presiding Judge at the earliest practical opportunity once a defendant is charged in a capital case.

(b) Identification of Capital Cases.

Upon the filing of a Criminal Complaint or Indictment in a case in which the maximum possible penalty is death, the United States Attorney shall file with the clerk a certificate of death-penalty case, thereby identifying the criminal matter as a capital case for purposes of this Rule. The clerk shall devise and implement a special filing procedure for capital cases.

(c) Counsel in Capital Cases.

Due to the complex, demanding, and protracted nature of death penalty proceedings, a defendant who is or has become financially unable to obtain adequate representation and who applies for appointment of counsel at government expense shall be entitled to the assignment of two attorneys who meet the qualifications set forth in this Rule. At least one of the attorneys appointed to such a defendant shall be learned in the law applicable to capital cases, and, when applicable, qualified as required by 18 U.S.C. §§3599 (b) or (c). The presiding judge shall appoint separate teams of counsel for each defendant, one of whom shall be designated learned counsel, and the other, or others, assistant counsel.

(d) Qualifications of Attorneys: Learned Counsel.

To be eligible for an appointment as learned ounsel in a capital case, an attorney must:

(1) be a member of the bar of this Court, or be admitted to practice pro hac vice on the basis of his or her qualifications;

(2) have at least five years experience in the field of federal criminal practice;

(3) have prior experience, within the last three years, as defense counsel in the trial of no fewer than three serious and complex felony cases that were tried to completion in federal court, and have prior experience, within the last three years, as defense counsel in a capital case; and

(4) have demonstrated the necessary proficiency and commitment which exemplify the quality of representation appropriate to the defense of capital cases.

(e) Qualifications of Attorneys: Assistant Counsel.

To be eligible for appointment as assistant counsel in a capital case, an attorney must:

(1) be a member of the bar of this Court, or be admitted to practice pro hac vice on the basis of his or her qualifications;

(2) have at least five years experience in the field of federal criminal practice;

(3) have prior experience as defense counsel demonstrating adequate proficiency in connection with serious and complex felony cases; and

(4) have demonstrated the necessary proficiency and commitment which exemplify the quality of representation appropriate to the defense of capital cases.

(f) Special Appointments: Discretionary, Additional, Stand-by or Substitute Counsel.

The presiding Judge may, for good cause, appoint attorneys who do not meet this Rule's qualifications requirements but whose background, knowledge, or experience would otherwise enable them to represent a defendant in a capital case properly, provided that learned counsel for each defendant shall, nevertheless, have prior experience, within the last three years, as defense counsel in a capital case, as required by section (d)(3) of this Rule.

Where the defendant has retained counsel, the presiding judge may appoint additional, stand-by or substitute counsel, in order to ensure the adequate representation of the defendant. Such an appointment may take place at any stage in the proceedings.

(g) Interpreters.

Should any counsel appointed to represent a defendant accused in a capital case not be fluent in the defendant's native language, an interpreter shall be appointed to assist counsel pursuant to the provisions of this Rule and the Criminal Justice Act.

(h) Withdrawal of Counsel.

Each attorney representing a defendant in a capital case shall, unless excused by the presiding Judge, continue in his or her representation. Should the defendant be convicted, regardless of whether he or she is sentenced to death, counsel shall continue representing the defendant unless relieved by the presiding judge, or by the court of appeals. When applicable, appointed counsel must also meet the requirements of 18 U.S.C. § 3599(e) before withdrawal would be authorized.

(i) Termination of Appointment.

If, following the appointment of counsel in a case in which a defendant was charged with an offense that may be punishable by death, it is determined that the death penalty will not be sought, the Court may consider the question of the number of counsel and the rate of compensation needed for the duration of the proceeding.

After considering whether the number of counsel initially appointed is necessary to ensure effective representation or to avoid disruption of the proceeding, the Court may continue such appointments or make an appropriate reduction. After considering the need to compensate appointed counsel fairly, taking into account the commitment of time and resources appointed counsel has made and will continue to make, the Court may continue to pay the rate previously approved or prospectively reduce such rate.

(j) Assessment of Costs and Fees.

(1) Counsel. Counsel appointed pursuant to this Rule shall be compensated at a rate and in an amount determined by the presiding judge to be reasonably necessary for qualified counsel to provide adequate representation in a capital case. The Court may set the hourly rate of compensation at the time counsel are appointed, or at any other time thereafter. In addition, the presiding Judge must take into consideration any applicable statutory limits regarding costs and fees.

(2) Investigative, Expert, and Other Services. Upon a finding that investigative, expert or other services are necessary for the adequate representation of a defendant in a capital case, the presiding judge shall authorize counsel to obtain such services on behalf of the defendant, and shall set the rate of compensation after consideration of the limits set by statute and the amounts determined to be reasonably necessary in order to ensure

competent and satisfactory assistance. Proceedings concerning such services may be held ex parte and in camera, upon a proper showing.

Upon a finding that timely procurement of necessary investigative, expert or other services could not practicably have awaited prior authorization, the presiding Judge may authorize such services at government expense even if they have already been obtained.
Counsel may request compensation, and fees and expenses for investigative, expert and other services, in excess of the rates and maximum limits set by statute, regulation, or other provision as authorized by prevailing law, including 18 U.S.C. § 3599.

(3) **Interim Billing**. Interim billing shall be allowed.

(4) **Confidentiality**. Upon a proper showing concerning the need for confidentiality, petitions for the payment of costs and fees, including the time and expense records of counsel, shall be heard ex parte and in camera. Such petitions shall be placed under seal and shall be inaccessible to the prosecution and the public, absent an order of the Court, until disposition of the petition.

(k) **Initial Status Conference and Case Management Schedule**.

(1) In all identified capital cases, the presiding Judge shall promptly conduct an initial status conference, in order to ensure the effective management of the case, including the appointment of counsel pursuant to this Rule.

(2) Upon the return or unsealing of an Indictment in a capital case, the following terms and conditions shall be strictly enforced:

(i) Defense counsel may present, within ninety (90) days, to the United States Attorney and the Attorney General, all mitigating factors and factual reasons as to why the death penalty should not be sought.

(ii) After the first ninety (90) days have elapsed, the government shall conclude, within the next sixty (60) days, the preparation of its Death Penalty Evaluation (DPE) form and prosecution memorandum to the Attorney General. The government shall append the defendant's memorandum described above to its prosecution memorandum.

(iii) If the government intends to seek the death penalty, the United States Attorney shall file a final notice of intent to seek the death penalty within thirty (30) days after submission of the Death Penalty

Evaluation (DPE) form and prosecution memorandum to the Attorney General.

(3) The aggregate term of one-hundred and eighty (180) days may be extended at the discretion of the Court. The government's failure to file a final notice of intent to seek the death penalty within the specified maximum term, may cause the criminal matter to be treated as an ordinary felony case.

(4) None of the above-mentioned terms shall impede the Court from issuing an order at an early status conference requiring the government to file any notice of intent to seek the death penalty by a date certain.

(5) In order to expedite compliance with this Rule, counsel shall become familiar with the United States Department of Justice protocol, practices, and procedures in capital cases.

(l) Records of Appointments.

In accordance with the provisions of the CJA Plan, a listing of qualified attorneys and a record concerning appointment of counsel in capital cases shall be prepared by either the judge or the clerk. The clerk shall maintain, separate from the file of the case, such records and other documentation concerning each appointment, in order to monitor adherence to and compliance with the appointment process delineated in this Rule.

The clerk shall also, based on the appointment records, maintain a roster of learned and assistant counsel who meet the eligibility requirements set forth in this Rule.

(m) Stays.

Upon the filing of a notice of appeal, motion for reconsideration, habeas corpus petition, or other such action which has the practical effect of challenging a sentence of death, the presiding judge shall issue a stay of execution pending final disposition of the matter accompanied by any necessary findings. The clerk shall immediately notify all parties, and the state or federal authorities responsible for implementing the defendant's sentence of death, of the stay. If notification is oral, it shall be followed by written notice.

Unless vacated or modified, the stay will continue in effect until the expiration of all proceedings available to and elected by the defendant, including review by the United States Supreme Court, unless otherwise ordered by the Court. The Court shall grant a prompt hearing as required by 28 U.S.C. §2255 and the review in capital cases shall have priority over all other cases, as required by 18 U.S.C. §3595. The clerk shall send notice to all parties, and the state or federal authorities responsible for implementing the defendant's sentence of death, when the stay imposed by this provision is no longer in effect.

(n) Emergency Court Contacts.

In all capital cases where the death penalty has been authorized, the clerk shall devise and implement a system for contacting the presiding judge, counsel for the parties, the marshal or his representative, and the warden of the penal institution where the defendant is awaiting execution.

RULE 146

RELEASE FROM CUSTODY [BONDS IN CRIMINAL CASES]

(a) Security for Bonds; Authorized Sureties.

Except as otherwise provided by law, the clerk shall accept bonds which are secured by any of the following:

(1) A natural person who meets the following requirements:

(A) Is of legal age, and a permanent resident of the Commonwealth of Puerto Rico;

(B) has no outstanding forfeiture or unsatisfied judgment entered upon any bail bond in any court of the United States, including the courts of any of its states, territories or possessions;

(C) is a legal registered owner of real estate within this district with a reasonable market value to cover the amount specified in the bond which he or she proposes to execute as specified in this rule; and,

(D) provides accurate and complete information concerning permanent address, telephone number, and net worth.

(2) A juridical entity with capacity to sue and be sued pursuant to the laws of the United States or the Commonwealth of Puerto Rico.

(3) A corporation authorized to act as surety by the Commonwealth of Puerto Rico and by the Secretary of the Treasury of the United States pursuant to 6 U.S.C. § 113. The corporation shall have on file with the clerk a certified copy of its certificate of authority to do business in the Commonwealth of Puerto Rico and a certified copy of the power of attorney appointing the agent authorized to execute the bond.

(b) Unauthorized Sureties.

A lawyer representing a defendant in a case may never post a bond on behalf of his or her client or any other defendant in that case. Administrative officers, deputies, assistants, or any other employees of this Court or the marshal are also prohibited from securing a bond on behalf of a criminal defendant. Violation of this rule shall result in disciplinary proceedings.

(c) Property Which May Be Accepted As Bond.

(1) Cash or certified check issued by a bank on deposits insured by the Federal Deposit Insurance Corporation. Certified checks shall be accepted if issued within seven (7) days of the application to post bond and are payable to the Clerk, U.S. District Court.

(2) Real property located in the United States.

(A) When the real property is owned by more than one person, all of them must qualify as individual sureties and must sign the jurisdiction and appearance bond.

(B) When the real property is owned by a corporation or juridical entity, a corporate or official resolution must be supplied. The resolution, duly certified by the authorized officer, must specifically allow the alienation of said real property.

(C) When real property is offered as bond, the following information must be provided: legal description and location; list of all encumbrances and liens; certified copy of the deed of sale; certification of outstanding mortgage by the relevant bank or financial institution; and a certificate from the Secretary of the Treasury or the Collection Center for Municipal Revenue (CRIM) issued within fifteen (15) days of the date of bail presentation indicating that the real property has no outstanding tax liability to the Commonwealth of Puerto Rico.

(d) Payment of Property Taxes.

While the bond is in effect, the surety will keep current the payment of the taxes on the property. The surety will not sell, mortgage, or in any manner further encumber the property until it is exonerated by the Court.

(e) Powers of Attorney.

Bail shall not be taken from a person acting under a power of attorney or other written instrument, except in cases of corporate surety where the power of attorney or written instrument shall be first filed and approved by the Clerk, who shall keep such instrument on file.

(f) Bonding Companies.

The Court may, for good cause shown, enter an order restricting any bonding company or surety company from being accepted as surety for any bond in any case or matter before the Court.

(g) Value of Real Property.

The value of any real property offered as security for bond will be determined by a professional appraisal report to be furnished by its owner(s). The Court-assessed value of the property will be 70 percent of the appraised value, offset by any mortgages, encumbrances or liens.

(h) Real Property Previously Pledged as Bail.

Unless authorized by the Court, real property pledged as bail in the courts of the United States, including state courts, territories or possessions, or already accepted for bail in any case pending before this Court, shall not, while so pledged or accepted for bail, be accepted for bail in another case. If the real property has been pledged as bail during the last five (5) years, the sworn statement shall contain complete information of the case(s) in which the property was so pledged including: the name of the defendant and number of the case in which the property was pledged as bail; the date bail was accepted; the Court accepting the bail; the amount of bail for which the property was pledged; name of its owner(s) and value of the property at that time; and, the present status of the case(s) in which property was pledged.

(i) Justification of Personal Surety.

Any individual offered as surety must file a duly acknowledged justification of personal surety showing his or her permanent address and telephone number, his or her net worth, legal description and location of the real estate, its Court-assessed value, and a complete list of all encumbrances and liens on the real estate.

The individual offered as surety must also file, in connection with the acknowledged justification: a certified copy of the deed of sale; an up-to-date certificate of the balance due on the mortgages issued by the bank or mortgage company; a certificate from the Secretary of the Treasury issued within the last fifteen (15) days, showing that taxes on the property have been paid; a certificate from the Registry of Property as to the real property posted in bond; and a sworn statement stating whether the property has been pledged as bail during the last five (5) years.

(j) Return of Bonds, Deposits and Property Deeds.

When a defendant has obtained release by depositing a sum of money, obligations of the United States or property surety, the surety shall be entitled to the return of the bond posted when the defendant has been discharged. It is the surety's responsibility to request the return of any legal documents tendered to the Court. Any such documents that have remained in the clerk's custody for more than six (6) months after the defendant's discharge may be disposed of by the clerk after due notice.

(k) Jurisdiction.

By posting bond in any proceeding in this Court, the surety submits to the jurisdiction of this Court.

(l) Deposit of Cash Security.

All cash tendered to the clerk as security for bonds posted in criminal cases shall be deposited in one of the interest-bearing accounts at the Court's designated financial institution.

RULE 147

MOTIONS AND SUPPORTING AFFIDAVITS

(a) Submissions of Motions and Supporting Memoranda.

Every dispositive motion shall incorporate a memorandum of law, including citations and supporting authorities. Affidavits and other documents setting forth or evidencing facts on which the motion is based shall be filed with the motion.

(b) Objections to Motions.

Unless within fourteen (14) days after the filing of a motion the opposing party files written objections thereto, incorporating a memorandum of law, the opposing party shall be deemed to have waived objection. Any objection shall include citations and supporting authorities and other documents setting forth or evidencing facts on which the objection is based. The deemed waiver imposed in this Rule shall not apply to motions filed during trial.

(c) Calculation of Time for Response.

The time periods for objection to motions and for filing reply memoranda shall be determined in accordance with Fed. R. Crim. 45; the clerk shall, in every instance, add three days to such period for the possibility that service may have been accomplished by mail.

(d) Form and Length.

All memoranda shall be typed, double-spaced on 8-1/2 x 11 inch paper format. All pages shall be numbered at the bottom. Except by prior leave of Court, the memorandum of law in support of or in opposition to a dispositive motion or a motion to suppress evidence shall not exceed twenty (20) pages without leave of court. Memoranda in support and in opposition to all other motions shall not exceed fifteen (15) pages.

RULE 159

MATTERS BEFORE A MAGISTRATE JUDGE

(a) Authority and Duties in General.

In addition to the powers and duties set forth in L.Civ.R. 72, any full-time magistrate judge appointed by this Court is authorized to exercise all the powers and perform all the duties conferred upon magistrate judges by 28 U.S.C. §§ 636(b), (c) and (g); 18 U.S.C. § 3401(I); and to exercise the powers enumerated in Rules 5, 8, 9, and 10 of the Rules Governing Section 2254 and 2255 Proceedings, in accordance with the standards and criteria established in 28 U.S.C. § 636(b)(1).

(b) Other Duties.

United States Magistrate Judges are also authorized to:

(1) exercise general supervision of criminal calendars, conduct calendar calls, some-disposition hearings, status conferences, pretrial conferences, settlement conferences, and other related pretrial proceedings;

(2) upon consultation with the presiding judge, decide motions to expedite a trial setting or continue the trial;

(3) receive grand jury returns pursuant to Rule 6 of the Federal Rules of Criminal Procedure;

(4) conduct hearings and enter orders on motions arising of grand jury proceedings including, without limitation, orders for the enforcement or modification of subpoenas, to conduct line-ups, finger or palm-printing, voice and handwriting identification, medical examination, and the taking of blood, urine, fingernail, hair and body secretion samples, with appropriate medical and forensic safeguards;

(5) accept waivers of indictment pursuant to Fed.R.Crim.P. 7(b) and upon defendant's consent, preside over Fed.R.Crim.P. 11 proceedings;

(6) issue subpoenas, writs of habeas corpus ad testificandum or ad prosequendam, or other orders necessary to obtain the presence of parties, witnesses or evidence needed for court proceedings;

(7) approve surety bonds in criminal cases, and order the termination, exoneration, or forfeiture of said bonds;

(8) conduct verification of consent by offenders to transfer from or to the United States pursuant to 18 U.S.C. §§ 4107, 4108 and 4109, and appoint counsel pursuant to those sections;

(9) conduct the initial appearances, bail, preliminary hearings and arraignments;

(10) conduct extradition proceedings pursuant to 18 U.S.C. § 3184;

(11) order the preparation of Presentence Reports, in appropriate cases;

(12) conduct mental competency hearings pursuant to 18 U.S.C. §§ 4241 *et seq*., and enter orders for psychiatric or psychological examination or for hospitalization at a psychiatric institution for a period not to exceed ninety (90) days; hear motions and enter orders for examination for mental competency;

(13) hear and determine motions pursuant to Rules 8 and 14 of the Federal Rules of Criminal Procedure;

(14) approve attorneys' expense vouchers pursuant to 18 U.S.C. § 3006(a), in appropriate cases;

(15) conduct initial appearances and preliminary hearings in revocation of probation or supervised release cases;

(16) upon proper application made through the United States Probation Office and in the absence of the judge who originally imposed sentence, grant permission to a person on probation or supervised release, to leave the jurisdiction of this Court;

(17) issue arrest, search, seizure and inspection warrants;

(18) enter orders authorizing installation and use of devices to register telephone numbers ("pen registers" or "trap and trace devices") pursuant to 18 U.S.C. § 3122, or any other form of electronic surveillance authorized by Title III of the Omnibus Crime Control and Safe Streets Act of 1968, 18 U.S.C. §§ 2510, *et seq.*;

(19) supervise proceedings of letters rogatory or requests pursuant to 28 U.S.C. §§ 1781, *et seq.*;

(20) enter orders to withdraw registry funds in misdemeanor or petty offense cases disposed of by a magistrate judge, in bail release proceedings, and in pretrial matters referred to a magistrate judge for disposition;

(21) conduct and preside over qualification and selection of Grand Jury panels, jury selection in criminal cases upon the parties consent;

(22) conduct and preside over trials of Class A misdemeanors, upon the parties' consent;

(23) conduct and preside over trials of Class B and C misdemeanors.

The enumeration of specific duties in this rule is not to be construed as limiting the referral of any other matter otherwise not inconsistent with the Constitution and laws of the United States.

(c) Emergency Magistrate Judge.

One of the magistrate judges is designated as the emergency duty magistrate judge for each week of the calendar year. The magistrate judge designated as the emergency magistrate judge during a particular week is the emergency duty magistrate judge for all requests and complaints submitted by all U.S. Government agencies within the territorial jurisdiction of the District of Puerto Rico including, but not limited to: filing of criminal complaints; issuance of warrants of arrest, to search, to seize, and for site inspection; presentations for initial bail determinations or detention; conduct preliminary examinations pursuant to Fed. R. Crim. P. 5.1; removal proceedings pursuant to Fed. R. Crim. P. 40; grand jury returns; appointment of counsel in criminal cases in connection with original matters; applications for pen registers, traps and traces, and other electronic tracking devices; and, other matters within the original jurisdiction of magistrate judges.

It is the duty of the magistrate judges to devise an emergency duty schedule which should be notified to the clerk and the U.S. Attorney's office.

RULE 162

ATTORNEYS: APPEARANCES AND WITHDRAWALS

(a) Appearances.

An attorney's signature to a pleading shall constitute an appearance. Otherwise, an attorney who wishes to participate in any manner in any action must file a formal written appearance. An appearance whether by pleading or formal written appearance shall be signed by an attorney in his or her individual name and shall state his or her office address and telephone number.

(b) Withdrawals in General.

No attorney may withdraw an appearance in any action pending except by leave of Court. A defense attorney in any criminal case shall continue the representation until relieved by order of this Court. A motion to withdraw shall be accompanied by a notice of appearance of substitute counsel. In the absence of the appearance of substitute counsel, a motion to withdraw shall set forth sufficient information to enable the Court to rule. Such information may be filed under seal, submitted to the court in camera, and shall not be made part of the public record, except by order of the Court.

(c) Trial Counsel's Duty to Continue to Represent Defendant on Appeal Until Relieved by the Court of Appeals.

An attorney who has represented a defendant in a criminal case through sentencing stage before the district court will be responsible for representing the defendant on appeal, whether or not the attorney has entered an appearance in the court of appeals, until the attorney in relieved of such duty by the court of appeals.