

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA**

IN THE MATTER OF
PUBLIC NOTICE FOR CHANGES TO
THE LOCAL RULES OF COURT

**PUBLIC
ADMINISTRATIVE ORDER**


No. 09-AO-04-P

For cause, it is


ORDERED that the Local Rules Committee of the Northern and Southern Districts of Iowa is authorized to publish the attached notice, which shall constitute compliance with Federal Rule of Civil Procedure 83(a)(1).

IT IS SO ORDERED.

DATED this 26 day of August, 2009.



LINDA R. READE
Chief Judge
United States District Court



MARK W. BENNETT
District Judge
United States District Court

**NOTICE OF PROPOSED AMENDMENTS TO THE
LOCAL RULES OF THE UNITED STATES DISTRICT COURTS
FOR THE NORTHERN AND SOUTHERN DISTRICTS OF IOWA,
TO BE EFFECTIVE DECEMBER 1, 2009**

Date of Notice: August 26, 2009

Notice is hereby given that the Local Rules of the United States District Courts for the Northern and Southern Districts of Iowa will be amended effective **December 1, 2009**. The proposed amended Local Rules, together with a "redline" document showing the proposed changes from the current, January 1, 2008, version of the Local Rules, may be accessed at the courts' web sites, www.iand.uscourts.gov; www.iasd.uscourts.gov.

The proposed amendments were prompted by proposed changes to the Federal Rules of Civil and Criminal Procedure which are scheduled to take effect December 1, 2009. The Federal Rules changes have to do with computing deadlines. They take a "days are days" approach in which every day counts, including weekends and holidays, regardless of the length of the time period, except that a deadline ending on a weekend or a legal holiday is continued to the next day that is not a weekend or legal holiday. Generally, periods less than 30 days will be revised to be multiples of 7 days. Short periods in the current rules, *i.e.*, less than 11 days, will generally be lengthened to offset the change in the computation. Also, the time periods in a few rules will be extended because they were thought to be too short to be practical.

The proposed amendments to the Local Rules conform to the proposed changes to the Federal Rules and include minor related style changes. References to "court days" in the Local Rules will be eliminated. For example, LR 56.d currently requires in summary judgment proceedings that replies to the movant's statement of additional facts be filed "within 5 court days." The proposed Local Rule will require replies to be filed "within 7 days." Similarly, the time period for taking appeals from magistrate judge orders in LR 72.1 is modified from "10 court days" to "14 days." The practical effect of the changes will be that in most instances the time period will remain about the same or be slightly extended, though not in every case.

No substantive changes to the Local Rules are proposed. The "3-day mailing rule" deadline extension in Federal Rule of Civil Procedure 6(d) will remain applicable to electronically-served documents in both the Federal Rule and Local Rule 6.

The public is invited to review and make comments on the proposed amendments to the Local Rules. Comments should be directed to Chief United States Magistrate Judge Paul A. Zoss of the Northern District, either by email to paul_zoss@iand.uscourts.gov, or by mail to the United States Courthouse, 320 Sixth Street, Room 104, Sioux City, Iowa 51101. Comments will be accepted through **November 10, 2009**.

The proposed amendments will become effective only upon approval by the Article III United States District Judges of the districts. The planned effective date of the amendments is **December 1, 2009**.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA**

IN THE MATTER OF
THE ELECTRONIC FILING OF
DOCUMENTARY EXHIBITS

**PUBLIC
ADMINISTRATIVE ORDER**

No. 09-AO-03-P

Local Rule 83.6 and Local Criminal Rule 57.3 set forth procedures governing the marking, filing and retention of exhibits in this court. These two local rules, as well as the ECF Procedures Manual (eff. Jan. 1, 2008), *see* 08-AO-0002-P, generally contemplate that documentary exhibits will not be filed electronically or otherwise scanned and uploaded into CM-ECF/PACER.

Recent improvements in technology, as well as expansion of the court's electronic storage capacity, now make it possible to provide the public, bar and court personnel with remote electronic access to documentary exhibits through CM-ECF/PACER. Accordingly, the court **ADOPTS** the following regulations regarding the electronic filing of documentary exhibits:

1. On or before the final pretrial conference in every civil case, the parties must provide the court with electronic copies of all "documentary exhibits"¹ that they intend to use at the trial. Parties to a criminal trial must provide the court with electronic copies of all documentary exhibits offered into evidence within three days following the conclusion of such trial. The parties may provide these "e-exhibits" to the court on an electronic data

¹ A "documentary exhibit" is an exhibit comprised of one or more pages of paper, and with no non-paper content. Demonstrative aids (see LR 83.6.j) are not documentary exhibits for purposes of this administrative order.

storage device, such as a CD or DVD, or may email them to:

e-exhibits@iand.uscourts.gov.

2. Each e-exhibit provided to the court should constitute a separate data file. The file name for each exhibit should reflect the case and exhibit numbers (*e.g.*, 09cv56lrr.exA.pdf, 09cv57mwb.ex4.pdf). If an e-exhibit has multiple pages, those pages should be contained within the same file.

3. When scanning documentary exhibits, parties should use a black-and-white format unless the exhibit is a color photograph or there is another good reason why a color e-exhibit would be needed for the record of the case.

4. Parties should scan documentary exhibits into a .pdf file format using a resolution of 200 dpi x 200 dpi with no individual file to exceed 10 MB.

5. The Clerk of Court will upload and file trial e-exhibits into CM-ECF/PACER as attachments to the minutes of the trial. E-exhibits that are not offered into evidence during the trial will not be uploaded or filed. E-exhibits that are offered but not admitted will be filed in a separate attachment to the minutes as an offer of proof. All trial e-exhibits that are filed are made a part of the public record of the case unless the court specifically orders otherwise.

6. In the event that a documentary exhibit previously provided to the court is altered during the trial, the Clerk of Court will scan, upload and file the altered version into CM-ECF/PACER in lieu of the e-exhibit previously provided to the Clerk of Court electronically.

7. For all hearings at which a party intends to offer a documentary exhibit into evidence other than a trial, the party must directly file the document as an e-exhibit into CM-ECF/PACER. To the greatest extent possible, the party must file the e-exhibit as an attachment to that party's motion, resistance or other filing made in connection with the hearing. Each e-exhibit should be filed as a separate attachment to the motion, resistance or other filing.² E-exhibits must be filed in numeric or alphabetic order. If an exhibit that was not filed as an attachment to the motion, resistance or other filing is offered into evidence at the hearing, within three days following the conclusion of the hearing, the offering party must provide the court with an electronic copy of the exhibit.

8. Each party is responsible for providing the court with electronic copies of all court exhibits it intends to use at a trial just as if such exhibit were one of that party's own exhibits. For example, a party is responsible for providing the court with an electronic copy of the transcript of a deposition if the party wishes to have the deposition read into the record of the case. Court exhibits will be filed in a separate attachment to the minutes. Court exhibits are part of the formal record of the case but are not provided to the jury.

9. The Clerk of Court will retain the paper copies of all documentary exhibits introduced during trials and other hearings in the normal course. Paper copies of exhibits will be destroyed only after the case becomes final and a notice of destruction of exhibits is given pursuant to LR 83.6.g or LCrR 57.3.f.

10. This administrative order supersedes any provision to the contrary in the Local

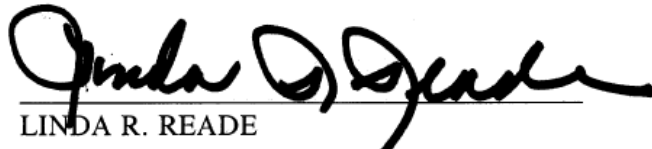
² Letters of support from the family and friends of criminal defendants may be bundled and filed as a single e-exhibit. The individual letters must be separately identified within the e-exhibit. (*e.g.*, Letter A-1, Letter A-2, *etc.*)

Rules. A presiding judge may alter any of the above guidelines in a given case as appropriate, via either standing order, trial management order or *ad hoc* order.

11. The court's ordinary rules governing the sealing of documents and the redaction of personal information apply with equal force to all e-exhibits.

IT IS SO ORDERED.

DATED this 29th day of May, 2009.



LINDA R. READE
CHIEF JUDGE, U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA