

Southern District of Florida Amends Local Rules

November 30, 2017

The Local Rules of the U.S. District Court for the Southern District of Florida have been amended. The recent amendments take effect Dec. 1. Lawyers in the district should be aware of several small procedural tweaks included in this year's set of amendments.

S.D. Fla. L.R. 5.3 - Procedure for Filing Trial and Hearing Exhibits S.D. Fla. L.R. 5.3 was amended to conform with recent amendments to the Eleventh Circuit Rules. As amended, the rule lays out the procedure for electronically filing trial and hearing exhibits. This should help streamline citation and the compilation of appellate records.

S.D. Fla. L.R. 5.4 - Treatment of Motions Seeking Sealing of Documents Lawyers in the district cheered the amendments that took effect Dec. 1, 2014, which provided that motions to seal be electronically filed. Previously, motions to seal were among the few items that had to be filed in paper form. The 2014 amendments created a situation where proposed sealed filings would sit in suspense, requiring action by the clerk's office, if the court denied the motion to seal. The amended rule addresses this issue.

S.D. Fla. L.R. 7.1(a)(2) - Proposed Orders On Ex Parte Motions, Temporary Restraining Orders and Other Emergency Filings S.D. Fla. L.R. 7.1(a)(2) lists the motions for which proposed orders must be submitted. Emergency motions, motions for temporary restraining orders, and ex parte motions were added to the list.

S.D. Fla. L.R. 7.1(c)(2) - Page Limits This minor amendment clarifies that tables of contents and tables of citations do not count toward the page limits set forth in the Local Rules.

S.D. Fla. L.R. 16.1(b) and 26(f)(3) - Model E-Discovery Rules This amendment makes clear that e-discovery issues are to be discussed during the initial scheduling conferences. The amendments also include a discretionary checklist to guide lawyers in the district. The rule does, however, make clear that it is not mandatory to discuss every item on the checklist.

S.D. Fla. L.R. 16.1(b)(3) - Timing of Scheduling Orders This is a minor amendment to S.D. Fla. L.R. 16.1(b)(3) to ensure consistency with Fed. R. Civ. P. 16(b)(2) regarding the timing of the issuance of scheduling orders.

S.D. Fla. L.R. 16.2(f)(2) and 16.4 - Notices of Settlement This amendment is intended to improve the system for notifying the court of settlements. It does this through a minor change to S.D. Fla. L.R. 16.2(f)(2) regarding the timing of such notices in the mediation context, and by adding a new S.D. Fla. L.R. 16.4 to require parties to notify the court of settlements that occur outside of mediation.

Revisions to Attorney Discipline Rules The district's

peer review and attorney discipline rules have been substantially restructured. The amendments include combining the peer review and discipline rules into a single procedure, tightening applicable time frames, and addressing various discrete issues including attorney incapacity, inactive status, student practice, and committee structure. **Revisions to Local Admiralty Rule Governing Vessel Seizure - Rule E(10)(a)** Local Admiralty Rule E(10)(a) was amended to conform to actual practice by adding a practitioner's note explain a discrepancy between the rule and actual practice, and to otherwise revise the rule to detail the marshal's security obligations if there is a deviation from that practice. *Reprinted with permission from the November 30, 2017 issue of Daily Business Review. ALM Media Properties, LLC. Further duplication without permission is prohibited. All rights reserved.*

Authored By



Aaron S. Weiss

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