

Legal Secretary/Paralegal Seminar
April 1, 2009 @ 9:10
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Rules, Criminal and Civil: Where to find them, common violations, which ones to memorize, etc.

- I. Rules are available in paper copy at the front counter or on the web site.
 - a. Hand out web address labels, explain their use
 - b. Rules are reviewed annually and updated as needed.
 - i. Explain Rules Committees and their work, those who serve, how the audience can help
 - ii. Proposed revisions are published for comment
 - iii. Questions, comments, suggestions are always welcome and can be submitted to the Rules Committee. Contact information:
local_rules@okwd.uscourts.gov
 - iv. Explain numbering and how they track the Federal Rules

v. What to do if there is a conflict between Local and Federal - which set wins

vi. What to do if there is no Rule

Local Rule 1.2 (b) and (c)

vii. Local Civil and Criminal Rules are not the same

viii. Rules on the web are searchable - explain how

II. Common Violations

a. Civil

i. Failure to accurately complete the Civil Cover Sheet

Local Rule 3.1 and Civil Cover Sheet

ii. Failure to affix signature

Local Rule 5.2 and ECF Manual

iii. Failure to number parties

Local Rule 3.1

iv. Failure to completely redact personal identifiers

Local Rule 5.2.1 and ECF Manual

- v. Failure to keep address and contact information current

Local Rule 5.4

- vi. Failure to proper title of pleading, e.g, one that matches those found on our ECF menus

Local Rule 7.1(b) and ECF manual

- vii. Response to motions shall not contain a cross motion - each motion must be filed as a separate document

Local Rule 7.1 (c)

- viii. Failure to provide courtesy copies

Local Rule 5.2 (c) and ECF Manual

- ix. Failure to provide proposed orders

Local Rule 5.5

- x. Failure to serve Proposed Order on opposing parties

Local Rule 5.5

- xi. Proposed Orders for Extensions of Time- Failure to set out new dates and specific events

Local Rule 7.1 (h)

- xii. Failure to timely file an Entry of Appearance

Local Rule 83.4

- xiii. Failure to tab exhibits to courtesy copies of motions and responses

ECF Manual

- b. Criminal

- i. Failure to keep address and contact information current

LCrR 49.4

- ii. Failure to timely file an Entry of Appearance

LCrR 57.4

- iii. Failure to timely file Joint Statement of Discovery

LCrR 16.1

iv. Failure to timely file Motions

LCrR 12.1 (a) & (b)

v. Failure to timely file statutory defenses

LCrR 12.4.1

vi. Failure to writ custodial defendants or custodial witnesses

LCrR 43.1 for custodial defendants

LCrR Rule 46.1 custodial witnesses

vii. Failure to timely file Sentencing Memoranda and Motions

LCrR 32.2

viii. Failure to proper title of pleading, e.g, one that matches those found on ECF menu

ECF Manual

III. Which ones to memorize

a. Civil

i. *Local Rule 5.4 - Change of Address*

ii. *Local Rule 5.5 - Proposed Orders*

- iii. *Local Rule 7.1* - Motion Practice
- iv. Title - *Local Rule 7.1 (b)*
- v. Separate motions - although a Motion and Brief
can be combined as one document

Local Rule 7.1 (c) and (m)

- vi. Index - when to include

Local Rule 7.1 (e)

- vii. Requests for Extensions of Time - what to
include

Local Rule 7.1 (h)

- viii. Reply and Supplemental Briefs - when
authorized, what to include and what not to
include

Local Rule 7.1 (l)

- ix. Factual matters not otherwise a part of the
record

Local Rule 7.1 (j)

x. What motions may be filed without a brief

Local Rule 7.1 (k)

xi. What to include in a Motion to Amend or Add
Parties

Local Rule 7.1 (l)

xii. Default Judgment - how to proceed

Local Rule 55.1

xiii. Removed Action - what to include

Local Rule 81.1 and 81.2

xiv. Attorney Admission procedures - who may apply

Local Rule 83.2(d)

reciprocity

Local Rule 83.2 (e)

pro hac vice

Local Rule 83.2 (g)

Also: requirement of Local Counsel

Local Rule 83.3 (a)

and responsibility of Non-Resident Counsel

Local Rule 83.3 (b)

b. Criminal

- i. Local Criminal Rule 57.4 - Appearance of Counsel
- ii. Local Criminal Rule 49.4 - Change of Address
- iii. Local Criminal Rules 5.1 & 10.1 - Timing of Initial Appearance and Initial Arraignments
- iv. Local Criminal Rule 12.1 - Motion Practice
 - a. When to File Pretrial Motions - LCrR 12.1(a) & (b) – Timing of motions triggered from date of entry of not guilty plea.
 - b. Format of Motions - LCrR 12.1(d) adopts Local Civil Rule 7.1 (c-e) including length, font, oversize, need to index.

- c. Requests for Extensions of Time - LCrR
12.1(e) adopts Local Civil Rule 7.1(h)
- v. Local Criminal Rule 16.1 - Discovery
Conference & Filing Joint Statement of
Discovery
- vi. Local Criminal Rule 12.4.1 - Notice of Defenses
- vii. Local Criminal Rule 26.1 - List of Trial Witnesses
& Exhibits - All be sure to check with individual
chambers.
- viii. Local Criminal Rule 32.1 - Confidentiality of
Presentence Report
- ix. Local Criminal Rule 32.2 - Sentencing
Memoranda and Motions
- x. Local Criminal Rule 43.1 - Issuance of Writs for
Defendants
- xi. Local Criminal Rule 46.1 - Issuance of Writs for
Witnesses in Custody

- xii. Local Criminal Rule 44.1- Criminal Justice Act
for Representation of Indigent Defendants
(Confer with Federal Public Defender's Office)
- xiii. Local Criminal Rule 49.1.1 - Redaction of Official
Transcripts
- xiv. Local Criminal Rules - 57.2 and 57.3 - Attorney
Admission procedures (adopts Local Civil Rules
83.2(a), 83.4, 83.5 and 83.6) - who may apply,
reciprocity, *pro hac vice*. Also: requirement of
Local Counsel and responsibility of Non-
Resident Counsel