

Feb 3, 2020

Vicki Kinkade
Chief Deputy Clerk

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

IN RE:

AMENDMENTS TO LOCAL RULES
(effective January 24, 2020)

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ADMINISTRATIVE ORDER
NO. 199-2

ORDER

The Court hereby gives notice of the adoption of its Amended Local Rules effective January 24, 2020. The Amendments were posted for public comment from December 20, 2019 to January 20, 2020. The Court has adopted all proposed amendments to the rules as drafted, except for the proposed change to Local Rule 54.01 — Costs and Attorney's Fees, which will remain as previously written. The amendments to the Rules are summarized as follows:

1. **Local Rule 5.03-Requests to Seal Documents or Portions of Documents:** Section (a) *Contents of Motions to Seal* and section (b) *Use of Document by Party Not Designating Documents as Confidential* are modified to clarify the procedures for motions to seal when the party intending to use the materials is not the party requesting restricted access. The amendment also adds a clear statement that an unopposed motion or agreed order to seal that does not address the standards for sealing documents does not comply with the rule.

2. **Local Rule 7.01-Motions:** Section (e) *Applicability to Rule 56 Motions* is added to clarify that the timing provisions of the rule do not apply to motions for summary judgment filed under Fed. R. Civ. P. 56 and Local Rule 56.01.

3. **Local Rule 16.01-Case Management:** Section (i) *Non-Dispositive Motions* is added to conform the rule to 28 U.S.C. § 636(b)(1)(A) so that Magistrate Judges are designated to rule on non-dispositive matters in cases that are referred by a District Judge.

4. **Local Rule 16.04-ADR: Judicial Settlement Conferences:** The definition of settlement judge in section (a) is modified to define settlement judges as District Judges, Magistrate Judges or Bankruptcy Judges so that Bankruptcy Judges may conduct settlement conferences in cases pending in District Court.

5. **Local Rule 39.01-Trial Procedures:** Subsection *(a)(1)(A) Duty of Counsel* is added to provide that participation by an attorney on behalf of a party in a civil case is a representation that the attorney will be prepared to conduct the trial of the case. (This provision was previously found in prior local rules and was inadvertently deleted in recent revisions.)

6. **Local Rule 55.01-Motions for Entry of Default:** Newly added rule delineating the information that must be included in motions for entry of default.

7. **Local Rule 56.01-Motions for Summary Judgment:** Section *(c) Response to Statement of Facts* is modified to correct administrative errors incorrectly referring to disputed material facts as undisputed facts and section *(d) Reply Statement* is modified to clarify the procedures for replying to a statement of additional disputed material facts.

8. **Local Rule 72.02-Magistrate Judges Dispositive Matters** is modified to correct an administrative error in section (b) in which the objections to a report and recommendation are inadvertently referred to as a motion for review.

9. **Local Rule 83.01-Attorneys:**

Section *(a) Eligibility and Procedure for Admission* is modified to clarify in subsection (2) the information required for attorney admission applications and to clarify in subsection (7) that only attorneys employed by the Middle District of Tennessee U.S. Attorney's office or Federal Public Defendant's office are automatically admitted to practice in the Court.

Section (b) *Admission Pro Hac Vice* is modified to clarify the kind of information that must be disclosed in an affidavit submitted in support of a motion for admission *pro hac vice*.

Section (c) *Disbarment and Discipline* is modified by: replacing subsection (2) with new procedures for automatic suspension and reinstatement of attorneys who are administratively suspended from practice by the state Supreme Court; adding a new subsection (3) that clarifies the procedures for automatic suspension and reinstatement of attorneys who are disbarred or suspended as a disciplinary sanction; adding a new subsection (4) that includes new procedures for automatic suspension and reinstatement of attorneys who no longer have an active license to practice law; and, renumbering the remaining subsections.

Section (d) *Local Co-Counsel in Civil Proceedings* is modified by clarifying in subsection (2) that federal government attorneys who have been admitted *pro hac vice* may participate in a case without local counsel and adding a new subsection (6) making clear that local counsel is equally responsible with *pro hac vice* counsel for all aspects of the case.

Section (e) *Appearance by Attorney* is modified by adding a new subsection (4) that provides that participation by an attorney on behalf of a party in a civil case is a representation that the attorney will be prepared to conduct the trial of the case. (This provision was previously found in prior local rules and was inadvertently deleted in recent revisions.)

10. **Local Criminal Rule 16.01-Discovery and Inspection** is replaced by a new rule for discovery and inspection in criminal cases.

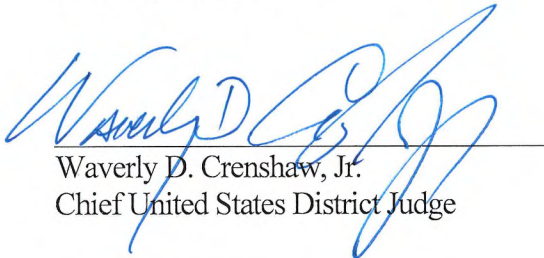
11. **Local Criminal Rule 32.01-Sentencing:** Section (e) *Section 3553(a) Factors* is modified to clarify that the required statement must be filed by counsel for all parties and section (h) *Special Assessments* is modified to clarify that the Clerk of Court will not accept payments for criminal monetary penalties absent a court order.

12. **Local Criminal Rule 53.01-Photography, Broadcasting, and Electronic Devices** is modified to correct the number of the local civil rule made applicable by reference.

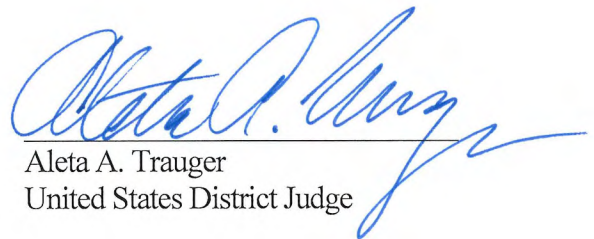
13. **Local Criminal Rule 57.07-Law Student Practice** is added to allow law student practice in criminal proceedings before Magistrate Judges, which requires renumbering of the current Local Criminal Rule 57.07 to Local Criminal Rule 57.08.

The Clerk shall furnish copies of this Order and the Rules as amended to the Judicial Council of the Sixth Circuit Court of Appeals and the Administrative Office of the U.S. Courts.

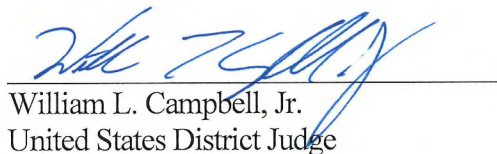
IT IS SO ORDERED.



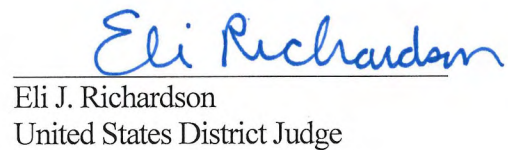
Waverly D. Crenshaw, Jr.
Chief United States District Judge



Aleta A. Trauger
United States District Judge



William L. Campbell, Jr.
United States District Judge



Eli J. Richardson
United States District Judge