

**QUICK REFERENCE GUIDE
FOR THE
DISTRICT OF CONNECTICUT**

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ADDRESSES AND TELEPHONE NUMBERS OF THE COURTHOUSES:

New Haven: 141 Church Street
New Haven, CT 06510
(203) 773-2140
Roberta D. Tabora, Clerk
Dinah Milton Kinney, Chief Deputy
Lori Inferrera, Division Manager

Hartford: 450 Main Street
Hartford, CT 06103
(860) 240-3200

Bridgeport: 915 Lafayette Boulevard
Bridgeport, CT 06604
(203) 579-5861
Chrystine Cody, Division Manager

DIRECTIONS TO THE COURTHOUSES:

TO NEW HAVEN:

Coming North: I-95 to exit 47 (Left hand exit: Downtown/RR Station) [Rt. 34 Connector]; move to far right lane; first exit off Connector (RR Station/Coliseum) and go straight on ramp; turn right at light (Church Street); after third light Courthouse is on the right.

Coming South: I-95 to Rt. 34 Connector, follow directions above.

Coming South: I-91 south to exit 1 (Right hand exit) Rt. 34 Connector, follow directions above.

TO HARTFORD: Coming North: Via I-91 north to Capitol Area exit (exit 29A) left hand exit; take first exit ramp (Columbus Boulevard); at light at end of ramp, go diagonally straight on to Arch Street. Proceed straight through next two lights; turn left onto Main Street; Courthouse is on the left.

Alternate North: Via Merritt Parkway to exit 68 (Meriden I-91); north on 91; follow directions above.

Coming South: Via I-91 south to Capitol Area exit (exit 29A); remain in exit lane and follow to Columbus Boulevard exit; follow directions above.

Coming East: Via I-84 east to Capitol Avenue exit (exit 48B); at light turn left on to Capitol Avenue; follow Capitol Avenue to its end (Main Street); turn left onto Main Street; Courthouse is on right.

Coming West: Via I-84 west to Downtown exit, (exit 54) to Columbus Blvd. Take a left. At third traffic light, turn right onto Arch Street. Follow to second light, and turn left onto Main Street. Courthouse is on the left past the next light.

TO BRIDGEPORT:

Coming South: Via I-95 to exit 27 (Lafayette Boulevard); bear right onto Lafayette Boulevard; proceed through one traffic light; Courthouse is on the left.

Alternate coming South: Merritt Parkway south to exit 52 (Rt. 8); Rt. 8 south to Bridgeport to Exit 2 (Fairfield Avenue); right onto Fairfield Avenue; two blocks to West Avenue; turn left; two blocks to State Street; turn left onto State Street; Courthouse is one block up on right.

Coming North: I-95 north to exit 27 (Lafayette Boulevard); proceed straight through three traffic lights; left onto Lafayette Boulevard.

PUBLIC ACCESS HOURS

The clerk's offices are open to the public from 9:00 a.m. to 4:00 p.m., Monday - Friday. A file stamp machine and drop box are located outside the Hartford and Bridgeport clerk's office doors and in the lobby of the New Haven courthouse for after hours filings. Access to CMECF is always available to registered users.

WEBSITE ADDRESS

The district court website address is: www.ctd.uscourts.gov.

LOCAL RULES

Local Rules are available on the district website or from the Connecticut Bar Association, 30 Bank Street, P. O. Box 350, New Britain, CT 06050-0350, telephone: (860) 223-4400, fax (860) 223-4488.

FEE INFORMATION

Admissions of Attorneys	160.00
Appeal to U.S. District Judge from a judgment in a misdemeanor conviction before a U.S. Magistrate Judge	32.00
Certificate of Good Standing	15.00
Certification of Documents (per document)	9.00
Civil Complaint/Notice of Removal Filing Fee	350.00
CJA in-court rate effective 3/11/09 (per hour)	110.00
CJA out-of-court rate effective 3/11/09 (per hour)	110.00
Copies of Public CM/ECF Queries (per page from public terminal)	.10
Tape Recorded Proceedings (per tape)	26.00
Court Copy Fee (per page or per side)	.50
Duplicate Certificate of Admission	15.00
Exemplification Fee	18.00
Foreign Judgment Registration	39.00
Juror Fee (per day)	40.00
Mileage Fee (per mile) effective 2/1/09	.55
Miscellaneous Civil Case Filing Fee	39.00
Name Search (each name) no fee for first name	26.00
Notice of Appeal	455.00
Notice of Cross Appeal	455.00
PACER fee per page	.08(max \$2.40)
Petition for Writ of Habeas Corpus	5.00
Pro Hac Vice Admissions (per atty per motion)	25.00
Public Copier (per page)	.25
Retrieving Records from Federal Record Center	45.00
Returned Check Fee (insufficient funds)	45.00
Witness Fee (per day)	40.00

ACCEPTABLE FORMS OF PAYMENT:

Cash (exact amount), money order, bank check, cashier's check, personal checks (name, address, and telephone number must be clearly written on the face of check) and law firm checks (including out of state law firms). Checks must be payable to: Clerk, U. S. District Court. We do not accept third-party checks. **The clerk's office cannot make change for any service.**

COPY FEES:

Copy fees are charged when a person, firm, or organization requests a copy of a filing in a case which must be made by clerk's office staff.

Government agencies and court appointed counsel in criminal or civil cases are not charged copy fees, unless the document is available electronically. **Copy and certification fees are not charged to counsel of record when obtaining certified copies of court orders to be served.**

Copies of electronic docket sheets may be made from the public terminal at a reduced rate. Public terminals are located in the reception areas of clerk's offices. See fee information on page 5 for current rates.

Copies may be made of any document in a file, as long as the file and/or the document is not under seal. Copies may not be made of any file or document that is under seal unless it is requested by the filer, who you recognize or who can provide identification.

When a person comes to the clerk's office, copies may be made using the public copier provided in each clerk's office for this purpose. See fee information on page 5 for current rates. **The clerk's office cannot make change.** Clerk's office personnel are not responsible for maintaining the public copier.

Telephone requests for copies from our files: Callers should be informed of the following two options: 1) they may come to the clerk's office and make their own copies using the public copier (**Bring their own** quarters), or 2) they may submit their request in writing. We may accept requests by fax but we cannot fax information. When the request is received, the copy clerk will call and inform the requester of the amount that will be due. See fee information on page 5 for current rates. The fee for a two-sided document is double the regular fee. When the amount due is received, the copy clerk will make the copies and send a receipt with the copies to the requester. The average time for copies to be made by the clerk's office is two weeks.

For cost of certified copies and cost per page, see fee information on page 5 for current rates.

When a file is closed and is not available at the clerk's office, the file must be retrieved from the Federal Records Center. See "Obtaining Case Record Information" on page 11, or the FRC page on our website at www.ctd.uscourts.gov for further information.

JUDGES AND STAFF

HARTFORD

JUDGE VANESSA L. BRYANT

Fidelis Basile, Judicial Assistant

(860)240-3123

Robert Wood, Courtroom Deputy

(860)240-3889

*Paired Magistrate Judge: Smith

CHIEF JUDGE ROBERT N. CHATIGNY

Chambers Main Number

(860)240-3659

JoAnn Walker, Courtroom Deputy

(860)240-3210

Darlene Warner, Court Reporter

(860)547-0580

*Paired Magistrate Judge: Martinez

SENIOR JUDGE ALFRED V. COVELLO

Renee Alexander, Judicial Assistant

(860)240-3218

*Paired Magistrate Judge: Smith

JUDGE CHRISTOPHER F. DRONEY

Gail Szczygiel, Judicial Assistant

(860)240-2635

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(860)240-3201

Martha Marshall, Court Reporter

(860)524-0694

*Paired Magistrate Judge: Smith

SENIOR JUDGE DOMINIC J. SQUATRITO

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Terri Glynn, Courtroom Deputy

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JUDGE ALVIN W. THOMPSON

Marion Bock, Judicial Assistant

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Sandy L. Smith, Courtroom Deputy

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Diana Huntington/Corrina Thompson, Court Reporters

(860)547-0580

*Paired Magistrate Judge: Martinez

MAGISTRATE JUDGE DONNA F. MARTINEZ

Chambers Main Number

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Terri Glynn, Courtroom Deputy

(860)240-3605

*Paired with Judges Chatigny & Thompson

MAGISTRATE JUDGE THOMAS P. SMITH

Chambers Main Number

(860)240-3640

Barbara Sunbury, Courtroom Deputy

(860)240-3766

*Paired with Judges Bryant, Covello, Droney & Squatrito

NEW HAVEN

JUDGE JANET BOND ARTERTON

Aimee Tooker, Judicial Assistant

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SENIOR JUDGE ELLEN BREE BURNS

Patricia Corbett, Judicial Assistant

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Melissa Ruocco, Courtroom Deputy

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*Paired Magistrate Judge: Margolis

SENIOR JUDGE PETER C. DORSEY

Karin Miller, Judicial Assistant

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Patricia Villano, Courtroom Deputy

(203)773-2377

*Paired Magistrate Judge: Margolis

SENIOR JUDGE CHARLES S. HAIGHT JR.

Lucia Macare, Judicial Assistant

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Joanne Pesta, Courtroom Deputy

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*Paired Magistrate Judge: Margolis

JUDGE MARK R. KRAVITZ

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Ken Ghilardi, Courtroom Deputy

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Thea Finkelstein, Court Reporter

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*Paired Magistrate Judge: Garfinkel

MAGISTRATE JUDGE JOAN G. MARGOLIS

Mary Hill, Judicial Assistant

(203)773-2350

Rebecca Rodko, Courtroom Deputy

(203)773-2416

*Paired with Judges Arterton, Burns, Dorsey & Haight

BRIDGEPORT

SENIOR JUDGE WARREN W. EGINTON

Rosalie Krajcik, Judicial Assistant

(203)579-5819

Deborah Candee, Courtroom Deputy

(203)579-5862

*Paired Magistrate Judge: Fitzsimmons

JUDGE JANET C. HALL

Chambers Main Number

(203)579-5554

Bernadette DeRubeis, Courtroom Deputy

(203)579-5554

Terri Fidanza, Court Reporter

(203)910-4567

*Paired Magistrate Judge: Fitzsimmons

JUDGE STEFAN R. UNDERHILL

Chambers Main Number

(203)579-5714

Barbara Sbalbi, Courtroom Deputy

(203)579-5714

Susan Catucci, Court Reporter

(917)703-0761

***Paired Magistrate Judge: Garfinkel**

MAGISTRATE JUDGE HOLLY B. FITZSIMMONS

Mary Larsen, Courtroom Deputy

(203)579-5640

***Paired with Judges Hall & Eginton**

MAGISTRATE JUDGE WILLIAM I. GARFINKEL

Carol Sanders, Judicial Assistant

(203)579-5593

Janet Barrille, Courtroom Deputy

(203)579-5656

***Paired with Judges Kravitz & Underhill**

***Magistrate judges are paired with district judges for the purposes of case referrals**

OBTAINING CASE RECORD INFORMATION

Cases are indexed by case number and by name. We will search one name or case number free of charge. See fee information on page 5 for current rates for each additional search, copy fee rate and certification per document. We may accept requests by fax but we cannot fax information to you. We must receive payment in advance. We accept money orders, cashier's checks, personal checks or cash. Checks should be made payable to: **Clerk, U. S. District Court**. Cash can only be accepted in the exact amount, **we cannot make change for any service**. The public may perform searches using the public computer terminal and microfiche equipment. Public copy machines are available to make copies. See fee information on page 5 for current rates.

Closed cases are maintained in the clerk's office for approximately two years. After that time they are sent to the National Archives and Records Administration, also known as the Federal Records Center (FRC) Northeast Region, 380 Trapelo Road, Waltham, MA 02154-6322. See the FRC page on our website at www.ctd.uscourts.gov for detailed information.

ELECTRONIC ACCESS TO INFORMATION

This district maintains electronic docket sheets for civil cases filed as of 11/1/91 and criminal cases filed as of 1/1/93. Public access to electronic docket information is available at each of the clerk's offices. Each clerk's office has a microfiche machine and index of all cases pending or filed between 1982 and 1991. Any case filed prior to 1982 will be found on an index card, maintained at the Federal Records Center.

The bar and the public may access all automated information by using **PACER** (Public Access to Electronic Records). Once you are on-line there is a per page charge. See fee information on page 5 for current rates. Applications to obtain **PACER** are available from the **PACER** Service Center at 1-800-676-6856 or online at <http://pacer.psc.uscourts.gov>.

Consistent with Judicial Conference policy, courts may, upon a showing of good cause, exempt indigents, bankruptcy case trustees, individual researchers associated with educational institutions, courts, section 501(c)(3) not for profit organizations, court appointed pro bono attorneys, and pro bono ADR neutrals from payment of PACER fees. Exemptions may be granted for a definite period of time and may be revoked at the discretion of the court granting the exemption.

Attorneys are automatically exempt from payment of electronic public access fees for work on CJA cases. You may contact the PACER service center at 1-800-676-6856 or through the internet at <http://pacer.psc.uscourts.gov> to establish an exempt account, which may only be used for work related to services rendered under the CJA.

PROCEDURE FOR ADMISSION TO PRACTICE IN FEDERAL COURT

REGULAR ADMISSION: Attorneys must complete a petition for admission to this court, certifying that he/she is a member in good standing of the bar of the State of Connecticut or the bar of another U.S. District Court. Attorneys may submit their petition to any seat of Court, (preferably the Hartford office) with two (2) affidavits from members of the bar of

this court, who have known the applicant for at least six months, concerning the applicant's background. Petitions must be submitted with the fee, (see fee information on page 5 for current rates) as well as one (1) current Certificate of Good Standing from the court(s) in which the applicant is admitted to practice. **[Local Rule 83.1]** Petitions are available from the clerk's offices or on the district web site.

Admissions are held each month (EXCEPT AUGUST), as follows:

New Haven:	First Monday
Bridgeport:	First Friday
Hartford:	Second Monday

Once an attorney is admitted to practice here, it does not matter that residence or work location has changed. The attorney remains admitted for all purposes until suspension, disbarment, retirement or death. An attorney's status may be checked from the Utilities option of the Main Menu in CM/ECF by accessing Attorney Admissions/Perform Attorney Admissions Functions/Edit Bar membership Data or by accessing the manual index cards.

The Local Rules require the attorney's name, address, telephone number, federal bar number, fax number, e-mail address **[Local Rule 5(b)]**; however, it is preferable to have the firm's name included on appearances. The Post Office has returned mail because the attorney is unknown or is located in a multi-office building.

PRO HAC VICE ADMISSION: Applicants must comply with the provisions of **Local Rule 83.1(d)**. An attorney who is a member of this bar and has an appearance in the case may file a motion on behalf of the applicant and submit the motion with a fee **FOR EACH ATTORNEY** wanting to be admitted pro hac vice. See fee information on page 5 for current rates. A separate filing fee per attorney must be submitted **FOR EACH CASE**. If the motion is denied for procedural deficiencies, no additional filing fee is required when refiling the motion. The renewed motion must contain a statement regarding previously paid fees.

AMICUS CURIAE ATTORNEYS: do not have to be members of the bar to file amicus briefs; however, if the attorney is not a member of the bar, clerk's office staff will complete an attorney maintenance form with the name and address of the attorney and forward it to the Attorney Admissions Clerk.

WITHDRAWAL OF APPEARANCE: A motion for withdrawal of appearance is to be filed setting forth reasons for withdrawal. The motion must also include a statement that the party whose counsel seeks to withdraw has received actual notice by personal service or by certified mail and whether or not the party has retained new representation. Memorandum in Support is not required, **Local Rule 7(e)**.

GOVERNMENT ATTORNEYS: do not have to be a member of our bar; if the attorney is not a member of the bar, clerk's office staff will complete an attorney maintenance form with the name and address of the attorney and forward it to the Attorney Admissions Clerk.

MDL CASES: Attorneys of record may continue to represent their client in any district to which the action is transferred. Attorneys are not required to obtain local counsel. **[28 U.S.C. §1407, Rule 1.4]**

GRIEVANCE PROCEDURES: Grievances may be filed against attorneys pursuant to **Local Rule 83.2**. Instructions and a list of the Federal Grievance Committee are available on our website and may also be obtained from the clerk's office.

JUDICIAL COMPLAINT PROCEDURES: Complaints may be filed against a judicial officer pursuant to **28 U.S.C. §351 et seq.** The rules and complaint form may be obtained from the clerk's office. Completed forms must be submitted to the United States Court of Appeals, U. S. Courthouse, 40 Foley Square, New York, NY,10007, and not to the local clerk's office.

GENERAL INFORMATION

FORMAT OF PLEADINGS: Pleadings shall be filed in compliance with **Local Rule 10**. All pages after page 1 are to be numbered at the bottom. They must be double spaced, on 8-1/2" by 11" paper with a left margin of at least 1" free from all typewritten or printed material and shall have legibly typed, printed or stamped the names of counsel, including their federal bar number, or name of the party who executed the document, telephone number, fax number and e-mail address directly beneath the signature (if available). The complete docket number, including the initials of the judge to whom the case has been assigned, shall be typed on each pleading. Filings must have a proper certificate of service which includes the name and address of each party served **Local Rule 5(c)**. For more information regarding efiled documents, refer to the Policies and Procedures Manual available at www.ctd.uscourts.gov/cmecf.

PRIVACY/E-GOVERNMENT ACT: To address the privacy concerns created by internet access to court documents, and to comply with the E-Government Act of 2002, litigants should not include sensitive information in any document filed with the court unless such inclusion is necessary and relevant to the case. If sensitive information must be included, the following personal data identifiers must be partially redacted from the pleading whether it is filed traditionally or electronically:

1. Names of minor children to the initials;
2. Financial account numbers to the last four digits;
3. Social Security numbers to the last four digits;
4. Dates of birth to the year; and
5. Home address to City and State.

In addition, counsel are encouraged to exercise caution when filing documents that contain the following: personal identifying number such as a driver's license number; medical records, treatment and diagnosis; employment history; individual financial information; and proprietary or trade secret information. For more information, refer to the Policies and Procedure Manual located on our website at www.ctd.uscourts.gov/cmecf. The Clerk will not review any pleadings for redaction.

CONSOLIDATED CASE: Judges may enter an order of consolidation in related cases. The deputy clerk then issues a Notice to Counsel which indicates how these cases will be maintained and administered by the court. All member cases are statistically closed.

NUMBER OF COPIES TO BE FILED IN CASES: If the case has not been designated an efiled case, only the original document needs to be filed along with a disk/CD containing

the file in pdf format unless otherwise directed by a judge or magistrate judge. If the filer wants the disk/CD returned, a self addressed mailer should be provided.

BRIEFS: Local Rule 7(a)(1) & (2) Motions Procedure: Unless otherwise ordered by the court, all memoranda in opposition to motions shall be filed within twenty-one (21) days of the filing of the motion (for calculation purposes, holidays and weekends are counted.) Except by permission of the court, briefs or memoranda shall not exceed forty (40) 8-1/2" by 11 pages of double spaced standard typographical print, exclusive of pages containing a table of contents, tables of statutes, rules or the like. The original of all motions and briefs shall be filed with the clerk at the seat of court where the judge sits.

REPLY BRIEFS: Local Rule 7(d) Reply briefs are not required and the absence of a reply brief will not prejudice the moving party. If a party wishes to file a reply brief, the reply brief must be filed within ten (10) days of the filing of the responsive brief to which reply is being made (for calculation purposes, count business days only, do not count holidays or weekends.) A reply brief may not exceed ten (10) pages, must be strictly confined to a discussion of matters raised by the responsive brief and must contain references to the pages of the responsive brief to which reply is being made. The filing of any further replies requires the permission of the court.

SECURITY COSTS (Bond) Local Rule 83.3 states: Defendants may submit a motion for the plaintiff to file security for costs in the amount of \$500.00. The clerk may grant the first request up to \$500.00. All other requests must go to the judge. When the case has been closed the plaintiff may file a written request for return of costs. After the request is granted, a copy is forwarded to the Financial Administrator in New Haven who will return the security costs to counsel.

FILING DISCOVERY MATERIAL: Pursuant to **Local Rule 5(f)** and **FRCivP 5(d)**, expert witness reports, computations of damages, depositions, notices of deposition, interrogatories, requests for documents, requests for admissions and answers and responses shall not be filed with the Clerk's Office except by order of the court. Initial disclosures pursuant to **FRCivP 26(a)** should also not be filed with the court. If filed with the court in paper form, they will be discarded. If discovery is efiled, it will be marked as "ENTERED IN ERROR" and the.pdf will be sealed.

PRE-JUDGMENT REMEDY: PJRs require a writ of attachment or garnishment (per state statute which governs these proceedings in this court). **[Local Rule 4(c)]**

MAGISTRATE'S NUMBER vs. MISCELLANEOUS NUMBER

SEARCH WARRANT: is signed by a judge or magistrate judge. The search warrant is usually accompanied by an application and affidavit and usually contains language such as: "...searching for illegal..." Search warrants should not come to the Clerk's office until the return is made. The agent will execute the warrant and the return of service will be returned to the judge or magistrate who signed the warrant. The Judge or Magistrate's office will match this return to the original application and affidavit and will then send/bring to Clerk's office for case number assignment and input. When the agent or U. S. Attorney's Office returns the search warrant it is assigned a magistrate number unless it is

part of a pending criminal case and in that instance will be docketed on the criminal case.

SEIZURE WARRANT: Receive a miscellaneous civil number. This warrant is usually for automobiles, currency, etc. Seizure Warrants should not come to the Clerk's office until the return is made. We can only file the Application for Seizure Warrant when the seizure warrant is returned. The U.S. Attorney and the agent will go to the Judge or Magistrate to have the warrant issued. The agent will execute the warrant and the return of service will be returned to the judge or magistrate who signed the warrant. The Judge or Magistrate's office will match this return to the original application and affidavit and will then send/bring to the Clerk's office for case number assignment and input.

GRAND JURY WITNESS OR INDIVIDUAL UNDER INVESTIGATION BY GRAND JURY: Receives a miscellaneous civil number and the case is sealed. Examples: appointment of counsel, motion for immunity, motion for use immunity, notice to compel handwriting exemplars.

HABEAS CORPUS AD PROSEQUENDUM OR TESTIFICANDUM: Unless the habeas is issued in a pending criminal case, these documents receive a miscellaneous civil number. This will come to the Clerk's office with a signed application and an Order allowing the writ signed by a Judge or Magistrate. If there is no criminal case number on the document, assign a miscellaneous civil number and file stamp the application and issue the writ - do not file stamp the writ. A copy of the application with the original writ, plus two true-attested copies of the writ should be given to the U.S. Marshal for service. The original application and one attested copy of the writ should be given to the docket clerk. A true copy of the writ is filed in the case folder.

REGISTRATION OF FOREIGN JUDGMENT: Counsel must go to the district court in which the original judgment was entered to obtain the following:

- (1) a Civil Form AO 451, completed by the "home" district court; and
- (2) a certified copy of the judgment.

In certain circumstances, the "home" district may not be able to issue an AO451, however counsel may still register the judgment with us there is a separate order from the home court allowing for registration of the judgment, or wording in the judgment allowing it to be registered.

Counsel can then file both items with this court with the filing fee. It is not necessary for counsel to be a member of the bar to register a judgment. See fee information on page 5 for current rates. The judgment will receive a miscellaneous civil number.

MISCELLANEOUS CIVIL NUMBER CONVERTING TO CIVIL NUMBER: If a miscellaneous civil case goes to hearing or trial before a district judge, the case will receive a regular civil number, with the number being assigned as of the date of the first such hearing.

FILING A COMPLAINT

Note: See Section I of the Procedures Manual for complete instructions.

Cases are randomly assigned on a district-wide basis by a computer program. The case receives a docket number and is assigned to a judge. All future filings in that case must be filed at the seat of court where the judge sits.

The only reasons to reject a complaint are for lack of an original signature or if no filing fee or In Forma Pauperis Application (IFP) is submitted. See fee information on page 5 for current rates.

CASE CAPTION: all parties should be listed in the case caption, it is not proper procedure to use "et al." **[FRCP 10(a)]** Direct the filer to complete a corrected caption page for the complaint. If the statute of limitations will be affected, file stamp the complaint and wait for the corrected page.

JURY DEMAND: must be stated in the complaint or in a separate pleading; it is not sufficient to state this on the civil cover sheet.

CIVIL COVER SHEET: The attorney filing the complaint does not have to sign the civil cover sheet. The civil cover sheet is not a pleading; it is required to assist the clerk's office for statistical reporting to the AO. If another attorney signs the civil cover sheet, that person does **NOT** have to enter an appearance for the purpose of filing the cover sheet. We should do our best to get a signed civil cover sheet, but the intake clerk needs the cover sheet to open the case with or without a signature.

SERVICE OF THE COMPLAINT: The plaintiff has 120 days from the filing date of the complaint in which to serve the defendant. **[FRCP 4(m)]** Service may be completed by:

- (1) **SUMMONS:** May be served by:
 - (a) a state marshal
 - (b) any person over the age of 18 who is not a party

- (2) **NOTICE OF LAWSUIT AND REQUEST FOR WAIVER OF SERVICE:** May be used to serve a complaint by mail. Forms are available in the clerk's office. Directions appear at the bottom of the form.

- (3) **U.S. MARSHAL:** The U.S. Marshal will serve a summons and complaint in very limited cases such as the following:
 - (1) those brought on behalf of the United States;
 - (2) in forma pauperis actions, on order of the court;
 - (3) actions brought on behalf of seamen **[28 U.S.C.1916]**; and
 - (4) in any other action in which the court so directs.

FICTITIOUS NAME: Matters filed with Motions to File in Fictitious Name and to Seal are withheld from public inspection and service unless the court orders it unsealed. All

documents submitted under seal must comply with **Local Rule 5(e)**.

ORDER ON PRETRIAL DEADLINES: At the time the complaint is filed, an order on pretrial deadlines will be provided for all civil cases, except those excluded in Local Rule 26(f)3. The plaintiff is required to serve this order with the complaint and summons. It is not necessary to serve the order on pretrial deadlines in cases transferred from another district. The order on pretrial deadlines starts from the date of filing in the federal court.

FOREIGN SERVICE: When the party to be served resides in a foreign country, counsel can hire an attorney in the foreign country to serve the summons and complaint, serve the complaint in accordance with the Hague Convention, or it can be served by the clerk of the court pursuant to **FRCP 4(f)**. Counsel must provide all appropriate paperwork and postage. Instructions are available at the clerk's office.

FEDERAL DEFENDANT: The plaintiff needs to file the original complaint and have 6 copies for service: 3 for U.S. Attorney in Connecticut, 2 for the Attorney General of the United States (to be served by registered or certified mail), and 1 for the named agency, if applicable. See Procedures Manual, Section I, Civil Intake, Appendix E.

PROCEDURE FOR REMOVAL: [See 28 U.S.C. 1446, et seq.]

The only reasons to reject a notice of removal are for lack of an original signature, no state court papers attached or if no filing fee or IFP application is submitted.

The following documents **SHOULD BE** supplied by the filer:

- Notice of Removal with Certificate of Service (Caption should list all plaintiffs and defendants; **et al** is not permitted. If the notice of removal is submitted with et al in the caption, direct the filer to complete a corrected caption page. If the statute of limitations will be affected, file stamp the notice of removal and wait for the corrected page.)
- State Court papers are required to be attached to the removal
- Civil cover sheet (If not submitted at the time of filing, filer must be informed that this document must be filed immediately)
- Appearance with federal bar number
- Statement of Compliance with Standing Order - this may be filed within 5 days
- Copy of Notice to State Court of Removal - this may or may not be submitted
- Filing fee (unless removed by a government agency) (See page 5 for fee Information.
- Notice of Pending Motions (If not submitted at the time of filing, filer must be informed that this document must be filed immediately, even if there are no pending motions). If the action being removed has pending motions that need to be decided (Example: Application for Prejudgment Remedy), counsel **MUST** attach a complete copy of the motion and supporting documents to the notice of pending motions.
- No summons or Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Summons forms will be issued.

An appearance should be filed by the defendant(s) attorney, pursuant to **Local Rule 5(b)** and **Rule 11(a), FRCP**. As long as counsel are members of the federal bar they are added to our data base. The parties should file new appearances or motions to be admitted pro hac vice in federal court after the case has been removed from state court.

When the Notice of Removal is filed, the filer must mail or send a copy of the order on pretrial deadlines to the other parties.

An amended complaint can be filed by right after a notice of removal is filed and no answer has been filed. If the answer has been filed, amending the complaint may only be done with leave of the court. **[Rule 15, FRCP]** It does not have to mention all of the original defendants, but if it doesn't, it is generally an indication that the plaintiffs have dropped the action against the unnamed defendants and those defendants should not then be required to respond. (This determination should be made by the attorney.) However, the caption should include all parties pending in the case and may not contain the term "et al."

CIVIL SUBPOENAS

For procedural information on issuing subpoenas pursuant to the Digital Millennium Copyright Act, see page 11 of the Civil Intake Manual, Miscellaneous Civil Section.

COUNSELED CASES:

Issuing Subpoenas for cases in Connecticut: A standard form AO 88 is used for this purpose. Under the provisions of **Rule 45(a)(3)**, it is not necessary that the clerk issue subpoenas, although the clerk continues to have such authority. Subpoena forms can be given out in blank to be signed by counsel. We do not need to date or seal these forms. An attorney as officer of the court may issue and sign the subpoena. The attorney will complete the form before service. (See page 33 for issuing criminal subpoenas.) If the subpoena is for a deposition, the person served may be required to attend at any place within 100 miles from the place where the person resides, is employed or transacts business.

Issuing Subpoenas for cases not in Connecticut: If the attorney wants to depose someone in another district, the attorney may issue the subpoena without being a member of the court where the deposition is to be taken. Example: Attorney Smith has a case pending in California and wants to depose someone in Connecticut. Attorney Smith does not have to be a member of our bar and may issue the deposition subpoena as an officer of the court in California. **[Rule 45(a)(3)]** Our office would not be involved in issuing the subpoena. The subpoena should reflect the District of

Connecticut at the top and the case number should reflect the case number from the originating district and their district name.

PRO SE CASES:

Issuing Subpoenas for cases in Connecticut: A standard form AO 88 is used for this purpose. **Rule 45** does not allow pro se parties to issue their own subpoenas. Pro Se parties must request that the clerk issue their subpoenas. It is preferable that the subpoenas be filled in completely when they are presented for the Clerk's signature. The clerk must confirm that the case exists and if so, the subpoena is signed. It is not necessary to seal the subpoena. If the subpoena is for a deposition, the person served may be required to attend at any place within 100 miles from the place where the person resides, is employed or transacts business.

Issuing Subpoenas for cases not in Connecticut: Where the party is pro se and wishes to issue a subpoena, the subpoena shall issue from the court for the district designated by the notice of deposition as the district in which the deposition is to be taken. Example: Pro Se Jones has a case pending in Iowa and wants to depose a witness in Connecticut; Pro Se Jones should file notice of deposition in Iowa, bring a copy to the clerk's office in Connecticut where the clerk's office issues a subpoena for Pro Se Jones. This is a miscellaneous proceeding and requires a filing fee. See fee information on page 5 for current rates.

SERVICE OF SUBPOENAS: Any disinterested party over the age of 18 may serve a subpoena. This includes state marshals under **FRCP 45(b)**. The U.S. Marshal does not serve civil subpoenas (they do serve summons/notice of waiver of service of summons when IFP is granted.) Upon service of a subpoena, a witness must also receive the statutory appearance fee of one day's attendance plus mileage at the statutory rate. See fee information on page 5 for current rates. No fee is necessary to subpoena documents.

MOTIONS TO QUASH SUBPOENAS: If the action is pending in our court, the person subject to the subpoena may file this motion pro se or it can be filed by an attorney. If filed by counsel, the attorney does not need local counsel and does not need to be admitted pro hac vice. If the motion to quash is for a subpoena in a case *pending in another district*, we would open a miscellaneous civil case and a filing fee is required. See fee information on page 5 for current rates.

If the motion to quash is for a **grand jury subpoena**, the miscellaneous civil filing fee is required, **unless** counsel filing the motion are appointed from the

CJA panel, then there is no fee (see page 4 of the Civil Intake Manual, Miscellaneous Civil Section.)

TIME LIMITS: There is no minimum advance notice requirement for a person who is to appear at a hearing, trial, deposition, etc. However, pursuant to **Rule 45(c)(B)** if the subpoena is for production and inspection, the party served may object within 14 days of service or before, if the time specified is less than 14 days away. Objections to subpoenas (other than to appear at trial) are considered discovery disputes and are not filed with the Clerk. Once the subpoena has been served, there is no general time limit on how long it is in effect.

ATTORNEY FEES

Attorney fees are requested by motion with supporting affidavits and memoranda of law. Motions for attorneys fees or sanctions shall be filed with the clerk and served on opposing parties within 30 days of the entry of judgment [**Local Rule 11(a)**], unless the statute under which a case was brought provides a different time limit.

BILL OF COSTS

After judgment enters, the successful party may file a Bill of Costs with the clerk for consideration and determination of allowable costs. Items that are taxable as costs are in **28 U.S.C. 1920** and **Local Rule 54**. Bills of Costs must be filed within the time frames in **Local Rule 54**. Unless otherwise directed, Bills of Costs are directed to the division manager at the district court office where the case was assigned.

The prevailing party may use Form AO 133, which will be provided by the clerk at no charge, or may draft a comparable document. This form is available on our website.

DEADLINES: The Bill of Costs must be filed within 10 days of the judgment becoming final. The judgment becomes final 30 days after it is entered on the docket (60 days for the Government) and there has been no appeal. If there is an appeal pending, the Bill of Costs will be denied without prejudice to renewal when judgment becomes final. Once the appeal has been decided and we receive the mandate from the court of appeals, counsel have 10 days to file a Bill of Costs and it may include any costs awarded by the court of appeals.

CASE MANAGEMENT - FREQUENT QUESTIONS

How are cases assigned to judges? Civil cases are randomly assigned to judges on a district-wide basis. The case number and judge are assigned when the case is filed.

How can I find out the chambers preferences for the judge? Our website, www.ctd.uscourts.gov, has a link to our judges information which may be accessed by clicking on the name of the judge.

Where should documents be filed? All filings must be filed at the seat of court where the judge sits, unless the case is an efile case.

When will a case go to trial? These calls should be referred to the respective courtroom deputies.

When will a motion be set for a hearing? Even if a hearing is requested, most judges do not schedule hearings on motions; they are decided on the papers. If a hearing is necessary, the court will issue a calendar or notify counsel.

When will a pretrial conference be held? The court will issue a calendar or notify counsel. Any questions should be referred to the respective courtroom deputies.

Has a pleading or an order been filed? This information is available by searching PACER, CM/ECF or calling the clerk's office.

How can a person find out if a case has been filed, etc.? This information is available by searching PACER, CM/ECF, microfiche, or in older cases, searching the index cards on file with the Federal Records Center.

DEADLINES

All time limits are listed in the Local Rules, FRCP, and FRCrP. When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation, FRCvP 6(a).

ANSWERS: [including responses to counterclaims and cross-claims contained in complaints] 20 days from date of service [60 days, if USA] or 10 days after denial of Motion to Strike or Motion to Dismiss in civil actions; 30 days for Freedom of Information Act cases.

AMENDED PLEADINGS: FRCP 15(a) provides that a pleading may be amended as a matter of course at any time before a responsive pleading is served...". Any subsequent amendment requires a motion to amend. Pleadings as defined by **FRCP 7(a)** include a complaint; answer; reply to a counterclaim; answer to a cross-claim, if the answer contains a cross-claim; a third-party complaint, if a person who was not an original party is summoned; and third-party answer.

ANSWER TO REMOVED CIVIL COMPLAINT: 5 days following removal or 20 days after service of initial pleading or summons, whichever is longer.

APPORTIONMENT COMPLAINT: may be filed without permission of the court if filed within 10 days of filing party's answer or if no answer has been filed. After that time, permission of the court is needed, FRCvP 14.

INTERVENING COMPLAINT: may be filed only with permission of the court, FRCvP 24.

MEMORANDA IN OPPOSITION: 21 days in response to substantive motions involving disputed issue; e.g., Motions to Dismiss, Motions for Summary Judgment [**Local Rule 7(a)**].

REPLY BRIEF: 10 days from the date the memoranda in opposition is filed (this includes replies to habeas petitions.) Any further reply requires permission of the court [**Local Rule 7(d)**].

NOTICE OF APPEAL: 30 days from entry on docket of judgment (60 days from entry on docket, if case involved USA); or 10 days from date of entry on docket of judgment in criminal case (30 days, if USA files the appeal).

BILL OF COSTS: 10 days after judgment becomes final. [**Local Rule 54(a)**]

OBJECTIONS TO BILL OF COSTS: 10 days from filing of Bill of Costs.
[Local Rule 54(b)]

APPEAL OR REVIEW OF CLERK'S RULING ON BILL OF COSTS: Within
5 days of the ruling.[Local Rule 54(d)]

OBJECTIONS TO MAGISTRATE'S RULING: Within 10 days. [FRCP 72;
Local Rule Magistrate 72.2]

THIRD-PARTY COMPLAINT: Within 10 days after filing of an answer
without permission of the court, or anytime after commencement of action
with permission of the court.

MOTION FOR RECONSIDERATION OF JUDGE'S RULING/ORDER: 10
days from the ruling or order [Local Rule 7c]

APPEALS TO THE U. S. COURT OF APPEALS

NOTICES OF APPEAL must be file stamped immediately upon receipt and given to the docket clerk for docketing. Appeals may be filed at any seat of court. We accept and file a notice of appeal even if there are defects; i.e. no filing fee, wrong seat of court, etc. Once an appeal is filed, the district court no longer has jurisdiction and everything, except the Index of Record on Appeal, must be filed with the court of appeals. A certificate of service is not required with a notice of appeal. The clerk is required to serve notice of filing of the NOA on all parties.

APPEALS FROM FINAL JUDGMENT: Civil appeals must be filed 30 days from the entry of the judgment on the docket. If the USA is a party, all parties have 60 days. Criminal appeals must be filed 10 days from the entry of the judgment on the docket, the USA has 30 days.

INTERLOCUTORY APPEAL: with permission of the court, may be filed at anytime while the case is pending within 10 days after ruling of the court granting permission to appeal. **[FRCP 54(b)]** A motion can also be made to the United States Court of Appeals. In this instance, the granting of the motion acts as the NOA. **[28 U.S.C. 1292(b)]**

FILING FEE: See fee information on page 5 for current rates. If it is not paid when the appeal is filed, it must be filed within 10 days.

CROSS-APPEAL: an additional filing fee is required for the filing of a cross-appeal. See fee information on page 5 for current rates.

IN FORMA PAUPERIS STATUS: If an IFP was approved for the appellant at the district court level, it will continue in force requiring no additional appeal fee, unless revoked.

INDEX: A list of documents to be included in the Record on Appeal filed by the appellant. The USCA scheduling order sets a date within which the Index must be filed.

MANDATE: A final decision by the court of appeals. The mandate must be file stamped immediately upon receipt and given to the docket clerk in civil cases and to the criminal clerk in criminal cases.

APPEALS - FREQUENT QUESTIONS

Q. IF A RULE 59 MOTION (MOTION FOR NEW TRIAL) IS FILED AFTER THE ENTRY OF A JUDGMENT, DOES THE FILING OF THE RULE 59 MOTION STAY THE APPEAL DEADLINE?

A. Yes, pending the district court judge's ruling on the motion.

Q. IN A CONSOLIDATED CASE, DO I FILE A NOTICE IN EACH CASE?

A. No, the notice gets filed in the lead case only.

Q. AFTER THE ENTRY OF A JUDGMENT, HOW MANY DAYS DO I HAVE TO FILE AN APPEAL?

A. Ten days from entry on docket for a criminal case; 30 days from entry on docket for a civil case.

Q. I LIVE IN HARTFORD AND TODAY IS THE LAST DAY THAT I CAN FILE MY APPEAL. MY CASE IS PENDING IN BRIDGEPORT. CAN I FILE MY NOTICE OF APPEAL AT THE HARTFORD DISTRICT COURT?

A. Yes. A notice of appeal can be filed at any seat of court in the district.

Q. DOES A NOTICE OF APPEAL NEED A CERTIFICATE OF SERVICE?

A. No. The docket clerk distributes copies to all parties.

Q. IF MY MOTION IFP IS GRANTED WHEN THE CASE WAS FIRST FILED, DOES THE IN FORMA PAUPERIS STATUS REMAIN IN EFFECT AT THE TIME MY NOTICE OF APPEAL IS FILED?

A. Yes. There is no additional fee to file a notice of appeal.

Q. IF I INADVERTENTLY MAILED MY ORIGINAL NOTICE OF APPEAL TO THE COURT OF APPEALS TODAY, AND THE TIME IN WHICH TO FILE THE APPEAL EXPIRES TOMORROW, DO I LOSE MY RIGHT TO APPEAL? WHAT SHALL I DO?

A. You do not lose your right to appeal. Per **Rule 4(a)1**, the court of appeals will date stamp the notice of appeal and forward it to the appropriate district court. The notice shall be treated as filed in the district court, and the date stamp from the court of appeals is considered the date filed. However, a copy of your notice of appeal should be provided to the docket clerk for information.

Q. WHAT IS THE DEADLINE FOR FILING A NOTICE OF APPEAL WHEN THE DAY FALLS ON A WEEKEND?

A. The due date is the next business day.

Q. CAN I HAVE AN APPEALS (CAMP) PACKAGE?

A. The appeals package is sent by the Court of Appeals when the notice of appeal is filed. However, we can give the package out if requested and it is available on our website or it may be obtained from the Court of Appeals website at www.ca2.uscourts.gov.

Q. HOW CAN I GET FORMS C & D?

A. They are in the appeals package or they may be obtained from the Court of Appeals website at www.ca2.uscourts.gov.

Q. HOW MUCH IS THE APPEAL FEE?

A. See fee information on page 5 for current rates.

Q. WHAT SHOULD I DO WHEN THE USCA CALLS FOR A RECORD?

A. The telephone request should be docketed and the information relayed immediately to the docket clerk.

Q. DO YOU HAVE THE USCA NOTICE OF MOTION FORM T-1080?

A. Yes. There is one in each appeals package or it may be obtained from the Court of Appeals website at www.ca2.uscourts.gov.

Q. DO YOU HAVE ATTORNEY APPEARANCE FORMS FOR THE U.S. COURT OF APPEALS?

A. Yes. They are available from the Court of Appeals website at www.ca2.uscourts.gov.

Q. IN CRIMINAL CASES, IS COUNSEL OF RECORD REQUIRED TO CONTINUE TO REPRESENT DEFENDANT?

A. Yes. In order to be relieved, a motion must be made to the court of appeals within seven days of filing the notice of appeal.

Q. DOES THE RECORD AUTOMATICALLY GET SENT TO THE USCA UPON FILING THE NOTICE OF APPEAL?

A. Records are sent only upon request by the USCA.

MISCELLANEOUS INFORMATION

INTERPRETERS: Anyone wanting to serve as an interpreter should complete an application and mail it to the Hartford clerk's office. Applications are available in the Clerk's office and on our website at www.ctd.uscourts.gov.

MDL (Multidistrict Litigation): These are cases filed in one or more districts in the country. They are grouped as to similar subject matter and assigned to one judge by the Judicial Panel on Multi District Litigation.

NATURALIZATION HEARINGS: Are usually held each month as follows:

Hartford:	First Friday
New Haven:	Second Friday
Bridgeport:	Third Friday

Taking pictures in the courtroom is in the discretion of the presiding judge or magistrate judge. Questions concerning photographing ceremonies should be directed to the courtroom deputy.

CERTIFIED vs. TRUE ATTEST DOCUMENTS:

Certification:

- (A) The certified copy is made from an original document in the court file.
- (B) The certified copy is made from the pdf attached to a docket entry.
- (C) We can certify a copy of a certified copy as long as it was originally part of the court file.

True Attest - The original document is returned to the filer, usually with one or more true attested copies and we keep a true attest copy for our file.

These documents should be stamped appropriately and the court seal should be placed over the deputy clerk's signature.

JURY INFORMATION

The District of Connecticut is divided into three divisions for federal jury service as follows: Bridgeport -- Fairfield county; Hartford -- Hartford, Litchfield, Tolland, and Windham counties; New Haven -- Middlesex, New Haven, and New London counties.

The jury wheel consists of a combination of the motor vehicle list and the list of registered voters. Grand jurors serve for eighteen months and may be extended up to 24 months if necessary. Petit jurors are placed in a pool and remain on call for two months.

Jurors are summoned at random approximately three weeks prior to a scheduled jury selection.

Jurors may write to the jury clerk to be excused from jury service. Faxed letters are not encouraged, but are allowed. Jurors who have served two days with the state or federal court within the past two years may write to request to be excused from federal court. Proof of service should be provided with the request. The jury clerk reviews the request and forwards it to the appropriate judge for determination. Upon receipt of the judge's decision, the AJIS phone system is updated with the appropriate message.

Jurors are compensated per day attendance and round trip per mile from their town to the court, and a maximum of \$15.00 per day parking. See fee information on page 5 for current rates. The checks are mailed by the middle of the month following jury service.

A juror information packet is sent to all jurors with their initial summons. The following topics are covered in the packet: directions to the appropriate courthouse, the name and phone number of the jury clerk, the AJIS phone number and information, parking lot locations and fees, proper attire, and information on how to request to be excused.

JURY - MOST FREQUENTLY ASKED QUESTIONS

Q. I CAN'T COME THAT DAY, WHAT SHOULD I DO?

A. If it is about a week before the jury selection date, the juror must write a letter to the jury clerk immediately. Be sure to include the date of scheduled appearance, juror identification number, and a detailed explanation of why you cannot appear. If the jury selection is within a couple of days or day before, refer to the jury clerk.

Q. I LOST MY LETTER. WHAT GROUP AM I IN, WHAT NUMBER DO I CALL, WHAT DAY AM I SUPPOSED TO COME IN?

A. Let me refer you to the jury clerk.

Q. I WAS SUPPOSED TO BE THERE TODAY/YESTERDAY AND HAD: CAR PROBLEMS; GOT SICK; MY DOG DIED; FELL OFF MY DIET. SO I DIDN'T COME IN. NOW WHAT DO I DO? AM I GOING TO BE FINED OR JAILED?

A: Let me refer you to the jury clerk.

Q. WHAT SHOULD I DO IF I HAVE VACATION COMING UP? SURGERY? DOCTOR/DENTIST APPOINTMENT?

A. Write a letter requesting to be excused if it is on the same day as jury selection. If the event is not on the day of jury selection, they should come in and request to be excused in court.

Q. I AM SUMMONED FOR JURY DUTY AT THE STATE COURT ON THE SAME DAY. WHAT DO I DO?

A. Submit a request in writing to the state court for a deferment of your state court jury duty. The federal court takes precedence, and you will be expected to report to the federal court.

Q. I AM AFRAID OF DRIVING TO THE CITY, SO I WON'T BE COMING.

A. Let me refer you to the jury clerk.

Q. I AM AFRAID OF PARKING IN THE CITY -- WHERE CAN I PARK?

A. Parking information was sent with your summons. Please refer to that. (Note: If they no longer have the information, refer to the jury clerk.)

Q. HOW MUCH DOES IT COST TO PARK?

A. See the answer above.

Q. CAN I FAX YOU A LETTER/NOTE FROM MYSELF/MY EMPLOYER/MY DOCTOR?

A. We don't encourage faxes; however we do accept them.

Q. THE JUDGE EXCUSED ME LAST TIME; I THOUGHT I WAS ALL FINISHED.

A. You were excused for that jury selection only. Your name is retained on the jury selection list for the remainder of the two month pool.

Q. DOES MY EMPLOYER HAVE TO PAY ME OR MAKE UP THE DIFFERENCE IN MY PAY?

A. There is no federal regulation covering juror pay. This is totally up to your employer. Please check with your personnel office or union contract.

Q. HOW CAN I BE REACHED IF I HAVE A PERSONAL EMERGENCY AND I AM SITTING ON A JURY?

A. Transfer the call to the jury clerk or have the person call a jury clerk's number. A message will be delivered to the court for the juror.

Q. WHEN DO I GET REIMBURSED FOR PARKING AND FOR COMING IN FOR JURY DUTY?

A. You will receive a check by the middle of the month following your jury service.

Q. HOW LONG ARE THE JURORS IN THE JURY WHEEL?

A. Two months.

Q. HOW MUCH LONGER DO I HAVE TO SERVE?

A. Let me refer you to the jury clerk to answer this question.

Q. HOW DO WE CHECK TO SEE HOW MANY TIMES JURORS HAVE BEEN SELECTED FOR TRIAL OR JUST CAME IN FOR SELECTION?

A. Let me refer you to the jury clerk.

Q. WHY CAN'T I SERVE IN MY OWN HOMETOWN?

A. Jurors who live in Hartford, Tolland, Windham and Litchfield counties report to Hartford for jury duty. Jurors who live in New Haven, Middlesex, and New London counties report to New Haven. Jurors who live in Fairfield county report to Bridgeport.

Q. I JUST SERVED AT STATE COURT. DO I STILL HAVE TO COME?

A. Jurors who have served at least two days in the state or federal court within the past two years are eligible to be excused from federal service. They are required to submit a request to be excused in writing, including their scheduled appearance date, and their federal juror identification number. They must attach proof of state court jury service with the letter.

Q. I SERVED WITH THE STATE COURT ALREADY AND WAS EXCUSED. DOESN'T THAT EXCUSE ME FROM FEDERAL COURT, TOO?

A. No. They are different court systems. (See question above concerning when they served in state court.)

Q. I SENT IN A LETTER TO BE EXCUSED. WAS IT APPROVED? ARE YOU SENDING ME A RESPONSE?

A. Let me refer you to the jury clerk who can tell you the status of your request.

BASIC CRIMINAL INFORMATION

The following is a very basic outline of what happens in a criminal case:

1. Indictment, Information or Complaint filed
2. First Appearance
 - Bond Set
 - Scheduling Order issued
 - Attorneys appointed/retained
3. Arraignment/Plea entered (usually a *not guilty* plea is entered)
4. Motions filed
5. Change of plea or jury selection/trial
6. Sentencing (or dismissal/acquittal)
7. Appeal may be filed
8. 2255 motion may be filed (which is docketed on a new civil case)

The following information can be obtained from querying in CMECF:

Requested Information

Attorneys/Defendants
Charges/Citation
Sentence/Judgment
Sentencing Date
Documents Filed
Speedy Trial Information

CMECF Query Location

Attorney/Party
Docket Report
Docket Report
Deadlines/Hearings
History/Documents
Speedy Trial/Consult criminal docket clerk and/or
courtroom deputy

Refer to Glossary of Terms Used in the Federal Courts (Section VI) for other criminal terms not mentioned in this section.

2255 MOTION TO VACATE FEDERAL SENTENCE:

A 2255 motion is filed by a sentenced federal defendant asking the court to vacate his/her sentence. Even though this motion has a criminal number, it is also assigned a civil case number. The civil case is always directly assigned to the judge who sentenced the defendant. As of 8/1/05, the civil file is opened and all further docketing is done on the civil case. Docketing for 2255's filed before 8/1/05, will remain on the criminal case only.

APPEAL:

A criminal appeal must be filed within 10 days from the date judgment is entered on the docket.

APPLICATION FOR WRIT AD PROSEQUENDUM:

This writ is used to bring a defendant to court who is in custody and is being prosecuted. These applications have a criminal case number and are usually filed over the counter by the U. S. Attorney's Office. The application should be file stamped, the writ itself is not file stamped. There is usually a pending case so the case number should be on the application. If it does not relate to a pending case, it is assigned a miscellaneous civil number. The original writ and two attested copies should be served by the U.S. Marshal's Office. The original application and one attested copy should be given to a criminal docket clerk for docketing.

APPLICATION FOR WRIT AD TESTIFICANDUM:

This writ is used to bring a prisoner to court who is in custody and is being asked to testify at a trial or before the grand jury. These applications are usually filed over the counter by the U. S. Attorney's Office. There is usually a pending case so the case number should be on the application. If it does not relate to a pending case, it is assigned a miscellaneous civil number. The application should be file stamped. The writ itself is not file stamped. The original writ and two attested copies should be served by the U.S. Marshal's Office. The original application and one attested copy should be given to a criminal docket clerk for docketing.

BONDS:

Personal Recognizance: the defendant is released on his/her promise to appear.

Surety Bond: the defendant must post money and/or property prior to being released.

Nonsurety Bond: the court sets a monetary amount but the defendant does not have to pay the amount unless he/she fails to comply with conditions of the bond at which time the government pursues collection of this money.

CJA ATTORNEYS:

Criminal Justice Act (CJA) attorneys are appointed by the court to represent indigent defendants on criminal cases and can be appointed to represent petitioners on civil habeas cases. Criminal defendants must complete a financial affidavit to be reviewed

and approved by a judicial officer. The attorneys are paid by the court at the statutory rate. See fee information on page 5 for current rates.____

COOPERATION AGREEMENT:

Cooperation agreement is a sealed agreement between the defendant to cooperate with the government. The sealed agreement is in letter form and is not filed with or known to the Clerk's office until after sentencing has occurred.

FELONY:

The penalty for the crime charged is more than one year.

GUILTY PLEA:

The defendant appears in court and admits guilt to counts of an Information or an Indictment. The sentencing date is set at the time of a guilty plea and it should be no more than 80 days from the guilty plea.

MISDEMEANOR:

The penalty for the crime charged is one year or less.

PASSPORTS:

When a passport is surrendered by a defendant, the clerk of court, the pretrial services office or the probation office may become the custodian of the document. When the clerk is the custodian, a receipt is issued, an entry is made to the instrument log and the passport is filed in the vault. Passports are retained pending disposition of the charges. If the defendant is convicted, the passport is returned to the Department of State along with a copy of the judgment. If the defendant is not convicted, the clerk shall request permission to return the passport to the defendant. Expired passports are handled the same as valid passports.

PLEA AGREEMENT LETTER:

The plea agreement letter is filed in open court. It details the agreement of the pending charges between the U. S. Attorney's Office and the defendant.

PROBATION - TRANSFERS FROM OTHER DISTRICTS:

These are transfers of probation from another district. It should be signed by both the transferring judge in the other district and by any judge in our district. Transfers can be taken over the counter from the U. S. Probation Office. They must be file stamped and

given to a criminal docket clerk to assign a criminal case number, randomly assign the case a judge. The transfer is opened and closed the same day.

SEALED DOCUMENTS:

See Local Rule 57(b) revised 12/15/07.

SENTENCING:

The defendant appears in court and the judge enters the terms and conditions of incarceration, suspended sentence, supervised release, probation, fines, restitution, etc. The courtroom deputy prepares the judgment for the court's signature and it is filed with the clerk's office, docketed and distributed.

SUBPOENAS:

Criminal subpoenas are to be issued in blank by the clerk's office and must be signed by a deputy clerk and sealed. They cannot be issued by an attorney as with civil subpoenas. In cases where the defendant has appointed counsel, if the subpoena is for someone located outside the district, an *ex parte* application must be made to a judge or magistrate judge. If granted, a deputy clerk can sign the subpoena. Criminal subpoenas issued by the federal public defender or CJA counsel are served by the U. S. Marshal.

SUMMONS:

A summons is issued by a deputy clerk or a judicial officer setting a date, time and place that the defendant is to appear in court. The defendant must be brought before a judicial officer within 15 days of the indictment to enter a plea. The summons is given to the U. S. Marshal's Office for service.

WARRANT DETAINER:

A detainer is issued when the defendant is already in custody on another matter, usually a state court matter. The detainer secures the presence of the defendant and if released from custody, the federal authorities are notified and the defendant is transferred into federal custody.