

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

NOTICE REGARDING LOCAL RULES

- (1) Proposed revisions to the following Local Rules have been posted on the USDC website:

Local Civil Rule 5(e)4, (e)5, and (e)9 – Sealed Proceedings and Documents

Local Civil Rule 83.1(d)(1)(d) and (d)(4) – Visiting Attorneys

Local Criminal Rule 57(b)4, (b)5, (b)7, and (b)10 – Sealed Proceedings and Documents

- (2) The following proposed new Local Rules have been posted on the USDC website:

Local Civil Rule 40(b)(3) – Individual Calendar System

Local Criminal Rule 47(d) – Motions

The Rules can be reviewed in their entirety at: www.ctd.uscourts.gov

Comments from members of the Bar are welcomed by the Court and should be directed to:

Robin D. Tabora, Clerk
141 Church Street, New Haven, CT 06510

or sent by email to:
commentstotheclerkofcourt@ctd.uscourts.gov

To be considered, comments must be received by March 13, 2015.

RULE 5

SERVING AND FILING PLEADINGS AND OTHER PAPERS

~~(Amended December 31, 2013)~~

(e) Sealed Proceedings and Documents

1.(a) The power to close a courtroom or to exclude the public from proceedings to which a First Amendment right to access attaches shall be used sparingly and only for clear and compelling reasons. Before excluding the public from such proceedings, the Court must make particularized findings on the record demonstrating the need for the exclusion, and any court closure order shall be narrowly tailored to serve the purpose of the closure. Those findings may be made *in camera* and under seal, provided that the requirements of paragraph 3, below, have been met with respect to the findings themselves.

(b) Except when justified by extraordinary circumstances, no order closing a courtroom or excluding the public from proceedings to which a First Amendment right to access attaches shall be entered except upon advance notice to the public. Any motion seeking such relief, whether made by a party or by the Court *sua sponte*, must be docketed immediately in the public docket files of the Court. When docketed under seal pursuant to an order of the Court, the docket entry for any motion seeking court closure shall reflect the fact that the motion was made, the fact that any supporting or opposing papers were filed under seal, the time and place of any hearing on the motion, the occurrence of such hearing, the disposition of the motion, and the fact and extent of courtroom closure. Any such motion shall be made as far in advance of the pertinent proceeding as possible in order to permit the public to intervene for the purpose of challenging the court closure.

2. Except as permitted or required by federal law, no civil case shall be sealed in its entirety. The existence of any case sealed in its entirety shall be reflected on public dockets by use of the notation: "Sealed Case."

3. Every document used by parties moving for or opposing an adjudication by the Court, other than trial or hearing exhibits, shall be filed with the Court. No judicial document shall be filed under seal, except upon entry of an order of the Court either acting *sua sponte* or specifically granting a request to seal that document. Any such order sealing a judicial document shall include particularized findings demonstrating that sealing is supported by clear and compelling reasons and is narrowly tailored to serve those reasons. A statute mandating or permitting the non-disclosure of a class of documents (e.g., personnel files, health care records, or records of administrative proceedings) provides sufficient authority to support an order sealing such documents. A judge may seal a Court order, including an order to seal documents and the related findings, when sealing a Court order meets the standard for sealing a judicial document. No document shall be sealed merely by stipulation of the parties. A confidentiality order or protective order entered by the Court to govern discovery shall not qualify as an order

to seal documents for purposes of this rule. Any document filed under seal in the absence of a Court order to seal it is subject to unsealing without prior notice to the parties.

4. Counsel seeking an order to file a document under seal may choose among the following procedures:

(a) Counsel ~~shall~~ may e-file (1) -a motion to seal, which may be e-filed as a public motion or a sealed motion, (2) a redacted version of each document sought to be sealed, which shall be e-filed as a public document, (3) -~~Counsel shall also file a motion to seal, and shall attach to the motion~~ unredacted copies of each document sought to be sealed, which shall be e-filed as sealed motions or sealed documents, and (4) -and any memorandum or other documents supporting the assertion that grounds exist for sealing the documents sought to be sealed, which may be e-filed as public or sealed documents. ~~The unredacted documents and memorandum or other supporting documents shall be submitted in an envelope for sealing, bearing the caption and docket number of the case, and the caption of the pleading or description of the documents sought to be sealed. The Clerk shall:~~

~~(b) file stamp and docket the redacted documents and the motion to seal; (2) file stamp and docket under seal the unredacted documents submitted in the envelope for sealing; and (3) forward to the Court for consideration the redacted documents, the motion to seal, the unredacted documents sought to be sealed, and the memorandum or other supporting documents. Upon submission by the party of a motion to seal, the seeking a sealing order, the sealing envelope and its contents of any sealed motion or sealed document shall be treated as a sealed document unless the motion to seal is denied or until otherwise directed by the Court.~~

~~(c) — Counsel may e-file a motion to seal, which may be e-filed as a public motion or a sealed motion, along with a memorandum and supporting documents, with or without the documents sought to be sealed. Any documents submitted to the Court that counsel want considered to be sealed, including the motion to seal, memorandum or supporting documents, shall be submitted in a sealing envelope of the type described in Local Rule 5(e)4(a), and its contents shall be treated as a sealed document unless the motion to seal is denied or until otherwise directed by the Court. If the Court grants the motion to seal in whole or in part, counsel shall e-file as public documents any redacted copies of any documents required by the Court's sealing order, and shall e-file submit to the Clerk in a sealing envelope as sealed documents, unredacted copies of any motions or documents ordered sealed but not previously submitted to the Court filed.~~

~~(d) Counsel may seek permission of the presiding Judge to submit the documents sought to be sealed for *in camera* consideration. If the Judge agrees to review documents *in camera*, counsel shall submit to Chambers and shall serve on all counsel of record copies of the documents sought to be sealed and shall e-file a motion to seal, a memorandum and supporting documents. If counsel want the motion to seal, memorandum or supporting documents to be considered as documents to be sealed, counsel shall e-file those submissions as sealed motions and/or sealed documents submit those documents in a sealing envelope of the type described in Local Rule 5(e)4(a), and their contents shall be treated as a sealed document unless the motion to seal is denied or until otherwise directed by the Court. If the Court grants~~

the motion to seal in whole or in part, counsel shall e-file any redacted copies of the documents required by the Court's sealing order and shall ~~e-file submit to the Clerk~~ the unredacted documents ~~as sealed documents to be sealed in a sealing envelope~~.

5. A motion to seal shall be ~~e-filed~~~~entered on the docket~~ as ~~either a~~ "Motion to Seal" ~~or a~~ "~~Sealed Motion to along~~Seal" ~~along~~ with a description of the items sought to be sealed (e.g., "Motion to Seal Defendant's Personnel File"). The documents sought to be sealed shall be entered on the docket using the same ~~caption of title of~~ the pleading or description of the documents used ~~in the motion to seal on the sealing envelope, with the remark "filed under seal" (e.g., "Motion to Declassify Documents Protected by Confidentiality Order, filed under seal" or "Psychiatric records, filed under seal")~~. Pursuant to a Court order supported by a particularized showing of good cause, a filing or document may be entered on the docket simply as "Sealed Document" or "Sealed Motion." Any documents ordered sealed by the Court shall be sealed by the Clerk ~~on the docket, and in the envelope provided by counsel;~~ the Clerk shall docket any sealing order issued by the Court ~~and shall note the date of the sealing order on the envelope~~. The Court may condition any sealing order on the filing of documents less fully redacted than those submitted by the party seeking sealing. If the Court denies the motion to seal in whole or in part, any unredacted document, motion, memorandum or supporting document not ordered sealed will be ~~treated as unsealed and docketed~~ by the Clerk.

6. Any party may oppose a motion to seal or may move to unseal a case or document subject to a sealing order. Any non-party who either seeks to oppose a motion to seal or seeks to unseal a case or document subject to a sealing order, may move for leave to intervene in a civil action for the limited purpose of pursuing that relief. Motions for leave to intervene for purposes of opposing sealing, objections to motions to seal, and motions to unseal shall be decided expeditiously by the Court.

7. Any case or document ordered sealed by the Court shall remain sealed pending further order of this Court, or any Court sitting in review. After a sealed document has been uploaded to the electronic docket, the original and any copies in the possession of the Clerk's Office or a judicial officer may be returned to the filing party. Upon final determination of the action, as defined in Rule 83.6(c) of the Local Rules of Civil Procedure, counsel shall have ninety (90) days to file a motion pursuant to Rule 83.6(a) for the withdrawal and return of the sealed documents. Any sealed document thereafter remaining may be destroyed by the Clerk pursuant to Rule 83.6(e) or retired by the Clerk with other parts of the file to the Federal Records Center, where they may be unsealed without notice to counsel or the parties. The return, destruction or retirement of hard copies of sealed documents shall not serve to unseal electronic copies of documents sealed by Court order.

8. Except as otherwise provided by federal statute or the Federal Rules of Civil Procedure, the party filing any document that will or could become publicly available shall redact from that document:

- (a) Social Security numbers to the last four digits;
- (b) Financial account numbers to the last four digits;

(c) Dates of birth to the year; and

(d) Names of minor children to the initials.

~~9. The envelope for sealing required by Local Civil Rule 5(e) shall be in substantially the following form:~~

~~UNITED STATES DISTRICT COURT~~

~~DISTRICT OF CONNECTICUT~~

~~[CAPTION] _____ NO. _____~~

~~Contents: _____~~

~~Submitting Attorney: _____~~

~~Judicial Officer: _____~~

~~Date Sealed: _____~~

~~Date Unsealed: _____~~

~~The Clerk is directed to seal the contents of this envelope until further order of the Court.~~

~~SO ORDERED this ____ day of _____, 20__, at _____, Connecticut.~~

~~[Name of Judge], U.S.D.J./U.S.M.J.~~

LR 83.1(d)(1)(d) – Procedure for Admission of Visiting Attorneys

(d) Visiting Attorneys

(1) Attorneys not members of the Bar of this Court, but who are members in good standing of the bar of another Federal or State Court, may be permitted to represent clients in criminal, civil and miscellaneous proceedings in this Court on written motion by a member of the Bar of this Court. The motion shall be accompanied by an affidavit, duly sworn and executed by the proposed visiting attorney:

....

(d) stating that said attorney has fully reviewed and is familiar with the Federal Rules of Civil Procedure (for an attorney seeking admission in a civil case) ~~or~~ Criminal Procedure (for an attorney seeking admission in a criminal case), the Local Rules of The United States District Court for the District of Connecticut, and the Connecticut Rules of Professional Conduct; and

....

(4) Upon admission under this rule, an attorney shall promptly file with the Clerk of the Court a certificate of good standing from the court of the state in which he or she has his or her primary office.

Such certificate of good standing shall be filed no later than 60 days after the date of admission and shall be dated no more than 60 days before the date of admission. Failure to file such certificate will result in the automatic revocation of the visiting attorney status of said attorney, absent an order of the Court. Furthermore, upon revocation of a visiting attorney's status in one case, the Clerk of the Court shall examine the Court's Docket and revoke said attorney's visiting attorney status in all cases in which said attorney has filed an appearance.

RULE 57

RULES BY DISTRICT COURTS

~~.(Amended January 25, 2013)~~

(a) Appearances

Attorneys representing defendants named in an information or indictment shall file a notice of appearance with the Clerk and serve a copy on the United States Attorney and all other counsel of record. Such appearance shall contain the attorney's name, address, zip code, federal bar number telephone number, fax number and e-mail address, if available.

(b) Sealed Proceedings and Documents

1. (a) The power to close a courtroom or to exclude the public from proceedings to which a First Amendment right to access attaches shall be used sparingly and only for clear and compelling reasons (e.g., the defendant's right to a fair trial; privacy interests of the defendant, a victim, or others; the integrity of significant government activities entitled to confidentiality, such as ongoing undercover investigations; and danger to persons or property). Before excluding the public from such proceedings, the Court must make particularized findings on the record demonstrating the need for the exclusion, and any court closure order shall be narrowly tailored to serve the purpose of the closure. Those findings may be made *in camera* and under seal, provided that the requirements of paragraph 3, below, have been met with respect to the findings themselves.

(b) Except when justified by extraordinary circumstances, no order closing a courtroom or excluding the public from proceedings to which a First Amendment right to access attaches shall be entered except upon advance notice to the public. Any motion seeking such relief, whether made by a party or by the Court *sua sponte*, must be docketed immediately in the public docket files of the Court; provided, however, that in extraordinary situations where even the contemporaneous notation in the docket that courtroom closure has been sought or has occurred would create a substantial risk of harm to an individual, the defendant's right to a fair trial, the integrity of ongoing criminal investigations, or the secrecy of grand jury proceedings, the Court may order the docketing of closure proceedings be delayed for a reasonable time, but must place its particularized findings supporting that delay on the record, under seal if appropriate. When docketed under seal pursuant to an order of the Court, the docket entry for any motion seeking court closure shall reflect the fact that the motion was made, the fact that any supporting or opposing papers were filed under seal, the time and place of any hearing on the motion, the occurrence of such hearing, the disposition of the motion, and the fact and extent of courtroom closure. Any such motion shall be made as far in advance of the pertinent proceeding as possible in order to permit the public to intervene for the purpose of challenging the court closure.

2. A criminal complaint may be filed under seal and an indictment may be returned under seal when a judicial officer finds that the safety of persons or a legitimate law enforcement objective would be furthered by sealing or when one or more of the named defendants is found by a judicial officer to pose a substantial risk of evading capture. In that event, during the time that the charging document remains sealed, the existence of the case shall be reflected on public dockets by use of the notation: "Sealed Case." Unless otherwise ordered by the Court based upon particularized findings sufficient to support further sealing, upon the initial appearance of the first defendant arrested in the case, the entire case shall be unsealed and the full caption shall be entered on the docket sheet. Those findings may be made *in camera* and under seal, provided that the requirements of paragraph 3, below, have been met with respect to the findings themselves.

3. Every document used by parties moving for or opposing an adjudication by the Court, other than trial or hearing exhibits, shall be filed with the Court. No judicial document shall be filed under seal, except upon entry of an order of the Court either acting *sua sponte* or specifically granting a request to seal that document. Any such order sealing a judicial document shall include particularized findings demonstrating that sealing is supported by clear and compelling reasons and is narrowly tailored to serve those reasons. A statute mandating or permitting the non-disclosure of a class of documents (e.g., personnel files, health care records, or records of administrative proceedings) provides sufficient authority to support an order sealing such documents. A judge may seal a Court order, including an order to seal documents and the related findings, when sealing a Court order meets the standard for sealing a judicial document. In extraordinary situations where even the contemporaneous notation in the docket that sealing has been sought or has occurred would create a substantial risk of harm to an individual, the defendant's right to a fair trial, the integrity of ongoing criminal investigations, or the secrecy of grand jury proceedings, the Court may order the docketing of a motion to seal and sealed documents be delayed for a reasonable time, but must place its particularized findings supporting that delay on the record, under seal if appropriate. No document shall be sealed merely by stipulation of the parties. Any document filed under seal in the absence of a Court order to seal it is subject to unsealing without prior notice to the parties.

4. Counsel seeking an order to file a document under seal may choose among the following procedures:

(a) Counsel ~~shall~~ may e-file (1) a motion to seal, which may be e-filed as a public motion or a sealed motion, (2) a redacted version of each document sought to be sealed, which shall be e-filed as a public document, (3) Counsel shall also file a motion to seal, and shall attach to the motion unredacted copies of each document sought to be sealed, which shall be e-filed as sealed documents, and (4) and any memorandum or other documents supporting the assertion that grounds exist for sealing the documents sought to be sealed, which may be e-filed as public or sealed documents. ~~The unredacted documents and memorandum or other supporting documents shall be submitted in an envelope for sealing, bearing the caption and docket number of the case, and the caption of the pleading or description of the documents sought to be sealed. The Clerk shall: (1) file stamp and docket the redacted documents and the motion to seal; (2) file stamp and docket under seal the unredacted documents submitted in the envelope~~

for sealing; and (3) forward to the Court for consideration the redacted documents, the motion to seal, the unredacted documents sought to be sealed, and the memorandum or other supporting documents. Upon submission by the party of a motion to seal, the seeking a sealing order, the sealing envelope and its contents of any sealed motion or sealed document shall be treated as a sealed document unless the motion to seal is denied or until otherwise directed by the Court.

(b) Counsel may e-file a motion to seal, which may be e-filed as a public motion or a sealed motion, along with a memorandum and supporting documents, ~~with or~~ without the documents sought to be sealed. ~~Any documents submitted to the Court that counsel want considered as documents to be sealed, including the motion to seal, memorandum or supporting documents, shall be submitted in a sealing envelope of the type described in Local Criminal Rule 57(b)4(a), and its contents shall be treated as a sealed document unless the motion to seal is denied or until otherwise directed by the Court.~~ If the Court grants the motion to seal in whole or in part, counsel shall e-file as public documents redacted copies of any documents required by the Court's sealing order, and shall e-file submit to the Clerk in a sealing envelope as either sealed motions or sealed documents, unredacted copies of any motions or documents ordered sealed but not previously ~~submitted to the Court~~ filed.

(c) Counsel may seek permission of the presiding Judge to submit the documents sought to be sealed for *in camera* consideration. If the Judge agrees to review documents *in camera*, counsel shall submit to Chambers and shall serve on all counsel of record copies of the documents sought to be sealed and shall e-file a motion to seal, a memorandum and supporting documents. If counsel want the motion to seal, memorandum or supporting documents to be considered as documents to be sealed, counsel shall e-file those submissions as sealed motions and/or sealed documents ~~submit those documents in a sealing envelope of the type described in Local Criminal Rule 57(b)4(a), and their~~ contents shall be treated as a sealed document unless the motion to seal is denied or until otherwise directed by the Court. If the Court grants the motion to seal in whole or in part, counsel shall e-file any redacted copies of the documents required by the Court's sealing order and shall e-file submit to the Clerk the unredacted documents as sealed documents to be sealed in a sealing envelope.

5. A motion to seal shall be e-filed entered on the docket as either a "Motion to Seal" or a "Sealed Motion to Seal" along with a description of the items sought to be sealed (e.g., "Motion to Seal Sentencing Memorandum"). The documents sought to be sealed shall be entered on the docket using the same caption title of the pleading or description of the documents used in the motion to seal. ~~on the sealing envelope, with the remark "filed under seal" (e.g., "Sentencing Memorandum, filed under seal" or "Psychiatric records, filed under seal").~~ Pursuant to a Court order supported by a particularized showing of good cause, a filing or document may be entered on the docket simply as "Sealed Document" or "Sealed Motion." Any documents ordered sealed by the Court shall be sealed by the Clerk on the docket, and in the envelope provided by counsel; the Clerk shall docket any sealing order issued by the Court ~~and shall note the date of the sealing order on the envelope.~~ The Court may condition any sealing order on the filing of documents less fully redacted than those submitted by the party seeking sealing. If the Court denies the motion to seal in whole or in part, any unredacted document,

motion, memorandum or supporting document not ordered sealed will be ~~treated as~~ unsealed ~~and docketed~~ by the Clerk.

6. Any party may oppose a motion to seal or may move to unseal a case or document subject to a sealing order. Any non-party who either seeks to oppose a motion to seal or seeks to unseal a case or document subject to a sealing order, may move for leave to intervene in a criminal case for the limited purpose of pursuing that relief. Motions for leave to intervene for purposes of opposing sealing, objections to motions to seal, and motions to unseal shall be decided expeditiously by the Court.

7. Except as required otherwise by federal statute or the Federal Rules of Criminal Procedure (e.g., grand jury matters), and except as otherwise provided in Local Criminal Rule 57(b), all documents ordered sealed by the Court shall be ~~submitted to the Clerk for file stamping and posting to the docket.~~ e-filed as sealed motions or sealed documents. Custody of all sealed documents shall remain with the filing party, unless specifically ordered otherwise by the presiding judicial officer, ~~shall be with the Clerk,~~ subject to the following exceptions:

(a) Cooperation Agreements and related filings. When a defendant's plea agreement has been filed and the Court has ordered that the associated cooperation agreement shall be sealed, the executed cooperation agreement and transcript of the canvass of a defendant regarding a cooperation agreement shall be maintained by the judicial officer who will sentence the defendant. Docketing of the minute entry of the cooperation colloquy may be delayed in extraordinary situations that would justify the delayed docketing of a sealed document.

(b) Wiretap applications. All wiretap applications, supporting documents or affidavits, all orders addressing wiretap applications, and the fruits of all wiretap authorizations shall be maintained by the United States Attorney's Office or its designee.

(c) Pen registers/trap and trace. Orders authorizing pen registers or trap and trace of telephone calls, along with related applications and supporting documents, shall be delivered to one of the criminal docket clerks in the Office of the Clerk upon approval by a judicial officer. If no criminal docket clerk is available, the papers shall be delivered to an office supervisor. The papers submitted will be filed stamped and a miscellaneous sealed case will be opened, with the docket entry reflecting "Pen Register filed" or "Trap and Trace filed." At the request of the United States Attorney's Office, pen register/trap and trace orders, along with related applications and supporting documents, may be held by the judicial officer for a reasonable period of time (i.e., until the related criminal case has been charged and publicly disclosed) prior to presentation to the Clerk's Office for filing.

(d) Search Warrants. Copies of search warrants, along with the search warrant application and supporting affidavits or other papers, shall be maintained by the judicial officer authorizing the warrant until the warrant has been executed and returned, at which time the warrant papers shall be filed with the Clerk. At the request of the United States Attorney's Office, search warrants, along with search warrant applications and supporting affidavits or other documents may be held by the judicial officer for a reasonable period of time (i.e., until the related criminal case has been charged and publicly disclosed) prior to presentation to the Clerk's Office for

filing. Unless otherwise directed by the Court for sufficient cause, search warrant returns shall be docketed as unsealed filings.

(e) Ex Parte Applications. Ex parte applications and requests (e.g., the government's ex parte request for a ruling whether materials must be disclosed as Giglio material, or a defendant's ex parte request for a subpoena) may be submitted to a judicial officer without being filed or docketed by the applicant. The party submitting an ex parte application shall file a Notice of Ex Parte submission reflecting the fact and the general nature of the ex parte application or request. Unless and until otherwise ordered by the Court, all papers submitted in support of an ex parte application or request shall be maintained by the judicial officer or by the Clerk, as directed by the judicial officer, in a manner to protect the ex parte character of the submission and to preserve the record for appeal.

(f) *In Camera* Proceedings. A proceeding of the type to which a First Amendment right of access attaches may be held *in camera*, subject to the provisions of subsection (b)1(b) of this rule. A proceeding of the type to which a First Amendment right of access does not attach may be held *in camera* without complying with the provisions of subsection (b)1(b) of this rule.

(g) Presentence Investigation Reports. Presentence investigation reports prepared by the U.S. Probation Office to assist the Court with sentencing shall be e-filed by the Probation Office and restricted to counsel of record for the government and defendant ~~not be docketed~~ and may be disclosed only as permitted by law.

8. Any document submitted to the Clerk under seal shall be kept and maintained by the Clerk in a separate, locked filing cabinet or other secure location. All sealed materials shall be maintained by docket number and the docket number shall be the same as that of the underlying criminal case or miscellaneous civil or criminal matter. The Clerk shall not keep any sealed documents in a publicly available file nor make them available to any unauthorized person through any computerized docket or database. After a sealed document has been uploaded to the electronic docket, the original and any copies in the possession of the Clerk's Office or a judicial officer may be returned to the filing party.

9. Any case or document ordered sealed by the Court shall remain sealed pending further order of this Court, or any Court sitting in review. Upon final determination of the action, as defined in Rule 83.6(c) of the Local Rules of Civil Procedure, counsel shall have ninety (90) days to file a motion pursuant to Rule 83.6(a) for the withdrawal and return of sealed documents. Any sealed document thereafter remaining shall be destroyed by the Clerk pursuant to Rule 83.6(e) prior to the delivery of other parts of the file to the Federal Records Center. The return or destruction of hard copies of sealed documents shall not serve to unseal electronic copies of documents sealed by Court order.

~~10. The envelope for sealing required by Local Criminal Rule 57(b) shall be in substantially the following form:~~

~~UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT~~

~~[CAPTION] _____ NO. _____~~

~~Contents: _____~~

~~Submitting Attorney: _____~~

~~Judicial Officer: _____~~

~~Date Sealed: _____~~

~~The Clerk is directed to seal the contents of this envelope until further order of the Court.~~

~~SO ORDERED this ____ day of _____, 20__, at _____, Connecticut.~~

~~[Name of Judge], U.S.D.J./U.S.M.J.~~

PUBLIC STATEMENTS BY COUNSEL

(c) Statements Permitted During Investigation

A lawyer participating in or associated with the investigation of a criminal matter shall not make or participate in making an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication and that does more than state without elaboration:

1. Information contained in a public record.
2. That the investigation is in progress.
3. The general scope of the investigation including a description of the offense and, if permitted by law, the identity of the victim.
4. A request for assistance in apprehending a suspect or assistance in other matters and the information necessary thereto.
5. A warning to the public of any dangers.

(d) Statements Prohibited After Commencement of Proceedings

A lawyer associated with the prosecution or defense of a criminal matter shall not, from the time of the filing of a complaint, information, or indictment, the issuance of an arrest warrant, or arrest until the commencement of the trial or disposition without trial, make or participate in making an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication and that relates to:

1. The character, reputation, or prior criminal record (including arrests, indictments, or other charges of crime) of the accused.
2. The possibility of a plea of guilty to the offense charged or to a lesser offense.
3. The existence or contents of any confession, admission, or statement given by the accused or his refusal or failure to make a statement.
4. The performance or results of any examinations or tests or the refusal or failure of the accused to submit to examinations or tests.
5. The identity, testimony, or credibility of a prospective witness.
6. Any opinion as to the guilt or innocence of the accused, the evidence, or the merits of the case.

(e) Statements Permitted After Commencement of Proceedings

Rule 57(c) does not preclude a lawyer during such period from announcing:

1. The name, age, residence, occupation, and family status of the accused.
2. If the accused has not been apprehended, any information necessary to aid in his apprehension or to warn the public of any dangers he may present.
3. A request for assistance in obtaining evidence.
4. The identity of the victim of the crime, if otherwise permitted by law.
5. The fact, time and place of arrest, resistance, pursuit, and use of weapons.
6. The identity of investigating and arresting officers or agencies and the length of the investigation.
7. At the time of seizure, a description of the physical evidence seized, other than a confession, admission, or statement.
8. The nature, substance, or text of the charge.
9. Quotations from or references to public records of the Court in the case.
10. The scheduling or result of any step in the judicial proceedings.
11. That the accused denies the charges made against him.

(f) Statements Prohibited During Jury Selection and Trial

During the selection of a jury or the trial of a criminal matter, a lawyer associated with the prosecution or defense of a criminal matter shall not make or participate in making an extrajudicial statement that a reasonable person would expect to be disseminated by means of public communication and that relates to the trial, parties, or issues in the trial or other matters that are reasonably likely to interfere with a fair trial, except that he may quote from or refer without comment to public records of the Court in the case.

(g) Statements Prohibited Prior to Sentencing

After the completion of a trial or disposition without trial of a criminal matter and prior to the imposition of sentence, a lawyer or law firm associated with the prosecution or defense shall not make or participate in making an extrajudicial statement that a reasonable person would expect to be disseminated by public communication and that is reasonably likely to affect the imposition of sentence.

RULE 40

ASSIGNMENTS

~~(Amended February 7, 2014)~~
~~(Amended November 7, 2014)~~

(a) Place of Assignment of Cases

The place of assignment of a case will be determined by the Court in accordance with a general policy on assignments adopted from time to time by the active Judges of the Court in the interest of the effective administration of justice.

(b) Individual Calendar System

(1) All cases will be assigned to a single Judge from filing to termination. In the event that it is subsequently determined that there is pending in this District a related case, or, if one is later filed, such case should normally be transferred to the Judge having the earliest filed case. A case may be reassigned at the discretion of the Chief Judge.

(2) When a party files or removes a civil case or files its first motion or pleading in such case – whichever first occurs – that party shall file, at the same time, a Notice of Related Case disclosing the case caption, case number, and presiding judge of all cases currently pending in this District that may be related. Such notice must be filed in all cases in which relatedness is suggested.

~~(3) Whenever a party files in this Court an appeal from a ruling of the Bankruptcy Court, it shall file, at the same time, a notice disclosing the case caption, case number, and presiding judge of any previous appeals filed in this Court arising from the same bankruptcy case. The appeal should normally be transferred to the judge to whom any previous appeals arising from the same bankruptcy case were assigned.~~

~~(3)-(4)~~ Personnel of the Clerk's office shall not reveal to any person other than a Judge or the Clerk of this Court the order of assignment of cases or the identity of the Judge to be assigned a particular case, until after the case is filed and assigned.

~~(4)(5)~~ All cases transferred to this Court as multidistrict litigation, pursuant to the provisions of 28 U.S.C. § 1407, shall be assigned to a designated Judge.

(c) Assignment to Judge upon Remand

Whenever an appellate Court has remanded a matter to the District Court, and further proceedings not requiring the trial of an issue of fact are appropriate, an application with reference thereto, whether made upon the motion calendar or otherwise, shall be referred for such further proceedings to the Judge who heard the matter below unless the Chief Judge or the appellate Court otherwise directs.

RULE 47

MOTIONS

(a) Any party applying to the Court for an order must do so by motion.

(b) Motions to adopt are not permitted, although a party may indicate in the body of a motion or supporting memorandum of law that an argument of a co-defendant is incorporated by reference. Any such incorporation by reference must identify the motion or memorandum of law incorporated by specifying the name of the co-defendant, the date of filing and the document number. Incorporation by reference of motions or memoranda filed in another case is prohibited. The Court will not consider arguments incorporated by reference unless the requirements of this rule are met.

(c) Counsel filing an omnibus response to motions filed by the opposing party must identify the motions responded to by the names of the motions, their document numbers, where appropriate, the names of the defendants who filed the motions and the dates the motions were filed.

(d) Counsel filing any motion concerning pretrial release or detention, sentencing, supervised release, or probation (other than a motion for extension of time) shall identify, in the body of the motion, the pretrial services or probation officer assigned to the case and whether the officer objects to the relief sought in the motion.