



To: Members of the Public and the
Northern District of California Bar

From: Office of the Clerk

Subject: Summary of proposed revisions to the Civil
Local Rules; invitation for public comment

Date: August 2, 2021

Clerk's Office Memorandum

The Judges of the United States District Court for the Northern District of California have approved the following proposed modifications to the Civil Local Rules. Pursuant to Civil Local Rule (L.R.) 83-2(b), the Court hereby posts the following proposed modifications for public comment. Redlined and “clean” copies of the proposed modifications are attached.

Comments or suggestions may be submitted to media@cand.uscourts.gov.

Any comments or suggestions must be received by Friday, September 3, 2021, at 4:00 p.m. PDT.

Summary of Proposed Revisions

Civil L.R. 1-2(c): Scope, Purpose and Construction. This revision adds language stating that the court by General Order or Chief Judge Order may temporarily suspend any local rule for good cause.

Civil L.R. 3-2(a): Civil Cover Sheet. This revision updates the rule to reflect that pro se prisoner complaints and petitions need not include a civil cover sheet.

Civil L.R. 3-2(b): Commencement of Action. This revision updates the rule to allow manual filings, where permitted, to be filed in divisions other than where the case initiating documents were filed.

Civil L.R. 3-2(c): Assignment to a Division. This revision simplifies language and shortens the rule to reference General Order 44 (Assignment Plan).

Civil L.R. 3-4(c): General Requirements (Papers). This revision simplifies language and eliminates certain requirements.

Civil L.R. 5-1: Electronic Case Filing. This revision allows for pro se parties to become e-filers without requesting permission from the court, after manually filing case-initiating documents. The revision eliminates the requirement that criminal complaints be filed manually, and eliminates the requirement that case-initiating documents that are electronically served be manually served. The revision eliminates the Courtesy Copy requirement, except for judges who wish to retain the requirement in their standing orders.

Civil L.R. 5-2: Manual Filing. Withdrawn. Manual filing is now covered in Civil L.R. 5-1.

Civil L.R. 11-1(b)(2): Eligibility for Bar Membership. This revision clarifies the requirement for Northern District of California Bar membership.

Civil L.R. 11-3. Pro Hac Vice. This revision adds, as a consideration in granting or denying pro hac vice status, the number of times an attorney has appeared Pro Hac Vice in the Northern District. The revision requires that the pro hac vice application and admission fee be filed contemporaneously with the complaint or other first appearance. The revision notes that the pro hac vice fee may be excused, references the court's fee schedule, and notes that a pro hac vice application will not be processed if the fee has not been paid.

Civil L.R. 11-6: Discipline. This revision clarifies the definition of "attorney" for purposes of the rule. Some other language has been edited for clarity.

Civil L.R. 65-1: Temporary Restraining Orders. This revision adds (1) a requirement that counsel file a declaration certifying that notice of a TRO motion has been provided, or if not, why notice could not be provided, and (2) a requirement that counsel notify the Court upon filing a motion for TRO. Other language has been edited for clarity.

Civil L.R. 77-2: Orders Grantable by Clerk. This revision notes that clerk orders may be entered "as effective on a previous date," where appropriate and as permitted by law.

Civil L.R. 77-8: Complaints Against Judges. This revision updates citations to the U.S. Code and revises language for consistency with Ninth Circuit procedures.

Civil L.R. 79-4: Removal of Exhibits Upon Conclusion of Proceeding. This revision requires parties in a case to remove and retain their own trial exhibits for specified periods.

Civil L.R. 79-5: Filing Documents Under Seal in Civil Cases. This is a new rule that replaces the previous Civil L.R. 79-5, and significantly revises the procedures for filing documents under seal in civil cases.

Civil L.R. 83-2: Publication of Proposed Modifications to Rules. This revision clarifies that any non-substantive revisions to the Local Rules need not be posted for public comment.

Proposed Modifications to Civil Local Rules (Redlined Copy)

1-2. Scope, Purpose and Construction

(a) **Scope.** These local rules are promulgated pursuant to 28 U.S.C. § 2071 and Fed. R. Civ. P. 83. They apply to civil actions filed in this Court. The Court also has promulgated separate local rules in the following subject areas:

- (1) Admiralty and Maritime;
- (2) Alternative Dispute Resolution;
- (3) Bankruptcy;
- (4) Criminal Proceedings;
- (5) Habeas Corpus Petitions; and
- (6) Patent.

(b) Supplement to Federal Rules. These local rules supplement the applicable Federal Rules. They shall be construed so as to be consistent with the Federal Rules and to promote the just, efficient, speedy, and economical determination of every action and proceeding.

(b)(c) Temporary Suspension of Local Rules. Any of these Local Rules may be temporarily suspended for good cause by General Order or by Order of the Chief Judge.

3-2. Commencement and Assignment of Action

- (a) **Civil Cover Sheet.** Every complaint, petition, or other paper initiating a civil action (except for pro se prisoner complaints and petitions) must be filed with a completed civil cover sheet on a form approved by the Court.

Cross Reference

See Civil L.R. 3-6(eb) “*Jury Demand; Marking of Civil Cover Sheet Insufficient;*”
Civil L.R. 3-7(a) “*Civil Cover Sheet Requirement in Private Securities Actions*”

- (b) **Commencement of Action.** An action may be commenced within the meaning of Fed. R. Civ. P. 3 at any office of the Clerk for this district. In cases that permit or require manual filing, once an action is commenced, in cases subsequent manual filings may be made in any division within the district, except that manual filings in matters assigned to the San Francisco, San Jose, or Oakland divisions may not be filed in the Eureka-McKinleyville division. After the matter has been assigned to a Judge, unless ordered or permitted otherwise, all subsequent manual filings must be made in the Office of the Clerk at the division or location where the assigned Judge maintains chambers. Manual filings in matters assigned to the Eureka division must be made in the San Francisco Office of the Clerk
- (c) **Assignment to a Division.** The Clerk shall assign civil actions and proceedings for which this district is the proper venue pursuant to the Court’s Assignment Plan (General Order No. 44). For those case categories which are not district-wide, the Clerk shall assign the case to the court division serving the county in which the action arises. Pursuant to the Court’s Assignment Plan, the Clerk shall assign civil actions and proceedings for which this district is the proper venue to the court division serving the county in which the action arises. A civil action arises in the county in which where a substantial part of the events or omissions which give giving rise to the claim occurred, or in which where a substantial part of the property that is the subject of the action is situated. The following are excluded from this division-specific venue rule and will be assigned on a district-wide basis: Prisoner Petitions (including Death Penalty Habeas Corpus), Bankruptcy, Intellectual Property Rights, Social Security, Federal Tax Suits, Antitrust and Securities Class Actions.
- (d) **San Francisco and Oakland.** Except as provided in Civil L.R. 3-2(c), all civil actions which that arise in the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo or Sonoma shall be assigned to the San Francisco Division or the Oakland Division.
- (e) **San Jose.** Except as provided in Civil L.R. 3-2(c), all civil actions which that arise in the counties of Santa Clara, Santa Cruz, San Benito or Monterey shall be assigned to the San Jose Division.
- (f) **Eureka.** Except as provided in Civil L.R. 3-2(c), all civil actions which that arise in the counties of Del Norte, Humboldt, Lake, and Mendocino, except for cases not assigned to the magistrate judges pursuant to the Court’s Assignment Plan, shall be assigned to the Eureka Division.

Cross Reference

See General Order No. 44, Assignment Plan.

- (g) **Assignment of Action to the Eureka Division.** All cases assigned to the Eureka Division shall be assigned to the full-time magistrate judge presiding in that division. Such assignments are subject to the provisions of Civil L.R. 73 and require the consent of the parties. Any case for which all parties do not consent will be reassigned to a district judge in the San Francisco, Oakland, or San Jose division.

(h) **Transfer of Actions and Proceedings.** Whenever a Judge finds, upon the Judge's own motion or ~~the~~ motion of any party, that (1) a civil action has not been assigned to the proper division within this district in accordance with this rule, or (2) that the convenience of ~~the~~ parties and witnesses and the interests of justice will be served by transferring the action to a different division within the district, the Judge may order such transfer, subject to the provisions of the Court's Assignment Plan.

3-4. Papers Presented for Filing

(a) **First Page Requirements.** The first page of each paper presented for filing must set forth:

- (1) The name, address, telephone number, ~~facsimile (“fax”) telephone number,~~ email address, and state bar number of counsel (or, if pro se, the name, address, telephone number, ~~fax telephone number~~ and email address of the party) presenting the paper for filing. This information must appear in the upper left hand corner and must indicate the party represented by name as well as that party’s status in the litigation (i.e., plaintiff, defendant, etc.). In multiparty actions or proceedings, reference may be made to the signature page for the complete list of parties represented;

Cross Reference

See Civil L.R. 3-9 “Parties”; Civil L. R. 3-11 “Failure to Notify of Address Change;” and Civil L.R. 11-3(~~de~~) “Appearances and Service on Local Co-Counsel.”

- (2) If not proceeding pro se and if proceeding *pro hac vice* in conformity with Civil L.R. 11-3, following the information required in Civil L.R. 3-4(a)(1), the name, address, telephone and state bar number of the member of the bar of the Court who maintains an office within the State of California; and
 - (3) Commencing on the eighth line of the page (except where additional space is required for counsel identification) there must appear:
 - (A) The title of this Court, including the appropriate division or location;
 - (B) The title of the action;
 - (C) The case number of the action followed by the initials of the assigned District Judge or Magistrate Judge and, if applicable, the initials of the Magistrate Judge to whom the action is referred for discovery or other pretrial activity;
 - (D) A title describing the paper; and
 - (E) Any other matter required by Civil L.R. 3.
 - (4) Any complaint or Notice of Removal of Action seeking review of federal agency determinations in immigration cases, Privacy Act cases, or Administrative Procedure Act cases must include, under the title of the document, whichever of the following is applicable: “Immigration Case,” “Privacy Act Case,” or “Administrative Procedure Act Case.”
 - (5) **Presentation of Class Action.** If any complaint, counterclaim or cross-claim is sought to be maintained as a class action, it must bear the legend “Class Action” on its first page below the title describing the paper as a complaint, counterclaim or cross-claim.
- (b) **Caption for Consolidated Cases.** When filing papers in cases consolidated pursuant to Fed. R. Civ. P. 42, the caption of each paper must denote the lead case number above all consolidated case numbers. Duplicate originals, however, are not required for associated cases.
- (c) **General Requirements**
- (1) **Paper.** ~~Except for reporter transcripts, all p~~Papers presented for manual filing must be on ~~top-centered, two-hole punched, 8½-1/2~~ inch by 11 inch white ~~opaque~~ paper ~~of original or recycled bond quality~~ with numbered lines, and must

be flat, unfolded (~~except where unless~~ necessary for the presentation of exhibits), without back or cover, and firmly bound ~~at the top~~.

(2) Written Text. Text must appear on one side only and must be double-spaced with no more than 28 lines per page, except for the identification of counsel, title of the case, footnotes, and quotations. ~~Typewritten text may be no less than standard pica or 12 point type in the Courier font or equivalent, spaced 10 characters per horizontal inch. Printed text, including footnotes and quotations, must be; may be proportionally spaced, provided the type may not be smaller than must be~~

~~(A) in 12 point a~~ standard font (e.g., Times New Roman or Courier);

~~(B) in and must be 12 point type or larger;~~

~~(C) spaced proportionally; and The text of footnotes and quotations must also conform to these font requirements.~~

~~(A)(D) spaced no more than 10 characters per horizontal inch.~~

(2)(3) Identification of Paper. Except for exhibits, each paper filed with the Court must bear a footer on the lower margin of each page stating the title of the paper (e.g., “Complaint,” “Defendant’s Motion for Summary Judgment,” etc.) or some clear and concise abbreviation. Once the Court assigns a case number to the action, that case number must be included in the footer.

Commentary

When a case is first filed, the footer on each page of the complaint need only bear the title of the paper (e.g., “Complaint”); but after assignment of a case number on filing, that number must be included in footers on any subsequently prepared papers (e.g., “Defendant’s Motion for Summary Judgment – 21-cv-12345-ABC.”)

- (d) Citation to Authorities.** Unless otherwise directed by the assigned Judge, citation to authorities in any paper must include—:
- (1)** In any citation to an Acts of Congress, a parallel citation to the United States Code by title, section and date;
 - (2)** In any citation to U.S. regulations, a citation to the Code of Federal Regulations by title and section, and the date of promulgation of the regulation;
 - (3)** In any citation to a U.S. Supreme Court Case, a citation to United States Reports, Lawyers’ Edition, or Supreme Court Reporter ~~must be used~~. If the case is not yet available in any of those formats but is available on electronic databases, citation must indicate the database, year, and any screen or page numbers, if assigned;
 - (4)** In any citation to other federal courts, unless an alternate reporting service is widely available, a citation to the Federal Reporter, Federal Supplement, or Federal Rules Decisions must be used. If the case is not yet available in those formats but is available on electronic databases, citation must indicate the database, year, and any screen or page numbers, if assigned; and
 - (5)** In any citation to a state court, citations must include either the official reports or any official regional reporting service (e.g., West Publishing). If the case is not yet available in those formats but is available on electronic databases, citation must indicate the database, year, and any screen or page numbers, if assigned.
- (e) Prohibition of Citation to Uncertified Opinion or Order.** Any order or opinion that is designated: “NOT FOR CITATION,” pursuant to Civil L.R. 7-14 or pursuant to a similar rule of any other issuing court, may not be cited to this Court, either in written

submissions or oral argument, except when relevant under the doctrines of law of the case, *res judicata*, or collateral estoppel.

Cross Reference

See Civil L.R. 7-14 "*Designation 'Not For Citation'.*" See also Ninth Circuit Court of Appeals Rule 36-3.

5-1. Electronic Case Filing

- (a) **Electronic Filing, Signing, or Verification.** Pursuant to Fed. R. Civ. P. 5(d)(3), papers may be filed, signed, or verified by electronic means.
- (b) **Cases and Parties Subject to Electronic Filing.** All cases, ~~except sealed cases except where exempted by court order~~, are designated for participation in the Court's Electronic Case Filing ("ECF") system. ~~All documents in sealed cases must be filed manually according to procedures established by the Clerk's Office and published on the eCourt's website. However, sealed documents within unsealed cases shall be filed electronically, in compliance with Civil L.R. 79-5. A case that involves a pro se party is subject to electronic filing, unless it is a sealed case. However, the pro se party may not file electronically unless the pro se party moves for and is granted permission by the assigned judge to become an ECF user in that case. Pro se parties must file case-initiating documents manually. After manually filing case-initiating documents, pro se parties may manually either file subsequent documents in the case manually, or in the case manually, or may register for ECF and file subsequent documents electronically.~~ Parties represented by counsel in a case involving a pro se party must file documents electronically and serve them manually on the pro se party, unless the pro se party ~~has been granted permission to become~~ is a registered ECF user.

Commentary

Procedures and instructions for using the Court's ECF system consistent with these policies may be found on the Court's ECF website page at ~~cand.uscourts.gov/cand.uscourts.gov/cases-e-filing/cm-ecf/~~. In addition to providing access to filing and retrieval of documents, the ECF website page also contains instructions, a user manual, tutorials, an extensive listing of Frequently Asked Questions ("FAQs"), and information regarding changes in the ECF system, among other items.

The initial point of contact for anyone having trouble filing a document on the ECF system is the email address or toll-free number posted on the eCourt's ECF website page.

(c) Registration, Appearance and Access

- (1) **Attorney's Obligation to Register.** Each attorney of record is obligated to become an ECF user and obtain a user ID and password for access to the system upon filing a case in this district ~~or. Each attorney of record is obligated to become an ECF user and obtain a user ID and password~~ before e-filing a document in an existing case in this district. Registration shall be on a form prescribed by the Clerk, which can be found on the ECF website page at ~~cand.uscourts.gov/cand.uscourts.gov/cand.uscourts.gov/cases-e-filing/cm-ecf/~~. ~~ECF users shall register their email address for service.~~
- (2) **Notice of Appearance**
- (A) A Notice of Appearance must be e-filed whenever counsel joins a case.
- (B) If counsel from the same firm replace one another as the representative of a client, a Notice of Substitution of Counsel must be e-filed.
- (C) If a particular counsel ceases to be involved with a case when the party is still represented by other counsel, a Notice of Change in Counsel must be e-filed.
- (D) The withdrawal of a party's sole remaining counsel is governed by Civil L.R. 11-5 and requires an order of the Court.
- (E) The replacement of one firm by another as counsel for a party is governed by Civil L.R. 11-5 and requires an order of the Court.

- (3) **Obligation to Keep Account Information Current.** An ECF user ID and password is the equivalent of a permanent, individual electronic signature for a registered attorney. Registered attorneys are required to keep their contact information current ~~email address current~~ and may update their email address online via the ECF web ~~site~~ page.
- (4) **Authorizing Use of User ID and Password by Others.** An ECF user may authorize another person to electronically file a document using the user ID and password of the ECF user. Nevertheless, the ECF user retains full responsibility for any document so filed.
- (5) **Access**
- (A) **Filing.** Only ~~an the attorney-of-record ECF user~~ as described in section (c)(1), ~~or one a person~~ authorized by ~~the that ECF user~~ the attorney-of-record as described in section (c)(4), or a pro se party who has registered for ECF as described in section (b) may electronically file documents.
- (B) **Retrieval.** Any person may review at the Clerk's Office all filings, electronic or paper, that have not been sealed by the Court. Any ECF user also may access the ECF system and retrieve electronically filed documents that are not sealed, with the following exception:
- (i) **Exception.** Only counsel for a party, or a pro se party who is an ~~who has been granted permission by the assigned judge to become an~~ ECF user, may access the ECF system and retrieve any electronically filed document in a Social Security appeal or certain immigration cases pursuant to Fed. R. Civ. P. 5.2(c). Any other ECF user may access and retrieve electronically only the docket for the case and any orders entered by the Court. Any person may have access to the full record at the Clerk's Office.

Commentary

Anyone who is a PACER user (even if not an ECF user) may retrieve publicly available documents in any case electronically filed in this district or nationwide.

- (d) **Filing and Service of Pleadings**
- (1) **Filing Initiating Documents.** Except for cases filed by a pro se party who is not a registered e-filer, all civil complaints and other case initiating documents in civil cases must be filed electronically. ~~Criminal complaints, indictments and informations, (including superseding indictments and informations), and other case initiating documents in criminal cases shall be filed manually rather than electronically. In addition, all manually filed initiating documents in civil and criminal cases shall be submitted to the assigned judge by email in electronic form (PDF format only) within seven days of the filing of the initiating documents. A list of the email addresses for each judge for PDF follow up submissions of initiating documents may be found on the Court's website.~~
- (2) **Service and Answer.** ~~Upon the filing of a complaint or other case initiating document, whether manually or electronically, the plaintiff shall manually serve upon the defendant along with the complaint. After a defendant or third-party defendant has been served pursuant to Fed. R. Civ. P. ____, the ECF Registration Information Handout available from the Clerk's Office and on the ECF website. If not already registered, the defendant's counsel shall register to become an ECF user following the procedures outlined on the ECF web site page, and shall file the responsive pleading electronically. If the defendant or third-party defendant is pro se and has not received permission from the assigned judge to become an~~ is

~~not a registered ECF user in that case~~, the responsive pleading must be filed and served manually.

~~(3) **Filing and Serving Third-Party Complaints.** Upon the filing of a third-party complaint, the third-party plaintiff shall serve upon the third-party defendant along with the third-party complaint, the ECF Registration Information Handout available from the Clerk's Office and on the ECF website. If not already registered, the third-party defendant's counsel shall register to become an ECF user following the procedures outlined on the ECF website, and shall file the third-party responsive pleading electronically. If the third-party defendant is pro se and has not received permission from the assigned judge to become an ECF user in that case is not a registered ECF user, the third-party responsive pleading must be filed and served manually.~~

~~i. **Electronic Filing**~~

~~(1) **Generally.** In any non-sealed case, all documents required to be filed with the Clerk shall be filed electronically on the ECF system, except as provided in section 5-1(f) or as otherwise authorized by the Court.~~

~~(2) **Format.** Documents filed electronically must be submitted in PDF format. Documents which the filer has in an electronic format must be converted to PDF from the word processing original, not scanned, to permit text searches and to facilitate transmission and retrieval. If the filer possesses only a paper copy of a document, it may be scanned to convert it to PDF format.~~

Cross Reference

See Civil L.R. 5-1(i) for rules governing the filing of documents with signatures other than those of the e-filer.

- (3) **Completion of Filing.** Electronic transmission of a document in compliance with court procedures shall, upon receipt by the Clerk of the entire document and the sending of a Notice of Electronic Filing ("NEF") by the ECF system, constitute filing of the document for all purposes and shall constitute entry of that document on the docket maintained by the Clerk pursuant to Fed. R. Civ. P. 58 and 79, and Fed. R. Crim. P. 49 and 55.
- (4) **Deadlines.** All electronic filings of documents must be completed as described in Civil L.R. 5-1(e)(3) prior to midnight in order to be considered timely filed that day.
- (5) **Technical Failure.** The Clerk shall deem the ECF system to be subject to a technical failure on a given day if the system is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 noon that day. Filings due on the day of a technical failure which were not filed solely due to such technical failure shall be due the next court day. Such delayed filings shall be accompanied by a declaration or affidavit attesting to the filer's failed attempts to file electronically at least two times after 12:00 noon separated by at least one hour on each day of delay due to such technical failure.
- (6) **Docket.** The record of filings and entries created by the ECF system for each case shall constitute the docket for that case.

Commentary

In addition to receiving email notifications of filing activity, parties are encouraged to check the docket in their case on the ECF system at regular intervals.

- (7) ~~**Courtesy-Chambers Copies.** No chambers copy or “courtesy copy” of an electronically-filed document shall be provided submitted to the eCourt, unless required by a a-standing order of the assigned judge or requested by the assigned judge in a particular case. is required unless required by a standing order of the assigned judge or requested by the assigned judge in a particular case. Parties shall provide a paper copy of an electronically filed document only upon if required by the assigned judge’s [in a specific case or by standing order] standing order or if requested by the assigned judge. Except as provided in section (e)(7)(D), the parties are required to provide for chambers a paper copy of each document that is electronically filed. Each paper copy shall be provided as set forth in section (e)(7)(A)–(F) and marked “Chambers Copy”. The parties shall not file with the Clerk’s Office a paper copy of any document that has already been electronically filed. Courtesy copies must conform to the particular requirements of the assigned judge’s standing orders.~~
- ~~(A) **Motions Filed Under Civil L.R. 7-3 and Criminal L.R. 47-2.** Courtesy copies of motions and oppositions to motions filed under Civil L.R. 7-3 and Crim. L.R. 47-2 shall be mailed via first class mail to the Clerk’s Office on the same day the documents are electronically filed. Courtesy copies of replies to motions filed under Civil L.R. 7-3 and Crim. L.R. 47-2 must be delivered to the Clerk’s Office no later than noon on the court day following the day that the reply was electronically filed.~~
- ~~(B) **Motions Filed Under Civil L.R. 6-3 or 7-11.** Courtesy copies of motions and oppositions filed under Civil L.R. 6-3 or 7-11 must be delivered to the Clerk’s Office no later than noon on the court day following the day that those documents were electronically filed.~~
- ~~(c) **(C) **Motions for Temporary Restraining Orders or Other Emergency Ex Parte Relief.**** Courtesy copies of motions for temporary restraining orders or other emergency *ex parte* relief, oppositions to such motions, and replies to such motions must be delivered to the Clerk’s Office no later than noon on the court day following the day that those documents were electronically filed.~~
- ~~(f) **(D) **Magistrate Judge Consent and Declination Forms.**** No courtesy copies of forms stating whether a party consents or declines to magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c) shall be provided to chambers.~~
- ~~(g) **(E) **Documents Relating to Hearings in Less Than 7 Days.**** Courtesy copies of any other documents filed in connection with a hearing or other proceeding to be held within 7 days of the filing must be delivered to the Clerk’s Office no later than noon on the court day following the day that the documents were electronically filed.~~
- ~~(h) **(F) **All Other Electronically Filed Documents.**** Courtesy copies of all other electronically filed documents shall be mailed via first class mail to the Clerk’s Office on the same day that the documents are electronically filed.~~
- ~~(i) **Cross Reference**~~
- ~~(j) **See Crim. L.R. 2-4.**~~

(k)(e) Manual Filing

Some types of documents shall only be filed manually and not electronically unless specifically authorized by the Court. A list of such documents may be found on the ECF website page. Such documents shall be manually filed with the Clerk and served upon the parties in accordance with the applicable Federal Rules of Civil Procedure,

Federal Rules of Criminal Procedure₂ and Local Rules for filing and service of paper documents. Parties manually filing a document shall file electronically a Manual Filing Notification.

(f) Proposed Orders

Proposed orders submitted by an ECF user in an ECF case shall be filed in PDF format, and attached to the ~~electronically filed~~applicable motion or other document ~~(e.g., stipulation or motion) to which they pertain~~. In addition, proposed orders shall be submitted in a ~~standard word n-approved~~ processing format (such as Microsoft Word, Word Perfect₂, or ASCII text), to the specific address on the Court's website for emailing proposed orders to the assigned judge. Proposed orders must conform to the ~~particular~~ requirements of the assigned judge's standing orders.

(g) Service of Electronically Filed Documents

- (1) Generally.** Upon the filing of a document by a party, ~~an email message will be automatically generated by~~ the ECF system ~~and will send~~ to the registered attorneys for all parties in the case a Notice of Electronic Filing, receipt of this message which constitutes service on the receiving party. ~~Exceptions to this are for~~ electronically filed civil complaints and other case-initiating documents, which must be served manually, ~~receipt of this message constitutes service on the receiving party~~.

Cross Reference

See Civil L.R. 7-3 for rules for calculating due dates for opposition and reply briefs.

- (2) Service on Parties Who Have Not Registered as ECF Users.** When service of a document, other than a complaint or third-party complaint, is required to be made upon a person who is not a registered ECF user in that case, a paper copy of the document shall be served on the person (as otherwise required or permitted by the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, and Local Rules). Service of these documents ~~made may~~ alternatively be made by electronic means (e.g., email) if the recipient consented in writing to such service.
- (3) Service of the Court's Orders.** Orders filed by the Court in non-sealed cases will be served only via the emailed Notice of Electronic Filing. No manual service will be made by the Court except on a pro se party who ~~has not received permission from the assigned judge to become~~ is not an ECF user in a particular case.

(h) Signatures

- (1) Generally.** A document electronically filed with the Court shall be deemed to be signed by the person ("Signatory") when the document identifies the person as a Signatory and the filing complies with either subsection (2) or (3). Any filing in accordance with any of these methods shall bind the Signatory as if the document was physically signed and filed, and shall function as the Signatory's signature whether for purposes of Rule 11 of the Federal Rules of Civil Procedure, to attest to the truthfulness of an affidavit or declaration, or for any other purpose.
- (2) ECF Users.** In the case of a Signatory who is an ECF user, such document shall be deemed signed, regardless of the existence of a physical signature on the document, provided that such document is filed using the user ID and password of the Signatory.
- (3) Others.** In the case of a Signatory who is not an ECF user, or who is an ECF user but whose user ID and password are not utilized in the electronic filing of the

document, (as in the case of documents requiring multiple signatures), the filer of the document shall attest that ~~concurrence in the filing of the document has been obtained from~~ each of the other Signatories have concurred in the filing of the document, which shall serve in lieu of their signatures on the document. The filer's attestation may be incorporated into the document itself, or take the form of a declaration attached to the document. The filer shall maintain records to support this concurrence for subsequent production for the Court, if so ordered, or for inspection upon request by a party, until one year after the final resolution of the action (including appeal, if any). The filer may attach a scanned image of the signature page of the document being electronically filed in lieu of maintaining the paper record for subsequent production if required.

- (4) **Criminal Cases.** Notwithstanding the provisions of section 5-1(e)(3), in a criminal case, any document signed by a criminal defendant and any document containing multiple signatures shall be scanned in its entirety to ensure that all signatures are visible. Certain documents that may be used by various agencies shall also be scanned in their entirety; a list of such documents may be found on the ECF website page.

(i) Sanctions for Non-Compliance

Failure of counsel to timely register or otherwise comply with ECF filing requirements ~~shall subject counsel to sanctions as may be imposed by the~~ may result in sanctions as the Court deems appropriate.

5-2. Manual Filing [Withdrawn]

5-2. Manual Filing

- ~~(7) **Filing Original.** Except as allowed in Civil L.R. 5-3, Facsimile Filing, the original of any document required or permitted to be manually filed by the Federal Rules or by these local rules, together with a certificate of service, must be delivered to the Office of the Clerk during regular hours (as defined in Civil L.R. 77-1(b)) in the courthouse in which the chambers of the Judge to whom the action has been assigned pursuant to Civil L.R. 3-3(a) where the assigned Judge's chambers are located. Certain documents may be filed after regular hours by depositing them in a drop box pursuant to Civil L.R. 5-4.~~
- ~~(8) **Extra Copy for Chambers.** Courtesy copies of each document manually filed must be submitted as required in Civil L.R. 5-1(e)(7). If the matter has been assigned to a Magistrate Judge for hearing, an additional copy designated for delivery to the assigned Magistrate Judge must be submitted in the same manner to the Office of the Clerk in the courthouse in which the chambers of the where the assigned Magistrate Judge's chambers are located.~~

Commentary

~~When a copy for chambers is delivered to the Office of the Clerk in conformity with Civil L.R. 5-2(b), counsel will be deemed to have complied with any order requiring delivery of that document to the chambers of the assigned Judge.~~

11-1. The Bar of this Court

- (a) **Members of the Bar.** Except as provided in Civil L.R. 11-2, 11-3, ~~and~~ 11-9, and Fed. R. Civ. P. 45(f), an attorney must be a member of the bar of this Court to practice in this Court and in the Bankruptcy Court of this District.
- (b) **Eligibility for Membership.** To be eligible for admission to and continuing membership in the bar of this Court, an attorney must be an active member in good standing of the State Bar of California. For any attorney admitted to the bar of this court before September 1, 1995 based on membership in the bar of a jurisdiction other than California, continuing membership in the bar of that jurisdiction is an acceptable alternative basis for eligibility.:
- ~~(1) — an active member in good standing of the State Bar of California, or~~
- ~~(2) — an active member in good standing of another state bar, or the bar of the District of Columbia, Bar, who was admitted to the bar of this Court before September 1, 1995, based on that state or District of Columbia bar membershipn that state bar or membership in the bar of another state or the District of Columbiaof the bar of that of that other jurisdictionnon-California jurisdiction Bar membership, and who has been a continuing active member of that other of that state or District of Columbia jurisdiction'snon-California jurisdiction's bar since September 1, 1995. ship the bar of another jurexcept that for any attorney admitted to the bar of this Court before September 1, 1995 before September 1, 1995 based on membership in the bar of a jurisdiction other than California before September 1, 1995 based on membership, in the bar of a jurisdiction other than California, who was , admitted to the bar of this Court before September 1, 1995, based on continuous membership of the that bar. of with continuing active membership in the bar of that jurisdiction is an acceptable alternative basis for eligibility.~~
- (c) **Procedure for Admission.** Each applicant for admission must present to the Clerk a sworn petition for admission in the form prescribed by the Court. Prior to admission to the bar of this Court, an attorney must certify:
- (1) Knowledge of the contents of the Federal Rules of Civil and Criminal Procedure and Evidence, the Rules of the United States Court of Appeals for the Ninth Circuit, and the Local Rules of this Court;
 - (2) Familiarity with the Alternative Dispute Resolution Programs of this Court;
 - (3) Understanding and commitment to abide by the Standards of Professional Conduct of this Court set forth in Civil L.R. 11-4; and
 - (4) Familiarity with the Guidelines for Professional Conduct in the Northern District of California.
- (d) **Admission Fees.** Each attorney admitted to practice before this Court under this Local Rule must pay to the Clerk the fee fixed by the Judicial Conference of the United States, together with an assessment in an amount to be set by the Court. The assessment will be placed in the Court Non-Appropriated Fund for library, educational, and other appropriate uses.
- (e) **Admission.** The Clerk or a Judge may admit an applicant to the bar of the Court after the applicant signs the prescribed oath and pays the prescribed fees, and after the Clerk verifies the applicant's qualifications. Upon signing the prescribed oath and paying the prescribed fees and upon verification of the applicant's qualifications, the An applicant who has signed the prescribed oath and paid the prescribed fees may be admitted to the bar of the Court by the Clerk or a Judge upon signing the prescribed oath and paying

~~the prescribed fees and upon the Clerk's verification of the applicant's qualifications...~~
~~upon verification of the applicant's qualifications.~~

- (f) **Certificate of Good Standing.** A member of the bar of this Court who is in good standing may obtain a Certificate of Good Standing by presenting a written request to the Clerk and paying the prescribed fee.
- (g) **Reciprocal Administrative Change in Attorney Status.** Upon ~~being notified by notice from~~ the State Bar of California (or ~~the bar~~ of another jurisdiction that is the basis for membership in the bar of this Court) that an attorney is deceased, has been placed on "voluntary inactive" status, or has resigned for reasons not relating to discipline, the Clerk will note "deceased," "resigned," or "voluntary inactive," as appropriate, on the attorney's admission record. An attorney on "voluntary inactive" status will remain inactive on the roll of this Court until such time as the State Bar or the attorney has notified the Court that the attorney has been restored to "active" status. An attorney who has resigned and wishes to be readmitted must petition the Court for admission in accordance with subparagraphs (c) and (d) of this Rule.
- (1) The following procedure will apply to actions taken in response to information provided by the State Bar of California (or ~~of by~~ another jurisdiction ~~or other jurisdiction~~ that is the basis for membership in the bar of this Court) of a suspension for (a) a period of less than 30 days for any reason or (b) a change in an attorney's status that is temporary in nature and may be reversed solely by the attorney's execution of one or more administrative actions. Upon receipt of notification from the State Bar that an attorney has been suspended for any of the following, the Clerk will note the suspension on the attorney's admission record:
- (A) Noncompliance with Rule 9.22 child and family support;
 - (B) Failure to pass PRE;
 - (C) Failure to pay bar dues;
 - (D) Failure to submit documentation of compliance with continuing education requirements.

While suspended, an attorney is not eligible to practice in this Court or in the Bankruptcy Court of this District. In the event that an attorney files papers or otherwise practices law in this Court or in the Bankruptcy Court while an administrative notation of suspension is pending on the attorney's admission record, the Clerk will verify the attorney's disciplinary status with the State Bar (or other jurisdiction, if applicable). If the attorney is not then active and in good standing, the Chief District Judge will issue ~~to the attorney~~ an order to show cause ~~to the attorney in~~ accordance with Civil L.R. 11-7(b)(1).

Upon receipt by the Court of notification from the State Bar that the attorney's active status has been restored, the reinstatement will be noted on the attorney's admission record.

- (2) In response to information provided by the State Bar of California (or other jurisdiction that is the basis for membership in the bar of this Court) that an attorney has been placed on disciplinary probation but is still allowed to practice, the Clerk will note the status change on the attorney's admission record. An attorney with that status must, in addition to providing the notice to the Clerk required by Civil L.R. 11-7(a)(1), report to the Clerk all significant developments related to the probationary status. Upon receipt by the Court of notification from the State Bar that the attorney's good standing has been restored, the change will be noted on the attorney's admission record.

11-3. Pro Hac Vice

- (a) **Application.** An attorney who is not a member of the bar of this Court may apply to appear pro hac vice in a particular action in this district by submitting to the Clerk, together with the written application, a true and correct copy of a certificate of good standing or other similar official document issued by the appropriate authority governing attorney admissions for the relevant bar. Said certificate or other document must be dated no more than one year prior to the date of application for admission. The applicant must also submit an oath certifying the following:
- (1) That he or she is an active member in good standing of the bar of a United States Court or of the highest court of another State or the District of Columbia, specifying such bar;
 - (2) That he or she agrees to abide by the Standards of Professional Conduct set forth in Civil L.R. 11-4, and to become familiar with the Local Rules and Alternative Dispute Resolution Programs of this Court and, where applicable, with the Bankruptcy Local Rules;
 - (3) That an attorney, identified by name and office address, who is a member of the bar of this Court in good standing and who maintains an office within the State of California, is designated as co-counsel; and
 - (4) The number of times the applicant has been granted pro hac vice admission by the Court in the 12 months preceding the application-
- (b) **Time of Application.** An attorney seeking to appear pro hac vice must submit the application and admission fee at the time of the filing of a complaint or other first appearance in the case. A failure to meet this deadline may result in denial of the application.
- (c) **Disqualification from Pro Hac Vice Appearance.** Unless authorized by an Act of Congress or by an order of the assigned judge, an applicant is not eligible for permission to practice pro hac vice if the applicant:
- (1) Resides in the State of California; or
 - (2) Is regularly engaged in the practice of law in the State of California.
- This disqualification shall not be applicable if the pro hac vice applicant (i) has been a resident of California for less than one year; (ii) has registered with, and completed all required applications for admission to, the State Bar of California; and (iii) has officially registered to take or is awaiting his or her results from the California State Bar exam.
- (d) **Approval.** The Clerk shall present the application to the assigned judge for approval. The assigned judge shall have discretion to accept or reject the application, or excuse the admission fee.
- (e) **Admission Fee.** At the time the application is submitted, Each- an attorney requesting ~~to be admitted~~ to practice under Civil L.R. 11-3 must pay to the Clerk the Pro Hac Vice admission fee set by the Court's fee schedule, available at cand.uscourts.gov/court-fees. a \$375 admission fee, in an amount to be set by the Court. The Clerk will not present an application to the assigned judge if

~~unless the filing fee has not been paid, or if no request to waive the filing fee has been submitted. The assessment fee will be placed in the Court's Non-Appropriated Fund for library, educational, and other appropriate uses. If the assigned judge rejects the application, the fee will be refunded at the attorney's request. attorney, upon request, shall have the fee refunded.~~

- (f) **Appearances and Service on Local Co-Counsel.** All papers filed by the attorney must indicate appearance pro hac vice. Service of papers on and communications with local co-counsel designated pursuant to Civil L.R. 11-3(a)(3) shall constitute notice to the party.

11-6. Discipline

- (a) **General.** In the event that a Judge has cause to believe that an attorney (as defined in subsection (b) below) has engaged in unprofessional conduct, the Judge may, in addition to any action authorized by applicable law, do either or both of the following:
- (1) Refer the matter to the Court's Standing Committee on Professional Conduct; or
 - (2) Refer the matter to the Chief District Judge. If the alleged unprofessional conduct arises in the Bankruptcy Court, the Judge shall first refer the matter to the Chief Bankruptcy Judge, who may in turn refer it to the Chief District Judge.
- (b) **"Attorney" Defined.** For purposes of Civil L.R. 11-6, the term "attorney" refers to any attorney who is or has been admitted to practice in any State, or admitted to membership in the bar of this Court, or admitted to practice in this Court pro hac vice pursuant to Civil L.R. 11-3. The term "attorney" may include law corporations and partnerships, when the alleged conduct occurs in the course and scope of employment by the corporation or partnership.
- (c) **Standing Committee on Professional Conduct.** The Court will appoint, as special counsel for disciplinary proceedings pending before the Court, a Standing Committee on Professional Conduct consisting of a minimum of 7 and a maximum of 11 members, depending on the number of disciplinary matters referred to or active before the committee, and the Chief District Judge will designate one of the members to serve as Chair. All members of the Standing Committee must be members in good standing of the bar who practice regularly in this court. Members shall serve staggered 4-year terms in 2 approximately equal groups, such that the members of one group are replaced or reappointed every 2 years. The Standing Committee may organize itself and conduct its affairs by subcommittees of one or more members as it deems advisable. All final actions of the Standing Committee require a majority vote. The Standing Committee will submit a confidential report of its activities annually to the Clerk, the Chief District Judge, the Clerk of the Bankruptcy Court and Chief Bankruptcy Judge and the Professional Conduct Liaison Judge.
- (d) **Professional Conduct Liaison Judge.** The Chief District Judge shall appoint a District Judge to oversee the administration of this Local Rule and to serve as liaison to the Standing Committee. The Chief District Judge may delegate some or all of the powers of the Chief District Judge under this rule to the Professional Conduct Liaison Judge.
- (e) **Matters Referred To The Standing Committee.** Any Judge may enter an order of referral to the Standing Committee on Professional Conduct to initiate an investigation into a charge or information that a member of the bar of this Court, an attorney appearing pro hac vice, or an attorney employed or retained by the United States (see Civil L.R. 11-2) has engaged in unprofessional conduct in the practice of law before this Court. The Alternative Dispute Resolution Magistrate Judge may enter an order of referral based upon information provided by, and at the request of, the Alternative Dispute Resolution Department. An order of referral to the Standing Committee on Professional Conduct may be made on the public docket of an active case or may be directed to the Clerk confidentially without a case number, with a copy of the referral order served by U.S. Mail or by electronic mail on the subject attorney. Upon receipt of an order of referral, the Clerk will open a new miscellaneous case under seal, file the original order of referral and any accompanying exhibits thereto, and transmit a copy to the chair of the Standing

Committee. Unless otherwise directed by the Court, the Standing Committee shall investigate the alleged or suspected unprofessional conduct in accordance with the following procedures:

- (1) Investigations shall be conducted formally or informally as the Standing Committee deems appropriate to the circumstances of the case. Investigations shall be confidential unless the Professional Conduct Liaison Judge, upon application by the Standing Committee or the attorney who is subject to the investigation, determines that there is a compelling reason to make the matter public.
- (2) At the written request of the Standing Committee, the Chief District Judge may direct the issuance of subpoenas and subpoenas duces tecum.
- (3) At the conclusion of its investigation, the Standing Committee may, if it deems appropriate, finally resolve any referred matter informally or by consent; if the attorney who was the subject of the investigation has admitted unprofessional conduct, however, the Standing Committee should obtain a written consent specifying a remedial plan. The Standing Committee shall prepare a final report summarizing its proceedings, its findings, any informal or stipulated resolution and its recommendation, if any, to the Court. If the Standing Committee's determination is to file a petition for formal discipline, it shall so state in the final report. The final report shall be marked "CONFIDENTIAL: ATTORNEY DISCIPLINE MATTER" and shall include a proposed order directing the Clerk to close the file. The Standing Committee shall direct the original final report to the Chief District Judge and a copy to the referring Judge. Upon filing the final report and closing the file, the Clerk shall serve the final report on the attorney under investigation.
- (4) If a majority of the members determine that public reprimand, suspension, disbarment, monetary sanctions or other formal discipline is warranted, and the respondent attorney does not consent, the Standing Committee shall institute a disciplinary proceeding by filing with the Clerk a sealed petition that specifies the alleged misconduct. Upon the filing of the petition, the Clerk shall assign a new civil case number to the matter and shall randomly assign it to a District Judge other than the referring Judge or the Professional Conduct Liaison Judge in the same manner as any other sealed civil action or proceeding. Unless otherwise directed by the assigned Judge, the proceeding shall then be presented by one or more members of the Standing Committee. For a matter arising in the Bankruptcy Court of this District, the assigned Judge may, sua sponte or upon motion by the respondent attorney, refer the matter to the Clerk of the Bankruptcy Court for assignment to a Bankruptcy Judge, other than the referring Judge, for hearing and a report and recommendation.
- (5) After a civil case is assigned under subsection (4) above, the assigned Judge ~~to whom a civil case under this rule is assigned~~ shall issue an order to show cause setting a date for hearing, addressed to the respondent attorney, requiring the attorney to appear and show cause why he or she should not be disciplined as stated in the Judge's order. The order shall direct that a copy thereof, together with a copy of the petition, be served on the respondent in a manner permitted by Fed. R. Civ. P. 5(b) not less than 35 days in advance of the date specified for hearing. Any response must be filed no more than 14 days later. In the event the matter cannot be resolved solely based on the petition, ~~the response,~~ and ~~the~~ hearing thereon, the Judge may order such additional proceedings as the circumstances ~~of the particular case may~~ warrant. Written findings of fact and an order based thereon shall be filed by the Judge

when dismissing the proceeding or when imposing discipline. Documents presented for manual filing in the case shall be marked “CONFIDENTIAL: ATTORNEY DISCIPLINE MATTER.” The entire case shall be maintained under seal and court proceedings shall be closed to the public unless, upon written motion from either the Standing Committee or the respondent attorney, the Judge determines that the interests of justice would be best be served by opening all or part of the proceedings to the public. The Judge’s final order, if imposing discipline, together with portions of the file deemed by the Judge to be appropriate for public disclosure, will be unsealed and made accessible to the public on the Court’s website and any other means ordered by the Judge and will be disseminated to the Judges of the Northern District of California by the Clerk 7 days after the final order is filed, absent an extension by the Court. An order imposing discipline under this Rule may be appealed to the Court of Appeals.

- (6) Records other than court files, such as the confidential reports of the Standing Committee, shall be maintained as directed by the Chief District Judge.
 - (7) After an order imposing discipline is filed, the Standing Committee may provide the Clerk with a list of other courts before which the Standing Committee knows the respondent attorney to have been admitted to practice. The list shall be compiled from information obtained in the course of the Standing Committee’s work on the case, and shall not require a separate investigation. The Clerk shall give prompt notice of the order of discipline to the disciplinary body of each such court.
- (f) **Costs.** Out-of-pocket expenses necessarily incurred by the Standing Committee in carrying out its responsibilities under these rules, if presented for reimbursement within 90 days of the conclusion of the proceeding, will be paid by the Court.

65-1. Temporary Restraining Orders

- (a) **Documentation Required.** ~~An ex parte~~ motion for ~~a~~ temporary restraining order must be accompanied by:
- (1) A copy of the complaint;
 - (2) A separate memorandum of points and authorities in support of the motion;
 - (3) The proposed temporary restraining order and order to show cause; and
 - ~~(4) Such other~~ Other supporting documents ~~in support of the motion which that~~ the party wishes the Court to consider; and
 - ~~(4)(5)~~ A declaration by counsel certifying that notice has been provided in compliance with Civil L.R. 65-1(b), or explaining why such notice could not be provided.
- (b) **~~Notice to Opposition of Ex Parte Motion.~~** Unless relieved by ~~a order of a Judge Court order~~ for good cause ~~shown, on or before the day of filing date of an ex parte~~ before filing a motion for a temporary restraining order, counsel ~~applying for the temporary restraining order for the movant (or the movant, if pro se) must~~ shall deliver notice of such motion to opposing counsel ~~(or to the opposing party, if pro se).~~
- (c) **Form of Temporary Restraining Order.** The moving party must include both a proposed ~~No~~ temporary restraining order ~~will be issued except with an~~ and a proposed order to show cause ~~fixing the time for hearing setting the time and date for a hearing on a~~ a motion for ~~a~~ preliminary injunction, which shall be scheduled pursuant to Fed. R. Civ. P. 65(b). Proposed orders submitted under this Rule must provide a place for the Judge to ~~fix the time set a deadline within by~~ which the temporary restraining order and all supporting pleadings and papers must be served upon the adverse party ~~of any opposing papers.~~
- (d) **Notification to Clerk.**
- (1) The filing party should alert the Ceourt to the filing of a motion for temporary restraining order by emailing or calling the courtroom deputy clerk for the judge assigned to the case.
 - (2) Motions filed after hours or on weekends must follow instructions provided in ECF.

77-2. Orders Grantable by Clerk

The Clerk is authorized to sign and enter orders specifically allowed to be signed by the Clerk under the Federal Rules of Civil Procedure and these local rules. The Clerk may file such orders as ~~none pro tunc~~ effective on a previous date when appropriate and as permitted by law. In addition, the Clerk may sign and enter the following orders without further direction of a Judge:

- (a) Orders specifically appointing persons to serve process in accordance with Fed. R. Civ. P. 4;
- (b) Orders on consent noting satisfaction of a judgment, providing for the payment of money, withdrawing stipulations, annulling bonds, exonerating sureties, or setting aside a default;
- (c) Orders of dismissal on consent, with or without prejudice, except in cases to which Fed. R. Civ. P. 23, 23.1, or 66 apply;
- (d) Orders establishing a schedule for case management in accordance with Civil L.R. 16;
- (e) Orders relating or reassigning cases on behalf of the Executive Committee; and
- (f) Orders taxing costs pursuant to Civil L.R. 54-4.

Cross Reference

See ADR L.R. 4-11(d) “*Nonbinding Arbitration; Entry of Judgment on Award.*”

77-8. Complaints Against Judges

Pursuant to 28 U.S.C. § ~~372(e)~~351(a), any person alleging that a Judge of this Court has engaged in conduct prejudicial to the effective and expeditious administration of the business of the Court, or alleging that a Judge is unable to discharge all of the duties of office by reason of mental or physical disability, may file with the Clerk of ~~the Court of~~for the United States Court of Appeals for the Ninth Circuit a written complaint containing a brief statement of the facts constituting such conduct. Upon request, ~~the~~ Clerk of this Court ~~must will~~ supply provide to any person wishing to file such a complaint:

- (a) A copy of the ~~Rules of the Judicial Council of the Ninth Circuit Governing Complaints of Judicial Misconduct or Disability~~Rules for Judicial-Conduct and Judicial-Disability Proceedings promulgated by the Judicial Conference of the United States, and the Ninth Circuit Judicial Council's Local Rules for Misconduct Proceedings, both of which are ~~both~~ available at: ca9.uscourts.gov/misconduct/judicial_misconduct.php;
- (b) A copy of the Ninth Circuit Judicial Council's ~~complaint form required by Rule 2(a); Ninth Circuit Judicial Council Rules for Complaints of Judicial Misconduct to be used for filing such a complaint;~~ and
- (c) A pre-addressed envelope to the Clerk of Court for the United States Court of Appeals for the Ninth Circuit~~Court of Appeals~~, marked "Complaint of Misconduct and/or Disability" pursuant to Rule 2(h), Rules of Judicial Council of Ninth Circuit Governing Complaints of Misconduct~~COMPLAINT OF MISCONDUCT~~ or "COMPLAINT OF DISABILITY." No judge's name may appear on the envelope.

79-4. Custody and Disposition of Exhibits and Transcripts

- (a) **Custody of Exhibits During Trial or Evidentiary Hearing.** Unless the Court directs otherwise, each exhibit admitted into evidence during a trial or other evidentiary proceeding shall be held in the custody of the Clerk.
- (b) **Removal of Exhibits Upon Conclusion of Proceeding.** ~~At~~ The Court will retain custody of admitted exhibits for 14 days after the conclusion of a proceeding ~~in this Court (e.g., receipt of a jury verdict).~~ During this 14 day period, exhibits will be available for public inspection. After this 14 day period expires, any exhibit placed in the custody of the Clerk pursuant to Civil L.R. 79-4(a) must be removed within 5 days by the party ~~which that~~ submitted it into evidence. Unless otherwise permitted by the Court, the party that submitted an exhibit into evidence must maintain custody of that exhibit no exhibit may be removed earlier than until:
- (1) 14 days after expiration of the time for filing a notice of appeal, if no notice of appeal is filed in the proceeding by any party; or
 - (2) 14 days after a mandate issues from the Court of Appeals, if an appeal was taken by any party to the proceeding.
- (c) **Disposition of Unclaimed Exhibits.** Unless otherwise directed by the Court, the Clerk may destroy or otherwise dispose of exhibits not reclaimed within 21 days after the time set for removal under this rule.

79-5. Filing Documents Under Seal in Civil Cases

- (a) Right of Access.** The public has a right of access to the Court’s files. This local rule applies in all instances where a party seeks to conceal information from the public by filing a document, or portions of a document, under seal. A party must explore all alternatives to filing documents under seal, minimize the number of documents filed under seal, and avoid wherever possible sealing entire documents (as opposed to merely redacting the truly sensitive information in a document).
- (b) Necessity of Filing a Motion to Seal.** A party must file a motion to seal a document at the same time that the party submits the document. Filing a motion to seal permits the party to provisionally file the document under seal, pending the Court’s ruling on the motion to seal. A party need not file a motion to seal if a federal statute or a prior court order in the same case expressly authorizes the party to file certain documents (or portions of documents) under seal.
- (c) Contents of Motion to Seal.** Reference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable. A motion to seal a party’s own document (as opposed to a document designated as confidential by another party, as discussed in subsection (f)) must be filed as an Administrative Motion to File Under Seal in conformance with Civil L.R. 7-11. This requirement applies even if the motion is joined by the opposing party. The motion must include the following:
- (1) a specific statement of the applicable legal standard and the reasons for keeping a document under seal, including an explanation of:
 - (i) the legitimate private or public interests that warrant sealing;
 - (ii) the injury that will result if sealing is denied; and
 - (iii) why a less restrictive alternative to sealing is not sufficient;
 - (2) evidentiary support from declarations where necessary; and
 - (3) a proposed order that is narrowly tailored to seal only the sealable material, and which lists in table format each document or portion thereof that is sought to be sealed.
- (d) Procedure for Filing Declarations or Exhibits.** Where the document to be sealed is a declaration or an exhibit to a document filed electronically, an otherwise blank page reading “EXHIBIT FILED UNDER SEAL” shall replace the exhibit in the document filed on the public docket, and the exhibit to be filed

under seal shall be filed separately as an attachment to the Administrative Motion to File Under Seal.

(e) Procedure for Filing Pleadings and Briefs. Only in rare circumstances should a party seek to file portions of a pleading or brief under seal. For redacted pleadings and briefs, the following procedure applies:

- (1) the party shall redact the confidential information from the pleading or brief filed on the public docket; and
- (2) the party shall file the unredacted pleading or brief under seal, as an attachment to an Administrative Motion to File Under Seal. The unredacted version must include the phrase “FILED UNDER SEAL” prominently marked on the first page and must highlight the portions for which sealing is sought.

Motions to seal entire pleadings or briefs are strongly disfavored and will be granted only in extraordinary circumstances.

(f) Motion to Consider Whether Another Party’s Material Should be Sealed. For any document a party (“Filing Party”) seeks to seal because that document has been designated as confidential by another party or non-party (the “Designating Party”), the Filing Party must, instead of filing an Administrative Motion to File Under Seal, file an Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed.

- (1) This motion must identify each document or portions thereof for which sealing is sought, but the Filing Party need not satisfy the showing required in subsection (c)(1) above.
- (2) In the event the Designating Party is not an ECF user in the case, the Filing Party must serve the motion on the Designating Party the same day the motion is filed.
- (3) Within 7 days of the motion’s filing, the Designating Party must file a statement and/or declaration as described in subsection (c)(1). A failure to file a statement or declaration may result in the unsealing of the provisionally sealed document without further notice to the Designating Party.
- (4) If any party wishes to file a response, it must do so no later than 4 days after the Designating Party files its statement and/or declaration. Responses may not exceed 5 pages absent leave of the Court.
- (5) In the event a single document contains various portions that more than one party bears the burden of showing is sealable, the filing party must file

separate motions pursuant to 79-5(c) and 79-5(f) as appropriate. Each party must then satisfy its own burden with respect to that portion of the document that it seeks to seal.

- (6) Additionally, overly broad requests to seal may result in the denial of the motion.

(g) Effect and Duration of Court’s Ruling on Motion to Seal.

- (1) When the Court grants a motion to seal or otherwise permits a document to remain under seal, the document will remain under seal until further order of the Court.
- (2) When the Court denies a motion to seal, it will determine whether to consider the information sought for sealing and require its public filing, permit its withdrawal without considering the information, or order any other disposition it deems proper.
- (3) Parties or non-parties may, at any time, file a motion requesting that the Court unseal a document. If a motion to unseal is filed more than 3 years after the case is closed, there will be a strong presumption that the document will be unsealed.

(h) Manual Filing of Sealed Documents. When a pro se party who is not an e-filer wishes to manually file a document under seal, the pro se party shall place the document and the Administrative Motion to File Under Seal in a sealed envelope, marked with the case caption and the phrase “FILED UNDER SEAL.”

83-2. Procedure for Public Comment on Local Rules

- (a) **Public Submissions.** Any person may submit written suggestions for amendments to the local rules at any time. Such suggestions shall be directed to the Chief Judge, who will refer the matter to the Local Rules Committee for consideration, unless the circumstances warrant putting the matter immediately before the full Court.
- (b) **Publication.** Before becoming effective, any proposed substantive modification of the local rules shall be subject to public comment in accordance with Fed. R. Civ. P. 83 and posted on the Court's website. Proposed amendments for form, style, grammar, ~~or~~ consistency, and/or any other non-substantive modifications, need not be submitted for public comment.

Proposed Modifications to Civil Local Rules (Clean Copy)

1-2. Scope, Purpose and Construction

- (a) **Scope.** These local rules are promulgated pursuant to 28 U.S.C. § 2071 and Fed. R. Civ. P. 83. They apply to civil actions filed in this Court. The Court also has promulgated separate local rules in the following subject areas:
- (1) Admiralty and Maritime;
 - (2) Alternative Dispute Resolution;
 - (3) Bankruptcy;
 - (4) Criminal Proceedings;
 - (5) Habeas Corpus Petitions; and
 - (6) Patent.
- (b) **Supplement to Federal Rules.** These local rules supplement the applicable Federal Rules. They shall be construed so as to be consistent with the Federal Rules and to promote the just, efficient, speedy, and economical determination of every action and proceeding.
- (c) **Temporary Suspension of Local Rules.** Any of these Local Rules may be temporarily suspended for good cause by General Order or by Order of the Chief Judge.

3-2. Commencement and Assignment of Action

- (a) **Civil Cover Sheet.** Every complaint, petition, or other paper initiating a civil action (except for pro se prisoner complaints and petitions) must be filed with a completed civil cover sheet on a form approved by the Court.

Cross Reference

See Civil L.R. 3-6(b) “*Jury Demand; Marking of Civil Cover Sheet Insufficient;*”
Civil L.R. 3-7(a) “*Civil Cover Sheet Requirement in Private Securities Actions*”

- (b) **Commencement of Action.** An action may be commenced within the meaning of Fed. R. Civ. P. 3 at any office of the Clerk for this district. In cases that permit or require manual filing, once an action is commenced, subsequent manual filings may be made in any division within the district, except that manual filings in matters assigned to the San Francisco, San Jose, or Oakland divisions may not be filed in the Eureka-McKinleyville division.
- (c) **Assignment to a Division.** The Clerk shall assign civil actions and proceedings pursuant to the Court’s Assignment Plan (General Order No. 44). For those case categories which are not district-wide, the Clerk shall assign the case to the court division serving the county in which the action arises. A civil action arises in the county where a substantial part of the events or omissions giving rise to the claim occurred, or where a substantial part of the property that is the subject of the action is situated.
- (d) **San Francisco and Oakland.** Except as provided in Civil L.R. 3-2(c), all civil actions that arise in the counties of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo or Sonoma shall be assigned to the San Francisco Division or the Oakland Division.
- (e) **San Jose.** Except as provided in Civil L.R. 3-2(c), all civil actions that arise in the counties of Santa Clara, Santa Cruz, San Benito or Monterey shall be assigned to the San Jose Division.
- (f) **Eureka.** Except as provided in Civil L.R. 3-2(c), all civil actions that arise in the counties of Del Norte, Humboldt, Lake, and Mendocino, except for cases not assigned to the magistrate judges pursuant to the Court’s Assignment Plan, shall be assigned to the Eureka Division.

Cross Reference

See General Order No. 44, Assignment Plan.

- (g) **Assignment of Action to the Eureka Division.** All cases assigned to the Eureka Division shall be assigned to the full-time magistrate judge presiding in that division. Such assignments are subject to the provisions of Civil L.R. 73 and require the consent of the parties. Any case for which all parties do not consent will be reassigned to a district judge in the San Francisco, Oakland, or San Jose division.
- (h) **Transfer of Actions and Proceedings.** Whenever a Judge finds, upon the Judge’s own motion or the motion of any party, that (1) a civil action has not been assigned to the proper division within this district in accordance with this rule, or (2) that the convenience of the parties and witnesses and the interests of justice will be served by transferring the action to a different division within the district, the Judge may order such transfer, subject to the provisions of the Court’s Assignment Plan.

3-4. Papers Presented for Filing

(a) **First Page Requirements.** The first page of each paper presented for filing must set forth:

- (1) The name, address, telephone number, email address, and state bar number of counsel (or, if pro se, the name, address, telephone number, and email address of the party) presenting the paper for filing. This information must appear in the upper left hand corner and must indicate the party represented by name as well as that party's status in the litigation (i.e., plaintiff, defendant, etc.). In multiparty actions or proceedings, reference may be made to the signature page for the complete list of parties represented;

Cross Reference

See Civil L.R. 3-9 "*Parties*"; Civil L. R. 3-11 "*Failure to Notify of Address Change*;" and Civil L.R. 11-3(e) "*Appearances and Service on Local Co-Counsel*."

- (2) If not proceeding pro se and if proceeding *pro hac vice* in conformity with Civil L.R. 11-3, following the information required in Civil L.R. 3-4(a)(1), the name, address, telephone and state bar number of the member of the bar of the Court who maintains an office within the State of California; and
 - (3) Commencing on the eighth line of the page (except where additional space is required for counsel identification) there must appear:
 - (A) The title of this Court, including the appropriate division or location;
 - (B) The title of the action;
 - (C) The case number of the action followed by the initials of the assigned District Judge or Magistrate Judge and, if applicable, the initials of the Magistrate Judge to whom the action is referred for discovery or other pretrial activity;
 - (D) A title describing the paper; and
 - (E) Any other matter required by Civil L.R. 3.
 - (4) Any complaint or Notice of Removal of Action seeking review of federal agency determinations in immigration cases, Privacy Act cases, or Administrative Procedure Act cases must include, under the title of the document, whichever of the following is applicable: "Immigration Case," "Privacy Act Case," or "Administrative Procedure Act Case."
 - (5) **Presentation of Class Action.** If any complaint, counterclaim or cross-claim is sought to be maintained as a class action, it must bear the legend "Class Action" on its first page below the title describing the paper as a complaint, counterclaim or cross-claim.
- (b) **Caption for Consolidated Cases.** When filing papers in cases consolidated pursuant to Fed. R. Civ. P. 42, the caption of each paper must denote the lead case number above all consolidated case numbers. Duplicate originals, however, are not required for associated cases.
- (c) **General Requirements**
- (1) **Paper.** Papers presented for manual filing must be on 8½ inch by 11 inch white paper with numbered lines, and must be flat, unfolded (unless necessary for the presentation of exhibits), without back or cover, and firmly bound.

- (2) **Written Text.** Text must appear on one side only and must be double-spaced with no more than 28 lines per page, except for the identification of counsel, title of the case, footnotes, and quotations. Text, including footnotes and quotations, must be:
 - (A) in a standard font (e.g., Times New Roman or Courier);
 - (B) in 12 point type or larger;
 - (C) spaced proportionally; and
 - (D) spaced no more than 10 characters per horizontal inch.
- (3) **Identification of Paper.** Except for exhibits, each paper filed with the Court must bear a footer on the lower margin of each page stating the title of the paper (e.g., “Complaint,” “Defendant’s Motion for Summary Judgment,” etc.) or some clear and concise abbreviation. Once the Court assigns a case number to the action, that case number must be included in the footer.

Commentary

When a case is first filed, the footer on each page of the complaint need only bear the title of the paper (e.g., “Complaint”), but after assignment of a case number on filing, that number must be included in footers on any subsequently prepared papers (e.g., “Defendant’s Motion for Summary Judgment – 21-cv-12345-ABC.”)

- (d) **Citation to Authorities.** Unless otherwise directed by the assigned Judge, citation to authorities in any paper must include:
 - (1) In any citation to an Act of Congress, a parallel citation to the United States Code by title, section and date;
 - (2) In any citation to U.S. regulations, a citation to the Code of Federal Regulations by title and section, and the date of promulgation of the regulation;
 - (3) In any citation to a U.S. Supreme Court Case, a citation to United States Reports, Lawyers’ Edition, or Supreme Court Reporter. If the case is not yet available in any of those formats but is available on electronic databases, citation must indicate the database, year, and any screen or page numbers, if assigned;
 - (4) In any citation to other federal courts, unless an alternate reporting service is widely available, a citation to the Federal Reporter, Federal Supplement, or Federal Rules Decisions must be used. If the case is not yet available in those formats but is available on electronic databases, citation must indicate the database, year, and any screen or page numbers, if assigned; and
 - (5) In any citation to a state court, citations must include either the official reports or any official regional reporting service (e.g., West Publishing). If the case is not yet available in those formats but is available on electronic databases, citation must indicate the database, year, and any screen or page numbers, if assigned.
- (e) **Prohibition of Citation to Uncertified Opinion or Order.** Any order or opinion that is designated: “NOT FOR CITATION,” pursuant to Civil L.R. 7-14 or pursuant to a similar rule of any other issuing court, may not be cited to this Court, either in written submissions or oral argument, except when relevant under the doctrines of law of the case, res judicata, or collateral estoppel.

Cross Reference

See Civil L.R. 7-14 “*Designation ‘Not For Citation’.*” See also Ninth Circuit Court of Appeals Rule 36-3.

5-1. Electronic Case Filing

- (a) **Electronic Filing, Signing, or Verification.** Pursuant to Fed. R. Civ. P. 5(d)(3), papers may be filed, signed, or verified by electronic means.
- (b) **Cases and Parties Subject to Electronic Filing.** All cases, except where exempted by court order, are designated for participation in the Court's Electronic Case Filing ("ECF") system. Documents in sealed cases must be filed according to procedures established by the Clerk's Office and published on the Court's website. Sealed documents within unsealed cases shall be filed electronically, in compliance with Civil L.R. 79-5. Pro se parties must file case-initiating documents manually. After manually filing case-initiating documents, pro se parties may file subsequent documents in the case manually, or may register for ECF and file subsequent documents electronically. Parties represented by counsel in a case involving a pro se party must file documents electronically and serve them manually on the pro se party, unless the pro se party is a registered ECF user.

Commentary

Procedures and instructions for using the Court's ECF system consistent with these policies may be found on the Court's ECF webpage at cand.uscourts.gov/cases-e-filing/cm-ecf/. In addition to providing access to filing and retrieval of documents, the ECF webpage also contains instructions, a user manual, tutorials, an extensive listing of Frequently Asked Questions ("FAQs"), and information regarding changes in the ECF system, among other items. The initial point of contact for anyone having trouble filing a document on the ECF system is the email address or toll-free number posted on the Court's ECF webpage.

(c) Registration, Appearance and Access

- (1) **Attorney's Obligation to Register.** Each attorney of record is obligated to become an ECF user and obtain a user ID and password for access to the system upon filing a case in this district or before e-filing a document in an existing case in this district. Registration shall be on a form prescribed by the Clerk, which can be found on the ECF webpage at cand.uscourts.gov/cases-e-filing/cm-ecf/.
- (2) **Notice of Appearance**
 - (A) A Notice of Appearance must be e-filed whenever counsel joins a case.
 - (B) If counsel from the same firm replace one another as the representative of a client, a Notice of Substitution of Counsel must be e-filed.
 - (C) If a particular counsel ceases to be involved with a case when the party is still represented by other counsel, a Notice of Change in Counsel must be e-filed.
 - (D) The withdrawal of a party's sole remaining counsel is governed by Civil L.R. 11-5 and requires an order of the Court.
 - (E) The replacement of one firm by another as counsel for a party is governed by Civil L.R. 11-5 and requires an order of the Court.
- (3) **Obligation to Keep Account Information Current.** An ECF user ID and password is the equivalent of a permanent, individual electronic signature for a registered attorney. Registered attorneys are required to keep their contact information current and may update their email address online via the ECF webpage.

- (4) **Authorizing Use of User ID and Password by Others.** An ECF user may authorize another person to electronically file a document using the user ID and password of the ECF user. Nevertheless, the ECF user retains full responsibility for any document so filed.
- (5) **Access**
- (A) **Filing.** Only the attorney-of-record as described in section (c)(1), a person authorized by the attorney-of-record as described in section (c)(4), or a pro se party who has registered for ECF as described in section (b) may electronically file documents.
- (B) **Retrieval.** Any person may review at the Clerk's Office all filings, electronic or paper, that have not been sealed by the Court. Any ECF user also may access the ECF system and retrieve electronically filed documents that are not sealed, with the following exception:
- (i) **Exception.** Only counsel for a party, or a pro se party who is an ECF user, may access the ECF system and retrieve any electronically filed document in a Social Security appeal or certain immigration cases pursuant to Fed. R. Civ. P. 5.2(c). Any other ECF user may access and retrieve electronically only the docket for the case and any orders entered by the Court. Any person may have access to the full record at the Clerk's Office.

Commentary

Anyone who is a PACER user (even if not an ECF user) may retrieve publicly available documents in any case electronically filed in this district or nationwide.

(d) Filing and Service of Pleadings

- (1) **Filing Initiating Documents.** Except for cases filed by a pro se party who is not a registered e-filer, all civil complaints and other case initiating documents in civil cases must be filed electronically.
- (2) **Service and Answer.** After a defendant or third-party defendant has been served, defendant's counsel shall register to become an ECF user following the procedures outlined on the ECF webpage, and shall file the responsive pleading electronically. If the defendant or third-party defendant is pro se and is not a registered ECF user, the responsive pleading must be filed and served manually.

Cross Reference

See Civil L.R. 5-1(i) for rules governing the filing of documents with signatures other than those of the e-filer.

- (3) **Completion of Filing.** Electronic transmission of a document in compliance with court procedures shall, upon receipt by the Clerk of the entire document and the sending of a Notice of Electronic Filing ("NEF") by the ECF system, constitute filing of the document for all purposes and shall constitute entry of that document on the docket maintained by the Clerk pursuant to Fed. R. Civ. P. 58 and 79, and Fed. R. Crim. P. 49 and 55.
- (4) **Deadlines.** All electronic filings of documents must be completed as described in Civil L.R. 5-1(e)(3) prior to midnight in order to be considered timely filed that day.
- (5) **Technical Failure.** The Clerk shall deem the ECF system to be subject to a technical failure on a given day if the system is unable to accept filings continuously or intermittently over the course of any period of time greater than one hour after 12:00 noon that day. Filings due on the day of a technical failure

which were not filed solely due to such technical failure shall be due the next court day. Such delayed filings shall be accompanied by a declaration or affidavit attesting to the filer's failed attempts to file electronically at least two times after 12:00 noon separated by at least one hour on each day of delay due to such technical failure.

- (6) **Docket.** The record of filings and entries created by the ECF system for each case shall constitute the docket for that case.

Commentary

In addition to receiving email notifications of filing activity, parties are encouraged to check the docket in their case on the ECF system at regular intervals.

- (7) **Chambers Copies.** No chambers copy or "courtesy copy" of an electronically-filed document shall be submitted to the Court, unless required by a standing order of the assigned judge or requested by the assigned judge in a particular case.

(e) **Manual Filing**

Some types of documents shall only be filed manually and not electronically unless specifically authorized by the Court. A list of such documents may be found on the ECF webpage. Such documents shall be manually filed with the Clerk and served upon the parties in accordance with the applicable Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, and Local Rules for filing and service of paper documents. Parties manually filing a document shall file electronically a Manual Filing Notification.

(f) **Proposed Orders**

Proposed orders submitted by an ECF user in an ECF case shall be filed in PDF format, and attached to the applicable motion or other document. In addition, proposed orders shall be submitted in a standard word processing format (such as Microsoft Word) to the specific address on the Court's website for emailing proposed orders to the assigned judge. Proposed orders must conform to the requirements of the assigned judge's standing orders.

(g) **Service of Electronically Filed Documents**

- (1) **Generally.** Upon the filing of a document by a party, the ECF system will send to the registered attorneys for all parties in the case a Notice of Electronic Filing, which constitutes service on the receiving party. Exceptions to this are electronically filed civil complaints and other case-initiating documents, which must be served manually.

Cross Reference

See Civil L.R. 7-3 for rules for calculating due dates for opposition and reply briefs.

- (2) **Service on Parties Who Have Not Registered as ECF Users.** When service of a document, other than a complaint or third-party complaint, is required to be made upon a person who is not a registered ECF user in that case, a paper copy of the document shall be served on the person (as otherwise required or permitted by the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, and Local Rules). Service of these documents may alternatively be made by electronic means (e.g., email) if the recipient consented in writing to such service.
- (3) **Service of the Court's Orders.** Orders filed by the Court in non-sealed cases will be served only via the emailed Notice of Electronic Filing. No manual

service will be made by the Court except on a pro se party who is not an ECF user in a particular case.

(h) Signatures

- (1) Generally.** A document electronically filed with the Court shall be deemed to be signed by the person (“Signatory”) when the document identifies the person as a Signatory and the filing complies with either subsection (2) or (3). Any filing in accordance with any of these methods shall bind the Signatory as if the document was physically signed and filed, and shall function as the Signatory’s signature whether for purposes of Rule 11 of the Federal Rules of Civil Procedure, to attest to the truthfulness of an affidavit or declaration, or for any other purpose.
- (2) ECF Users.** In the case of a Signatory who is an ECF user, such document shall be deemed signed, regardless of the existence of a physical signature on the document, provided that such document is filed using the user ID and password of the Signatory.
- (3) Others.** In the case of a Signatory who is not an ECF user, or who is an ECF user but whose user ID and password are not utilized in the electronic filing of the document (as in the case of documents requiring multiple signatures), the filer of the document shall attest that each of the other Signatories have concurred in the filing of the document, which shall serve in lieu of their signatures on the document. The filer’s attestation may be incorporated into the document itself, or take the form of a declaration attached to the document. The filer shall maintain records to support this concurrence for subsequent production for the Court, if so ordered, or for inspection upon request by a party, until one year after the final resolution of the action (including appeal, if any). The filer may attach a scanned image of the signature page of the document being electronically filed in lieu of maintaining the paper record for subsequent production if required.
- (4) Criminal Cases.** Notwithstanding the provisions of section 5-1(e)(3), in a criminal case, any document signed by a criminal defendant and any document containing multiple signatures shall be scanned in its entirety to ensure that all signatures are visible. Certain documents that may be used by various agencies shall also be scanned in their entirety; a list of such documents may be found on the ECF webpage.

(i) Sanctions for Non-Compliance

Failure of counsel to timely register or otherwise comply with ECF filing requirements may result in sanctions as the Court deems appropriate.

5-2. Manual Filing [Withdrawn]

11-1. The Bar of this Court

- (a) **Members of the Bar.** Except as provided in Civil L.R. 11-2, 11-3, and 11-9, and Fed. R. Civ. P. 45(f), an attorney must be a member of the bar of this Court to practice in this Court and in the Bankruptcy Court of this District.
- (b) **Eligibility for Membership.** To be eligible for admission to and continuing membership in the bar of this Court, an attorney must be an active member in good standing of the State Bar of California. For any attorney admitted to the bar of this court before September 1, 1995 based on membership in the bar of a jurisdiction other than California, continuing membership in the bar of that jurisdiction is an acceptable alternative basis for eligibility.
- (c) **Procedure for Admission.** Each applicant for admission must present to the Clerk a sworn petition for admission in the form prescribed by the Court. Prior to admission to the bar of this Court, an attorney must certify:
 - (1) Knowledge of the contents of the Federal Rules of Civil and Criminal Procedure and Evidence, the Rules of the United States Court of Appeals for the Ninth Circuit, and the Local Rules of this Court;
 - (2) Familiarity with the Alternative Dispute Resolution Programs of this Court;
 - (3) Understanding and commitment to abide by the Standards of Professional Conduct of this Court set forth in Civil L.R. 11-4; and
 - (4) Familiarity with the Guidelines for Professional Conduct in the Northern District of California.
- (d) **Admission Fees.** Each attorney admitted to practice before this Court under this Local Rule must pay to the Clerk the fee fixed by the Judicial Conference of the United States, together with an assessment in an amount to be set by the Court. The assessment will be placed in the Court Non-Appropriated Fund for library, educational, and other appropriate uses.
- (e) **Admission.** The Clerk or a Judge may admit an applicant to the bar of the Court after the applicant signs the prescribed oath and pays the prescribed fees, and after the Clerk verifies the applicant's qualifications.
- (f) **Certificate of Good Standing.** A member of the bar of this Court who is in good standing may obtain a Certificate of Good Standing by presenting a written request to the Clerk and paying the prescribed fee.
- (g) **Reciprocal Administrative Change in Attorney Status.** Upon notice from the State Bar of California (or the bar of another jurisdiction that is the basis for membership in the bar of this Court) that an attorney is deceased, has been placed on "voluntary inactive" status, or has resigned for reasons not relating to discipline, the Clerk will note "deceased," "resigned," or "voluntary inactive," as appropriate, on the attorney's admission record. An attorney on "voluntary inactive" status will remain inactive on the roll of this Court until such time as the State Bar or the attorney has notified the Court that the attorney has been restored to "active" status. An attorney who has resigned and wishes to be readmitted must petition the Court for admission in accordance with subparagraphs (c) and (d) of this Rule.
 - (1) The following procedure will apply to actions taken in response to information provided by the State Bar of California (or by another jurisdiction that is the basis for membership in the bar of this Court) of a suspension for (a) a period of less than 30 days for any reason or (b) a change in an attorney's status that is temporary in nature and may be reversed solely by the attorney's execution of one or more administrative actions. Upon receipt of notification from the State

Bar that an attorney has been suspended for any of the following, the Clerk will note the suspension on the attorney's admission record:

- (A) Noncompliance with Rule 9.22 child and family support;
- (B) Failure to pass PRE;
- (C) Failure to pay bar dues;
- (D) Failure to submit documentation of compliance with continuing education requirements.

While suspended, an attorney is not eligible to practice in this Court or in the Bankruptcy Court of this District. In the event that an attorney files papers or otherwise practices law in this Court or in the Bankruptcy Court while an administrative notation of suspension is pending on the attorney's admission record, the Clerk will verify the attorney's disciplinary status with the State Bar (or other jurisdiction, if applicable). If the attorney is not then active and in good standing, the Chief District Judge will issue to the attorney an order to show cause in accordance with Civil L.R. 11-7(b)(1).

Upon receipt by the Court of notification from the State Bar that the attorney's active status has been restored, the reinstatement will be noted on the attorney's admission record.

- (2) In response to information provided by the State Bar of California (or other jurisdiction that is the basis for membership in the bar of this Court) that an attorney has been placed on disciplinary probation but is still allowed to practice, the Clerk will note the status change on the attorney's admission record. An attorney with that status must, in addition to providing the notice to the Clerk required by Civil L.R. 11-7(a)(1), report to the Clerk all significant developments related to the probationary status. Upon receipt by the Court of notification from the State Bar that the attorney's good standing has been restored, the change will be noted on the attorney's admission record.

11-3. Pro Hac Vice

- (a) **Application.** An attorney who is not a member of the bar of this Court may apply to appear pro hac vice in a particular action in this district by submitting to the Clerk, together with the written application, a true and correct copy of a certificate of good standing or other similar official document issued by the appropriate authority governing attorney admissions for the relevant bar. Said certificate or other document must be dated no more than one year prior to the date of application for admission. The applicant must also submit an oath certifying the following:
- (1) That he or she is an active member in good standing of the bar of a United States Court or of the highest court of another State or the District of Columbia, specifying such bar;
 - (2) That he or she agrees to abide by the Standards of Professional Conduct set forth in Civil L.R. 11-4, and to become familiar with the Local Rules and Alternative Dispute Resolution Programs of this Court and, where applicable, with the Bankruptcy Local Rules;
 - (3) That an attorney, identified by name and office address, who is a member of the bar of this Court in good standing and who maintains an office within the State of California, is designated as co-counsel; and
 - (4) The number of times the applicant has been granted pro hac vice admission by the Court in the 12 months preceding the application
- (b) **Time of Application.** An attorney seeking to appear pro hac vice must submit the application and admission fee at the time of the filing of a complaint or other first appearance in the case. A failure to meet this deadline may result in denial of the application.
- (c) **Disqualification from Pro Hac Vice Appearance.** Unless authorized by an Act of Congress or by an order of the assigned judge, an applicant is not eligible for permission to practice pro hac vice if the applicant:
- (1) Resides in the State of California; or
 - (2) Is regularly engaged in the practice of law in the State of California.
- This disqualification shall not be applicable if the pro hac vice applicant (i) has been a resident of California for less than one year; (ii) has registered with, and completed all required applications for admission to, the State Bar of California; and (iii) has officially registered to take or is awaiting his or her results from the California State Bar exam.
- (d) **Approval.** The Clerk shall present the application to the assigned judge for approval. The assigned judge shall have discretion to accept or reject the application, or excuse the admission fee.
- (e) **Admission Fee.** At the time the application is submitted, an attorney requesting to practice under Civil L.R. 11-3 must pay to the Clerk the Pro Hac Vice admission fee set by the Court's fee schedule, available at cand.uscourts.gov/court-fees. The Clerk will not present an application to the assigned judge unless the filing fee has been paid or a request to waive the filing

fee has been submitted. The fee will be placed in the Court's Non-Appropriated Fund for library, educational, and other appropriate uses. If the assigned judge rejects the application, the fee will be refunded at the attorney's request.

- (f) **Appearances and Service on Local Co-Counsel.** All papers filed by the attorney must indicate appearance pro hac vice. Service of papers on and communications with local co-counsel designated pursuant to Civil L.R. 11-3(a)(3) shall constitute notice to the party.

11-6. Discipline

- (a) **General.** In the event that a Judge has cause to believe that an attorney (as defined in subsection (b) below) has engaged in unprofessional conduct, the Judge may, in addition to any action authorized by applicable law, do either or both of the following:
 - (1) Refer the matter to the Court's Standing Committee on Professional Conduct; or
 - (2) Refer the matter to the Chief District Judge. If the alleged unprofessional conduct arises in the Bankruptcy Court, the Judge shall first refer the matter to the Chief Bankruptcy Judge, who may in turn refer it to the Chief District Judge.
- (b) **"Attorney" Defined.** For purposes of Civil L.R. 11-6, the term "attorney" refers to any attorney who is or has been admitted to practice in any State, or admitted to membership in the bar of this Court, or admitted to practice in this Court pro hac vice pursuant to Civil L.R. 11-3. The term "attorney" may include law corporations and partnerships, when the alleged conduct occurs in the course and scope of employment by the corporation or partnership.
- (c) **Standing Committee on Professional Conduct.** The Court will appoint, as special counsel for disciplinary proceedings pending before the Court, a Standing Committee on Professional Conduct consisting of a minimum of 7 and a maximum of 11 members, depending on the number of disciplinary matters referred to or active before the committee, and the Chief District Judge will designate one of the members to serve as Chair. All members of the Standing Committee must be members in good standing of the bar who practice regularly in this court. Members shall serve staggered 4-year terms in 2 approximately equal groups, such that the members of one group are replaced or reappointed every 2 years. The Standing Committee may organize itself and conduct its affairs by subcommittees of one or more members as it deems advisable. All final actions of the Standing Committee require a majority vote. The Standing Committee will submit a confidential report of its activities annually to the Clerk, the Chief District Judge, the Clerk of the Bankruptcy Court and Chief Bankruptcy Judge and the Professional Conduct Liaison Judge.
- (d) **Professional Conduct Liaison Judge.** The Chief District Judge shall appoint a District Judge to oversee the administration of this Local Rule and to serve as liaison to the Standing Committee. The Chief District Judge may delegate some or all of the powers of the Chief District Judge under this rule to the Professional Conduct Liaison Judge.
- (e) **Matters Referred To The Standing Committee.** Any Judge may enter an order of referral to the Standing Committee on Professional Conduct to initiate an investigation into a charge or information that a member of the bar of this Court, an attorney appearing pro hac vice, or an attorney employed or retained by the United States (see Civil L.R. 11-2) has engaged in unprofessional conduct in the practice of law before this Court. The Alternative Dispute Resolution Magistrate Judge may enter an order of referral based upon information provided by, and at the request of, the Alternative Dispute Resolution Department. An order of referral to the Standing Committee on Professional Conduct may be made on the public docket of an active case or may be directed to the Clerk confidentially without a case number, with a copy of the referral order served by U.S. Mail or by electronic mail on the subject attorney. Upon receipt of an order of referral, the Clerk will open a new miscellaneous case under seal, file the original order of referral and any accompanying exhibits thereto, and transmit a copy to the chair of the Standing

Committee. Unless otherwise directed by the Court, the Standing Committee shall investigate the alleged or suspected unprofessional conduct in accordance with the following procedures:

- (1) Investigations shall be conducted formally or informally as the Standing Committee deems appropriate to the circumstances of the case. Investigations shall be confidential unless the Professional Conduct Liaison Judge, upon application by the Standing Committee or the attorney who is subject to the investigation, determines that there is a compelling reason to make the matter public.
- (2) At the written request of the Standing Committee, the Chief District Judge may direct the issuance of subpoenas and subpoenas duces tecum.
- (3) At the conclusion of its investigation, the Standing Committee may, if it deems appropriate, finally resolve any referred matter informally or by consent; if the attorney who was the subject of the investigation has admitted unprofessional conduct, however, the Standing Committee should obtain a written consent specifying a remedial plan. The Standing Committee shall prepare a final report summarizing its proceedings, its findings, any informal or stipulated resolution and its recommendation, if any, to the Court. If the Standing Committee's determination is to file a petition for formal discipline, it shall so state in the final report. The final report shall be marked "CONFIDENTIAL: ATTORNEY DISCIPLINE MATTER" and shall include a proposed order directing the Clerk to close the file. The Standing Committee shall direct the original final report to the Chief District Judge and a copy to the referring Judge. Upon filing the final report and closing the file, the Clerk shall serve the final report on the attorney under investigation.
- (4) If a majority of the members determine that public reprimand, suspension, disbarment, monetary sanctions or other formal discipline is warranted, and the respondent attorney does not consent, the Standing Committee shall institute a disciplinary proceeding by filing with the Clerk a sealed petition that specifies the alleged misconduct. Upon the filing of the petition, the Clerk shall assign a new civil case number to the matter and shall randomly assign it to a District Judge other than the referring Judge or the Professional Conduct Liaison Judge in the same manner as any other sealed civil action or proceeding. Unless otherwise directed by the assigned Judge, the proceeding shall then be presented by one or more members of the Standing Committee. For a matter arising in the Bankruptcy Court of this District, the assigned Judge may, sua sponte or upon motion by the respondent attorney, refer the matter to the Clerk of the Bankruptcy Court for assignment to a Bankruptcy Judge, other than the referring Judge, for hearing and a report and recommendation.
- (5) After a civil case is assigned under subsection (4) above, the assigned Judge shall issue an order to show cause setting a date for hearing, addressed to the respondent attorney, requiring the attorney to appear and show cause why he or she should not be disciplined as stated in the Judge's order. The order shall direct that a copy thereof, together with a copy of the petition, be served on the respondent in a manner permitted by Fed. R. Civ. P. 5(b) not less than 35 days in advance of the date specified for hearing. Any response must be filed no more than 14 days later. In the event the matter cannot be resolved solely based on the petition, response, and hearing thereon, the Judge may order such additional proceedings as the circumstances warrant. Written findings of fact and an order based thereon shall be filed by the Judge when dismissing the proceeding or when imposing discipline. Documents presented for manual

filing in the case shall be marked “CONFIDENTIAL: ATTORNEY DISCIPLINE MATTER.” The entire case shall be maintained under seal and court proceedings shall be closed to the public unless, upon written motion from either the Standing Committee or the respondent attorney, the Judge determines that the interests of justice would be best be served by opening all or part of the proceedings to the public. The Judge’s final order, if imposing discipline, together with portions of the file deemed by the Judge to be appropriate for public disclosure, will be unsealed and made accessible to the public on the Court’s website and any other means ordered by the Judge and will be disseminated to the Judges of the Northern District of California by the Clerk 7 days after the final order is filed, absent an extension by the Court. An order imposing discipline under this Rule may be appealed to the Court of Appeals.

- (6) Records other than court files, such as the confidential reports of the Standing Committee, shall be maintained as directed by the Chief District Judge.
 - (7) After an order imposing discipline is filed, the Standing Committee may provide the Clerk with a list of other courts before which the Standing Committee knows the respondent attorney to have been admitted to practice. The list shall be compiled from information obtained in the course of the Standing Committee’s work on the case, and shall not require a separate investigation. The Clerk shall give prompt notice of the order of discipline to the disciplinary body of each such court.
- (f) **Costs.** Out-of-pocket expenses necessarily incurred by the Standing Committee in carrying out its responsibilities under these rules, if presented for reimbursement within 90 days of the conclusion of the proceeding, will be paid by the Court.

65-1. Temporary Restraining Orders

- (a) **Documentation Required.** A motion for temporary restraining order must be accompanied by:
 - (1) A copy of the complaint;
 - (2) A separate memorandum of points and authorities in support of the motion;
 - (3) The proposed temporary restraining order and order to show cause;
 - (4) Other supporting documents that the party wishes the Court to consider; and
 - (5) A declaration by counsel certifying that notice has been provided in compliance with Civil L.R. 65-1(b), or explaining why such notice could not be provided.
- (b) **Notice.** Unless relieved by a Court order for good cause, before filing a motion for temporary restraining order, counsel for the movant (or the movant, if pro se) shall deliver notice of such motion to opposing counsel (or to the opposing party, if pro se).
- (c) **Form of Temporary Restraining Order.** The moving party must include both a proposed temporary restraining order and a proposed order to show cause setting the time and date for a hearing on a motion for preliminary injunction, which shall be scheduled pursuant to Fed. R. Civ. P. 65(b). Proposed orders submitted under this Rule must provide a place for the Judge to set a deadline by which the temporary restraining order and all supporting pleadings and papers must be served upon the adverse party.
- (d) **Notification to Clerk.**
 - (1) The filing party should alert the Court to the filing of a motion for temporary restraining order by emailing or calling the courtroom deputy clerk for the judge assigned to the case.
 - (2) Motions filed after hours or on weekends must follow instructions provided in ECF.

77-2. Orders Grantable by Clerk

The Clerk is authorized to sign and enter orders specifically allowed to be signed by the Clerk under the Federal Rules of Civil Procedure and these local rules. The Clerk may file such orders as effective on a previous date when appropriate and as permitted by law. In addition, the Clerk may sign and enter the following orders without further direction of a Judge:

- (a) Orders specifically appointing persons to serve process in accordance with Fed. R. Civ. P. 4;
- (b) Orders on consent noting satisfaction of a judgment, providing for the payment of money, withdrawing stipulations, annulling bonds, exonerating sureties, or setting aside a default;
- (c) Orders of dismissal on consent, with or without prejudice, except in cases to which Fed. R. Civ. P. 23, 23.1, or 66 apply;
- (d) Orders establishing a schedule for case management in accordance with Civil L.R. 16;
- (e) Orders relating or reassigning cases on behalf of the Executive Committee; and
- (f) Orders taxing costs pursuant to Civil L.R. 54-4.

Cross Reference

See ADR L.R. 4-11(d) "*Nonbinding Arbitration; Entry of Judgment on Award.*"

77-8. Complaints Against Judges

Pursuant to 28 U.S.C. § 351(a), any person alleging that a Judge of this Court has engaged in conduct prejudicial to the effective and expeditious administration of the business of the Court, or alleging that a Judge is unable to discharge all of the duties of office by reason of mental or physical disability, may file with the Clerk of Court for the United States Court of Appeals for the Ninth Circuit a written complaint containing a brief statement of the facts constituting such conduct. Upon request, the Clerk of this Court will provide to any person wishing to file such a complaint:

- (a)** A copy of the Rules for Judicial-Conduct and Judicial-Disability Proceedings promulgated by the Judicial Conference of the United States, and the Ninth Circuit Judicial Council's Local Rules for Misconduct Proceedings, both of which are available at: ca9.uscourts.gov/misconduct/judicial_misconduct.php;
- (b)** A copy of the Ninth Circuit Judicial Council's complaint form; and
- (c)** A pre-addressed envelope to the Clerk of Court for the United States Court of Appeals for the Ninth Circuit, marked "COMPLAINT OF MISCONDUCT" or "COMPLAINT OF DISABILITY." No judge's name may appear on the envelope.

79-4. Custody and Disposition of Exhibits and Transcripts

- (a) Custody of Exhibits During Trial or Evidentiary Hearing.** Unless the Court directs otherwise, each exhibit admitted into evidence during a trial or other evidentiary proceeding shall be held in the custody of the Clerk.
- (b) Removal of Exhibits Upon Conclusion of Proceeding.** The Court will retain custody of admitted exhibits for 14 days after the conclusion of a proceeding (e.g., receipt of a jury verdict). During this 14 day period, exhibits will be available for public inspection. After this 14 day period expires, any exhibit placed in the custody of the Clerk pursuant to Civil L.R. 79-4(a) must be removed within 5 days by the party that submitted it into evidence. Unless otherwise permitted by the Court, the party that submitted an exhibit into evidence must maintain custody of that exhibit until:

 - (1)** 14 days after expiration of the time for filing a notice of appeal, if no notice of appeal is filed in the proceeding by any party; or
 - (2)** 14 days after a mandate issues from the Court of Appeals, if an appeal was taken by any party to the proceeding.
- (c) Disposition of Unclaimed Exhibits.** Unless otherwise directed by the Court, the Clerk may destroy or otherwise dispose of exhibits not reclaimed within 21 days after the time set for removal under this rule.

79-5. Filing Documents Under Seal in Civil Cases

- (a) Right of Access.** The public has a right of access to the Court’s files. This local rule applies in all instances where a party seeks to conceal information from the public by filing a document, or portions of a document, under seal. A party must explore all alternatives to filing documents under seal, minimize the number of documents filed under seal, and avoid wherever possible sealing entire documents (as opposed to merely redacting the truly sensitive information in a document).
- (b) Necessity of Filing a Motion to Seal.** A party must file a motion to seal a document at the same time that the party submits the document. Filing a motion to seal permits the party to provisionally file the document under seal, pending the Court’s ruling on the motion to seal. A party need not file a motion to seal if a federal statute or a prior court order in the same case expressly authorizes the party to file certain documents (or portions of documents) under seal.
- (c) Contents of Motion to Seal.** Reference to a stipulation or protective order that allows a party to designate certain documents as confidential is not sufficient to establish that a document, or portions thereof, are sealable. A motion to seal a party’s own document (as opposed to a document designated as confidential by another party, as discussed in subsection (f)) must be filed as an Administrative Motion to File Under Seal in conformance with Civil L.R. 7-11. This requirement applies even if the motion is joined by the opposing party. The motion must include the following:
- (1) a specific statement of the applicable legal standard and the reasons for keeping a document under seal, including an explanation of:
 - (i) the legitimate private or public interests that warrant sealing;
 - (ii) the injury that will result if sealing is denied; and
 - (iii) why a less restrictive alternative to sealing is not sufficient;
 - (2) evidentiary support from declarations where necessary; and
 - (3) a proposed order that is narrowly tailored to seal only the sealable material, and which lists in table format each document or portion thereof that is sought to be sealed.
- (d) Procedure for Filing Declarations or Exhibits.** Where the document to be sealed is a declaration or an exhibit to a document filed electronically, an otherwise blank page reading “EXHIBIT FILED UNDER SEAL” shall replace the exhibit in the document filed on the public docket, and the exhibit to be filed

under seal shall be filed separately as an attachment to the Administrative Motion to File Under Seal.

(e) Procedure for Filing Pleadings and Briefs. Only in rare circumstances should a party seek to file portions of a pleading or brief under seal. For redacted pleadings and briefs, the following procedure applies:

- (1) the party shall redact the confidential information from the pleading or brief filed on the public docket; and
- (2) the party shall file the unredacted pleading or brief under seal, as an attachment to an Administrative Motion to File Under Seal. The unredacted version must include the phrase “FILED UNDER SEAL” prominently marked on the first page and must highlight the portions for which sealing is sought.

Motions to seal entire pleadings or briefs are strongly disfavored and will be granted only in extraordinary circumstances.

(f) Motion to Consider Whether Another Party’s Material Should be Sealed. For any document a party (“Filing Party”) seeks to seal because that document has been designated as confidential by another party or non-party (the “Designating Party”), the Filing Party must, instead of filing an Administrative Motion to File Under Seal, file an Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed.

- (1) This motion must identify each document or portions thereof for which sealing is sought, but the Filing Party need not satisfy the showing required in subsection (c)(1) above.
- (2) In the event the Designating Party is not an ECF user in the case, the Filing Party must serve the motion on the Designating Party the same day the motion is filed.
- (3) Within 7 days of the motion’s filing, the Designating Party must file a statement and/or declaration as described in subsection (c)(1). A failure to file a statement or declaration may result in the unsealing of the provisionally sealed document without further notice to the Designating Party.
- (4) If any party wishes to file a response, it must do so no later than 4 days after the Designating Party files its statement and/or declaration. Responses may not exceed 5 pages absent leave of the Court.
- (5) In the event a single document contains various portions that more than one party bears the burden of showing is sealable, the filing party must file

separate motions pursuant to 79-5(c) and 79-5(f) as appropriate. Each party must then satisfy its own burden with respect to that portion of the document that it seeks to seal.

- (6) Additionally, overly broad requests to seal may result in the denial of the motion.

(g) Effect and Duration of Court’s Ruling on Motion to Seal.

- (1) When the Court grants a motion to seal or otherwise permits a document to remain under seal, the document will remain under seal until further order of the Court.
- (2) When the Court denies a motion to seal, it will determine whether to consider the information sought for sealing and require its public filing, permit its withdrawal without considering the information, or order any other disposition it deems proper.
- (3) Parties or non-parties may, at any time, file a motion requesting that the Court unseal a document. If a motion to unseal is filed more than 3 years after the case is closed, there will be a strong presumption that the document will be unsealed.

(h) Manual Filing of Sealed Documents. When a pro se party who is not an e-filer wishes to manually file a document under seal, the pro se party shall place the document and the Administrative Motion to File Under Seal in a sealed envelope, marked with the case caption and the phrase “FILED UNDER SEAL.”

83-2. Procedure for Public Comment on Local Rules

- (a) Public Submissions.** Any person may submit written suggestions for amendments to the local rules at any time. Such suggestions shall be directed to the Chief Judge, who will refer the matter to the Local Rules Committee for consideration, unless the circumstances warrant putting the matter immediately before the full Court.
- (b) Publication.** Before becoming effective, any proposed substantive modification of the local rules shall be subject to public comment in accordance with Fed. R. Civ. P. 83 and posted on the Court's website. Proposed amendments for form, style, grammar, consistency, or any other non-substantive modifications, need not be submitted for public comment.