

UNITED STATES DISTRICT & BANKRUPTCY COURT
DISTRICT OF IDAHO

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NOTICE FOR PUBLIC COMMENT

The United States District Court's Local Rules Committee invites the public to review and provide comment on the amendments to the District Court's Local Rules of Civil Procedures 15.1, 37.1 and 37.2. A copy of the amended rules are attached to this notice.

There will also be a paper copy provided for reference at the United States Courthouses in Boise, Coeur d'Alene, Moscow and Pocatello. If you are unable to access the website, or not able to travel to a courthouse location, please call Kirsten Wilkinson, Chief Deputy of Operations at (208)334-9464.

All public comments are due by October 20, 2014 at 5 p.m. (MST). Please send your comments by email to local_rulesDC@id.uscourts.gov, or by mail at the following address:

United States District Court, District of Idaho
Attn: Kirsten Wilkinson, Chief Deputy of Operations
550 West Fort Street
Boise, ID 83724

If you have any question, you can send your question to local_rulesDC@id.uscourts.gov, or please call (208)334.9464. Thank you.

CIVIL RULE 15.1
FORM OF A MOTION TO AMEND
AND ITS SUPPORTING DOCUMENTATION

A party who moves to amend a pleading must describe the type of the proposed amended pleading in the motion (i.e., motion to amend answer, motion to amend counterclaim). Any amendment to a pleading, whether filed as a matter of course or upon a motion to amend, must reproduce the entire pleading as amended. ~~Failure to comply with this rule is not grounds for denial of the motion.~~ The proposed amended ~~document pleading will must~~ be filed submitted at the time of filing ~~the a~~ motion ~~and submitted to the Court for approval to amend.~~ However, ~~typographical errors in briefs or other documents shall be brought to the attention of the Court.~~

In addition, any motion to amend a pleading must be accompanied by a version of the proposed amended pleading that shows – through redlining, underlining, strikeouts, or other similarly effective methods – how the proposed amended pleading differs from the operative pleading; provided, however, that pro se litigants shall be exempted from this requirement.

RELATED AUTHORITY

Fed. R. Civ. P. 15(a)(d)

CIVIL RULE 37.1 DEFINITION OF CONFER

To confer means to speak directly with opposing counsel or a self-represented litigant in person or by telephone, to identify and discuss disputed issues and to make a reasonable effort to resolve the disputed issues. The sending of an electronic or voice-mail communication does not satisfy the requirement to “confer.”

In cases involving pro se prisoners, written communication satisfies the confer requirement.

RELATED AUTHORITY

Fed. R. Civ. P. 26(f), 37(a)(1)

Advisory Committee Notes

This rule does not prevent or prohibit the use of written communication in order to resolve disputes. However, if disputes are not resolved via written communication counsel or self-represented litigants (except pro se prisoners) must attempt to confer in person or by telephone prior to a motion to compel being filed.

Counsel or self-represented litigants have a duty to respond on a reasonable amount of time to a request to confer and to be reasonably available to confer.

CIVIL RULE 37.2
CONTENT OF MEMORANDA IN SUPPORT OF DISCOVERY MOTIONS

The memorandum in support of a Rule 26 and 37 discovery motion must provide verbatim each disputed interrogatory, request, answer, response, or objection that underlies the motion. Generally those items should be set forth within the memorandum. If they are too numerous, however, the moving party may attach only the disputed items as an addendum to the memorandum.

The memorandum must also describe each issue in dispute and include a brief description of each party's arguments ~~and authorities~~.

RELATED AUTHORITY

Fed. R. Civ. P. 26(c), 37(a)