



UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON

SUMMARY OF LOCAL RULE CHANGES EFFECTIVE MARCH 1, 2013

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**Introduction**

New Local Rules of Civil Procedure take effect March 1, 2013, pursuant to Standing Order 2013-1. This memorandum provides a summary of selected amendments. The amended rules are available in full on the Court's website at [ord.uscourts.gov](http://ord.uscourts.gov), under the Local Rules tab. The user should consult the actual text of the appropriate federal or local rule or statute.

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**Substantive Rule Changes**

**LR 3-1:** The amendment clarifies that the Court is open to receive filings in Portland, Eugene, and Medford.

**LR 3-3:** The amendment deleted LR 3-3(b) ("Upon motion of any party, the Court may order that a case be tried in Pendleton") and renumbered LR 3-3(c) accordingly.

**LR 6:** New LR 6 applies the three-day extension to the response deadline for any item served under Fed. R. Civ. P. 5, regardless of the means by which the triggering paper is served. It is intended to remove the incentive to serve papers (including, without limitation, discovery requests) by hand under Fed. R. Civ. P. 5(b)(2)(A) or by leaving at a person's office or dwelling under subsection (B), in order to keep the receiving party from having the three-day period provided by Fed. R. Civ. P. 6(d) for other means of service.

**LRs 7-2(b), 26-3(b), 54-1(c), 54-3(e):** These amendments clarify that the page- and word-count limitations are alternative and that an attorney who does not rely on word count to comply with length limitations need not submit a word-count certification.

**LR 16-4(f):** Amended LR 16-4(f) states that if the parties cannot agree upon a Court-sponsored mediator, each party must submit its list of three acceptable mediators to the assigned judge, who will then designate a mediator. The amendment permits greater input from the parties into the judge's mediator selection when the parties do not agree.

**LRs 16-4(j) and 83-6(c):** As amended, these rules state that disciplinary sanctions may result in (1) the rejection of an attorney's application to serve as a Court-sponsored mediator, or (2) termination of his or her service as a Court-sponsored mediator.

**LR 26-6:** New LR 26-6 adopts the Model Order Regarding E-Discovery in Patent Cases, which has been endorsed by Chief Judge Randall Rader, Federal Circuit.

**LR 26-7:** New LR 26-7 sets forth initial discovery protocols in employment cases where adverse action is alleged. It adopts, with minor modifications, the protocols prescribed by the Federal Judicial Center's pilot project.

**LR 28-1 (Practice Tip):** This new Practice Tip endorses resources to assist attorneys in taking depositions in a foreign country and preparing letters rogatory.

**LR 41-1:** LR 41-1(c), as amended, states that the Court “may” (rather than “will”) direct dismissal with prejudice upon notice of settlement “unless otherwise specified” in order to allow greater flexibility to parties and the Court in the disposition of the case.

**LR 67:** The amendments to LR 67 clarify procedures for preparing orders to deposit and withdraw monies.

**LR 83-6(a) and Practice Tip:** The amendment requires an attorney who has been disciplined in another jurisdiction to report the discipline to the Clerk, in addition to the Chief Judge and assigned judge. The amendment is designed to hasten the issuance of show cause orders for reciprocal discipline in such cases. The new Practice Tip emphasizes the importance of timely reporting discipline imposed in another jurisdiction to avoid the likelihood of delayed reciprocal discipline in the District of Oregon.

**LR 83-11(a) and (c):** The amendments clarify that an attorney appearing *pro hac vice* may withdraw from a case by notice rather than motion when an attorney from the same firm remains on the case.

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## **Rule Changes Pursuant to Standing Orders**

**Standing Order 2009-13** required electronic filing of transcripts, in compliance with the policies of the Judicial Conference, the E-Government Act of 2002, Fed. R. Civ. P. 5.2, and Fed. R. Crim. P. 49.1. The amendment to LR 5-1 states, “Transcripts of courtroom proceedings held before judicial officers will be electronically filed.”

**Standing Order 2012-3** required attorneys who are Registered CM/ECF Users to open new civil cases electronically. LRs 3-5, 16-1, and 100-5 were amended accordingly.

**Standing Order 2012-6** required attorneys to electronically file documents filed pursuant to a protective order in a civil case and permitted remote access to those documents. LRs 3-6, 3-7, 3-8, 3-9, and 100-2 were amended accordingly.