

From the OSB Federal Practice and Procedure Committee:  
**District of Oregon Local Rules: Highlights and Practice Tips**

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**From the Clerk of Court, Portland Division:**

• **Generally**

- The Clerk's Office can help with filing but cannot provide legal advice, including advice on interpretation of the Local Rules. Before calling in, be sure to read the rules!
- Advance notice of complicated filings (under seal filings, TROs) is appreciated.
- Clerk's Office closes at 4:30 pm and it takes 15 minutes to open an average case.
- Where forms are available on court website and uscourts.gov, use them!
- For larger documents use a secure fastener (such as ACCO clips) rather than binder clips.

• **Sealed and In Camera Documents** (LR 3-8, 3-9, 100-5)

- Must submit an original and Judge's Copy.
- Use official under seal envelopes and fill them out!
- Can use one envelope for pleading and attachments if they fit, but otherwise, each attachment needs its own envelope. For larger documents, use expandable folder and attach under seal envelope to the front. Do not use boxes or legal size envelopes.
- Attachments filed under seal should be filed with a pleading page identifying them.
- Cannot seal only one attachment. The entire submission must be filed under seal.
- Submit copy of protective order along with documents filed under seal.
- In camera submissions are for the judges' eyes only. Only one copy needed. Use official under seal envelope and be sure to circle "in camera."

- **Initial Pleadings:** Complaints require an original signature, preferably in blue ink. Provide an original civil complaint, one Judges Copy, and a disc that contains a PDF of the complaint, summons, and civil cover sheet. Summons must include the return address of the attorney. Provide three copies of each summons to be issued.

- **Identification of Division:** Per amended LR 3-2(b) and 3-3(a), identify the division in which the submission is made, in both civil and criminal actions. Also remember to use judge's initials.

**From Judges, Portland Division:**

• **Judges's Copies** (LR 100-7; LR 5-1; 10-1(e)(g))

- Although LR provides that judge's copies shall be provided, in civil cases, for "[d]ispositive motions, motions for injunctive relief, and any documents in excess of five (5) pages," it is good practice to make judge's copies of all e-filed documents.

- Exhibits: Documents of less than five pages may have exhibits or other attachments that add up to more than five pages.
  - Note: Not all chambers are on ECF notification. Providing judges copies is the best way to ensure the court is aware of your filing.
  - Service: Check with individual judges to learn whether the judge would like delivery of judge's copies directly to chambers; filing judge's copies with the intake desk can result in delay.
- **Conferral Before Filing Motions (LR 7-1(a))**
    - LR provides that parties must make "good faith effort through personal or telephone conferences to resolve the dispute" before filing a contested motion.
    - Meaningful conferral: Email or letters may supplement conferral, but are no substitute for it. Conferral should be a real time expression of each party's position.
    - Set forth opposing position: Some judges prefer that the LR 7-1 certification include a brief summary of opposing party's position, particularly on motions to compel and to extend pretrial dates.
- **Compliance with Disclosure Statement Rule (LR 7.1-1)**
    - Amended LR provides that, in diversity actions, parties must disclose the states from which the owners/members/partners of an LLC or LLP are citizens. Parties are not complying with the rule. *See Johnson v. Columbia Properties Anchorage, LP*, 437 F.3d 894, 899 (9<sup>th</sup> Cir. 2006) ("[L]ike a partnership, an LLC is a citizen of every state of which its owners/members/partners are citizens.")
- **Information in Motions to Extend Pretrial Deadlines (LR 16-3)**
    - LR provides that parties must show good cause to modify deadlines and effective prior use of time, recommend a new date for the deadline, and address the impact of the proposed extension on other existing deadlines.
    - Simply stating the parties' agreement is not sufficient: Parties must comply with this rule. Set forth (1) what the parties have done so far; (2) what the parties have left to do; (3) why the parties have not been able to get this done already; (4) the parties' preferred new deadlines, including the new proposed deadlines; and (5) a realistic assessment of how the proposed new deadlines will effect *all* remaining scheduled events such as expert disclosures, pretrial filings, and the trial date.
    - Preventative measures: Come to the Rule 16 conference with suggestions for realistic scheduling dates, along with (1) the form of protective order the parties want entered, to avoid extensions resulting from disagreements over the protective order; (2) a realistic plan for discovery, including expected discovery, witnesses to be deposed, and scheduling, etc.
- **Untabbed or Unseparated Exhibits, Declarations, and Attachments**
    - Although not the subject of a local rule, separate and tab all exhibits, declarations and attachments. Untabbed exhibits must be separated and tabbed by chambers staff or the judge, taking up time that could be spent on the contents of the submission.