

LOCAL RULE CHANGES

for the

MIDDLE DISTRICT OF NORTH CAROLINA

On May 9, 2009, Judge Lee H. Rosenthal, Chair, Committee on Rules of Practice and Procedure, sent a memorandum to all Chief Judges recommending that local rules be changed to be consistent with the new federal rules, which will take effect on December 1, 2009. Pursuant to such memo, John Brubaker reviewed all local rules and standing orders, finding several local civil rules and standing orders requiring change. No changes were required to the criminal rules. Judge Sharp subsequently reviewed the proposed changes with John.

A new local rule 6.2 was created to define when the clerk's office is inaccessible. All other changes were technical and related to how time periods should be calculated. Changes in how days should be counted were made using the following methodology:

- 5 days became 7;
- 10 days became 14;
- periods shorter than 30 were revised to multiples of 7;
- business days were changed to days; and
- rules with 30 or more days were not changed.

Further action items will be required prior to December 1, 2009. Local and national forms will need to be changed. The CM/ECF procedures manual will require an update for new LR 6.2 regarding inaccessibility of the clerk's office and CM/ECF automatic deadlines will be modified. Clerk's office staff will be trained on the new method for counting days and be taught to understand that the three day mailing rule of 6(d) will still be in effect.