

**UNITED STATES DISTRICT COURTS
EASTERN AND WESTERN DISTRICTS OF ARKANSAS**

PROPOSED AMENDMENTS TO LOCAL RULES FOR PUBLIC COMMENT

Local Rule	Language	Current (Days)	Amendment (Days)
5.4	<p>Time for Filing Under Filing Under F.R.Cv.P. 5(d).</p> <p><i>Five Seven days is hereby construed to be a "reasonable time" after service within which papers shall be filed under the provisions of Federal Rules of Civil Procedure 5(d).</i></p>	5	7
5.5	<p>Pleadings and Filings.</p> <p><i>(e) A party who moves to amend a pleading shall attach a copy of the amendment to the motion. The motion must contain a concise statement setting out what exactly is being amended in the new pleading - e.g. added defendant X, adding a claim for X, corrected spelling. Any amendment to a pleading, whether filed as a matter of course or upon a motion to amend, must, except by leave of Court, reproduce the entire pleading as amended, and may not incorporate any prior pleading by reference. The party amending shall file the original of the amended pleading within five (5) seven (7) days of the entry of the order granting leave to amend unless otherwise ordered by the Court. The requirements for amending pleadings set forth in this subsection of Rule 5.5 shall not apply to parties proceeding pro se.</i></p>	5	7
6.2	<p>Extension of Time to Plead.</p> <p><i>(a) If the time originally prescribed has not expired and if all counsel consent in writing, the Clerk may enter an order extending for not more than fifteen (15) twenty-one (21) days the time to file a responsive pleading or to respond to discovery. The Court may suspend, alter, or rescind the order on its own motion or upon the motion of a party. All other extensions of time shall require approval by the Court, except that when the appropriate judge is not available, approval may be granted by another judge or a magistrate judge.</i></p>	15	21

Local Rule	Language	Current (Days)	Amendment (Days)
7.2	<p>Motions.</p> <p><i>(b) Within eleven fourteen (14) days from the date copies of a motion and supporting papers have been served upon him, any party opposing a motion shall serve and file with the Clerk a concise statement in opposition to the motion with supporting authorities. For cause shown, the court may by order shorten or lengthen the time for the filing of responses.</i></p>	11	14
23.1	<p>Class Actions.</p> <p><i>(3) The deadline for filing a motion for class certification will be set in the Final Scheduling Order(see Local Rule 26.1(13)). The motion shall particularize the facts believed to warrant class or subclass certification and indicate if those facts have been established by stipulations, admissions, or discovery. If a hearing is believed necessary, the motion shall so state. The other parties shall respond to said motion within ten (10) fourteen (14) days specifically admitting or denying the facts alleged and setting forth any additional or contrary facts believed pertinent to the class action determinations required.</i></p>	10	14
54.1	<p>Attorney's Fees.</p> <p><i>(a) In any case in which an attorney's fees are recoverable under the law applicable to that case, a motion for attorney's fees shall be filed with the Clerk, with proof of service, within fourteen (14) days after the entry of judgment or an order of dismissal under circumstances permitting the allowance of attorney's fees. In the event a post-trial motion is filed, this 14-day period shall not commence until entry of the order granting or denying the post-trial motion. Objections to an allowance of fees must be filed within ten (10) fourteen (14) days after service on the party against whom the award to attorney's fees is sought.</i></p>	10	14

Local Rule	Language	Current (Days)	Amendment (Days)
67.1	<p>Deposit of Registry Funds by the Clerk in Interest-Bearing Accounts.</p> <p><i>(l) The Clerk shall be allowed three (3) seven (7) business days following receipt of an order for disbursement of funds from the Registry Account, subject to the above paragraph (j).</i></p>	3	7
71A.1	<p>Land Condemnation Proceedings.</p> <p><i>(b) At the request of the attorney for the condemning authority, upon the filing of a declaration of taking, the Clerk shall forthwith assign civil action numbers as may be required for each trial unit, and the condemning authority shall proceed to file the complaint, notice of condemnation, and other initial pleadings expeditiously and in any event within four seven (7) days.</i></p>	4	7
72.1	<p>United States Magistrate Judges.</p> <p><i>VII.B. Appeal</i></p> <p><i>In all matters delegated under authority of 28 U.S.C. Sec. 636(b)(1)(A), a Magistrate Judge's decision is final and binding and is subject only to a right of appeal to the District Judge to whom the case has been assigned. A party may appeal the Magistrate Judge's ruling by filing a motion within ten (10) fourteen (14) days of the Magistrate Judge's decision unless a shorter period is set by the District Judge or Magistrate Judge.</i></p> <p><i>VIII.C. Objection</i></p> <p><i>When a Magistrate Judge files proposed findings or recommendations with the Court, he shall mail a copy to all parties. Within ten (10) fourteen (14) days after being served with a copy, any party may serve and file written objections to such proposed findings, recommendations or order.</i></p> <p><i>XI. OTHER REVIEWABLE MATTERS</i></p> <p><i>A. Any party may file and serve, not later than 10 fourteen (14) days thereafter, an application for review of the Magistrate Judge's action by the District Judge having jurisdiction. Copies of such application shall be served promptly upon the parties, the District Judge, and the Magistrate Judge.</i></p>	10	14

Local Rule	Current Address	Revised Address
77.1	<p>Location and Office Hours of Clerk’s Offices and Designation of Filing Offices.</p> <p><i>Division: FORT SMITH</i> <i>P. O. Box 1547</i> <i>Fort Smith, AR 72902-1547</i> <i>Telephone # (501) 783-6833</i></p> <p><i>Division: HARRISON</i> <i>P. O. Box 6420</i> <i>Fayetteville, AR 72702-6420</i> <i>Telephone # (501) 521-6980</i></p> <p><i>Division: EL DORADO</i> <i>P. O. Box 1566</i> <i>El Dorado, AR 71731-1566</i> <i>Telephone # (8780) 862-1202</i></p> <p><i>Division: EL DORADO</i> <i>P. O. Box 1566</i> <i>El Dorado, AR 71731-1566</i> <i>Telephone # (870) 862-1202</i></p> <p><i>Division: FAYETTEVILLE</i> <i>P. O. Box 6420</i> <i>Fayetteville, AR 72702-6420</i> <i>Telephone # (501) 521-6980</i></p> <p><i>Division: HOT SPRINGS</i> <i>P. O. Drawer I</i> <i>Hot Springs, AR 71902</i> <i>Telephone # (501) 623-6411</i></p>	See Page 7 Below

Local Rule	Language	Current (Days)	Amendment (Days)
83.1	<p>United States Bankruptcy Judges.</p> <p><i>(d)A. The bankruptcy court is authorized to dismiss an appeal filed after the time provided by the applicable rules and any appeal in which the appellant has failed to file a designation of the items for the record, or the transcript designated for inclusion in the record or a statement of the issues as required by the applicable rules. Bankruptcy court orders entered under this subsection shall be reviewed by the district court on motion filed within ten fourteen (14) days after entry of the order sought to be reviewed.</i></p>	10	14
83.6	<p>Exhibit A.</p> <p><i>(1) The Clerk of Court for each respective district shall monitor the fund and make a written report of the use of the fund and the fund balance to the Judges and Magistrate Judges of their district by the tenth fourteenth day in each month.</i></p>	10	14
83.7	<p>Appointment of Counsel.</p> <p><i>However, in the event an enrolled attorney not actively engaged in the private practice of law is appointed, such attorney may request leave to withdraw within fifteen (15) twenty-one (21) days of such appointment.</i></p> <p><i>The original attorney appointed may arrange for substitute counsel to appear in behalf of the party, but such substitution must be made in writing and filed with the Court not later than fifteen (15) twenty-one (21) days after the entry of the original appointment order.</i></p> <p><i>Upon written application filed within fifteen (15) twenty-one (21) days of the original appointment order, an attorney may request leave of the Court to withdraw if he/she represents (1) that he/she has actively participated in furnishing <u>pro bono</u> legal services (e.g., membership in a <u>pro bono</u> legal organization); and (2) that he/she has, in the last twelve (12) months, actually represented a <u>pro bono</u> client(s) in either (a) litigation, or (b) a non-litigation matter which the attorney can certify required the expenditure of a minimum of twenty (20) hours of time.</i></p>	15	21

Local Rule	Language	Current (Days)	Amendment (Days)
Appendix	<p>Model Federal Rules of Disciplinary Enforcement.</p> <p>Rule XI</p> <p><i>K. The Clerk of Court for the Eastern District shall monitor the fund and make a written report of the use of the fund and the fund balance to the judges and magistrate judges of the Eastern and Western Districts by the tenth fourteenth day in each month.</i></p> <p>Rule XIII</p> <p><i>C. Whenever it appears that any person convicted of any crime or disbarred or suspended or censured or disbarred on consent by this Court is admitted to practice law in any other jurisdiction or before any other court, the Clerk of this Court shall, within ten fourteen (14) days of that conviction, disbarment, suspension, censure or disbarment on consent, transmit to the disciplinary authority in such other jurisdiction, or for such other court, a certificate of the conviction or a certified exemplified copy of the judgment or order of disbarment, suspension, censure or disbarment on consent, as well as the last known office and residence addresses of the defendant or respondent.</i></p>	10	14
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<p>77.1</p>	<p>Location and Office Hours of Clerk's Offices and Designation of Filing Offices</p> <p><i>Division: FORT SMITH</i> P. O. Box 1547 Fort Smith, AR 72902-1547 Telephone # (501) 783-6833</p> <p><i>Division: HARRISON</i> P. O. Box 6420 Fayetteville, AR 72702-6420 Telephone # (501) 521-6980</p> <p><i>Division: TEXARKANA</i> P. O. Box 2746 Texarkana, AR 75504-2746 Telephone # (870) 773-3381</p> <p><i>Division: EL DORADO</i> P. O. Box 1566 El Dorado, AR 71731-1566 Telephone # (8780) 862-1202</p> <p><i>Division: FAYETTEVILLE</i> P. O. Box 6420 Fayetteville, AR 72702-6420 Telephone # (501) 521-6980</p> <p><i>Division: HOT SPRINGS</i> P. O. Drawer I Hot Springs, AR 71902 Telephone # (501) 623-6411</p>	<p>Location and Office Hours of Clerk's Offices and Designation of Filing Offices</p> <p><i>Division: FORT SMITH</i> Judge Isaac C. Parker Federal Building P. O. Box 1547 Fort Smith, AR 72902-1547 Telephone # (479) 783-6833</p> <p><i>Division: HARRISON</i> John Paul Hammerschmidt Federal Building 35 East Mountain, Room 510 Fayetteville, AR 72701-5354 Telephone # (479) 521-6980</p> <p><i>Division: TEXARKANA</i> United States Courthouse and Post Office 500 North State Line Avenue, Room 302 Texarkana, AR 71854-5961 Telephone # (870) 773-3381</p> <p><i>Division: EL DORADO</i> United States Courthouse 101 South Jackson Avenue, Room 205 El Dorado, AR 71730-6133 Telephone # (870) 862-1202</p> <p><i>Division: FAYETTEVILLE</i> John Paul Hammerschmidt Federal Building 35 East Mountain, Room 510 Fayetteville, AR 72701-5354 Telephone # (479) 521-6980</p> <p><i>Division: HOT SPRINGS</i> United States Courthouse 100 Reserve Street, Room 347 Hot Springs, AR 71901-4141 Telephone # (501) 623-6411</p>
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