

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

IN THE MATTER OF AMENDMENT
TO LOCAL CIVIL RULE 7.1(d)

Amended Administrative Order
No. 23-RL-113

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By administrative order entered June 12, 2023 (Administrative Order No. 23-RL-068), the Court published for comment proposed amendments to Local Civil Rule 7.1(d) and Local Criminal Rule 12.4 regarding motion practice and attempt to obtain concurrence. The public comment period closed on July 31, 2023. The Court considered all the comments submitted, and at a regular meeting of the Judges of this Court conducted on December 8, 2023, the Court approved modifications of Local Civil Rule 7.1(d). Accordingly:

NOW, THEREFORE, under 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure, the Court hereby adopts and promulgates the attached amended Local Civil Rule 7.1(d);

IT IS ORDERED that the amendment adopted herein shall take effect with motions filed February 1, 2024 and after;

IT IS FURTHER ORDERED that the Clerk shall provide a copy of this Administrative Order to the Judicial Council of the Sixth Circuit; the U.S. District Court's Advisory Committee on Local Rules; the Federal Bar Association, West Michigan Chapter; the State Bar of Michigan Committee on the United States Courts; and the Michigan Lawyers Weekly. All attorneys who are registered for electronic service on the CMECF system shall be given electronic notice of this rule amendment, and the official rules posted on the Court's website will be amended accordingly.

FOR THE COURT:

Dated: December 21, 2023



HALA Y. JARBOU
CHIEF UNITED STATES DISTRICT JUDGE

Amended Local Civil Rule 7.1(d) – Redline

7.1(d) Concurrence

(i) Attempt to obtain concurrence – With respect to all motions, the moving party shall ascertain whether the motion will be opposed.

(ii) Nondispositive motions

(A) In addition, in the case of all nondispositive motions, counsel or nonincarcerated *pro se* parties involved in the dispute shall confer in a good-faith effort to resolve the dispute. To accomplish this, the movant must confer with the other parties and persons entitled to be heard on the motion in a manner that reasonably explains the basis for the motion and allows for an interactive process aimed at reaching agreement on the matter or those aspects of the matter that can be resolved without court intervention. The conference must be held sufficiently in advance of filing the motion to allow the opportunity for meaningful discussion.

(B) If court intervention remains necessary, the nondispositive motion shall be accompanied by a separately filed certificate specifying the date, time and duration of the conference; the participants in the conference; and a description of the issues addressed during the conference. All nondispositive motions shall be accompanied by a separately filed certificate setting forth in detail the efforts of the moving party to comply with the obligation created by this rule.

(C) In cases involving an incarcerated *pro se* party, the movant shall make reasonable efforts to comply with the provisions of this rule, and the motion shall be accompanied by a separately filed certificate specifying the efforts to confer with the incarcerated party.

(iii) Sanctions – The Court may impose sanctions for unreasonably withholding of concurrence and for violating this rule, which may include taxing costs and attorney’s fees, denying the motion, and striking the filing.

Amended Local Civil Rule 7.1(d)

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(B) If court intervention remains necessary, the nondispositive motion shall be accompanied by a separately filed certificate specifying the date, time, and duration of the conference; the participants in the conference; and a description of the issues addressed during the conference.

(C) In cases involving an incarcerated *pro se* party, the movant shall make reasonable efforts to comply with the provisions of this rule, and the motion shall be accompanied by a separately filed certificate specifying the efforts to confer with the incarcerated party.

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