

SUMMARY OF AMENDMENTS TO THE
 UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
 LOCAL RULES OF PROCEDURE
 Amended June 30, 2011

Cover Page	Added: Amended June 30, 2011
LR Cr P 32.4(a)(2) (Page 61)	<p>Deleted: The defendant shall submit to a psycho-sexual evaluation by a qualified mental health professional experienced in evaluating and managing sexual offenders as approved by the probation officer. The defendant shall complete the treatment recommendations and abide by all of the rules, requirements and conditions of the program until discharged. The defendant shall take all medications as prescribed unless the defendant is authorized by the qualified mental health professional to cease use of the prescribed medication.</p> <p>Added: The defendant shall submit to an evaluation by a qualified mental health professional, approved by the probation officer, who is experienced in treatment of sexual offenders. The defendant shall take all medications reasonably related to treatment of his or her condition, complete all treatment recommendations and abide by all rules, requirements and conditions imposed by the professional. The defendant must do so until discharged from treatment by the professional. Prior to being required to submit to any proposed course of treatment, the defendant or the United States may seek review by the presiding district judge of any facet of the prescribed course of treatment. The United States and the defendant shall also have the right to seek review by the presiding district judge of any continuation or discontinuation of such treatment.</p>

SUMMARY OF AMENDMENTS TO THE
UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
LOCAL RULES OF PROCEDURE
Amended February 1, 2011

Cover Page	Added: Amended February 1, 2011
Judges Page	Deleted: Maurice G. Taylor, Jr., Huntington, West Virginia Added: Cheryl A. Eifert, Huntington, West Virginia
Table of Contents (pp. x and xi)	General page renumbering; addition and revision of Rules based on 02/01/2011 Order.
LR Cr P 44.7 (Page 70)	Added: LR Cr P 44.7 Codes of Professional Conduct
LR Cr P 44.8 (Page 71)	Updated: Formerly LR Cr P 44.7.

SUMMARY OF AMENDMENTS TO THE
UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
LOCAL RULES OF PROCEDURE
Effective December 1, 2009

Local Rule / General Order Number	Change in Local Rule
Judges Page	Locations of Judges Faber and Johnston; addition of Judge Berger.
Table of Contents, pp. i- xii	Statement regarding uniform numbering system for local rules established by the Judicial Conference; general page renumbering; new titles of local rules; additions and deletions based upon changes in Local Rules as enumerated in the Summary.
LR Civ P 3.2.	Added Referral and Intra-District Transfer to Referral of Cases ; The Clerk is authorized to sign orders to effectuate the reassignment, referral or intra-district transfer of cases...
LR Civ P 4.1.	Changed 10 business days to 14 days in line 2; Changed FR Civ P 4(d)(2) to FR Civ P 4(d)(1) in lines 2 and 8; Changed 5 days to 7 days in line 12.
LR Civ P 4.1.2.	Changed 3 days to 7 days in line 5.
LR Civ P 4.1.3.	Changed numerical (1), (2), (3), ..., formatting to (a), (b), (c),... formatting.

LR Civ P 5.1.	<p>Changed title Filing of Papers to Filing Pleadings and Other Papers</p> <p>Merged former LR Civ P 5.2 into 5.1 as 5.1(b) and 5.1(c); added definition for Electronic Filing as first paragraph under 5.1(c); changed reference to FR Civ P 5(c) to FR Civ P 5(d)(4).</p>
LR Civ P 5.2.1.	<p>Moved former LR Civ P 11.3 entitled E-Government Act to LR Civ P 5.2.1 to follow FR Civ P 5.2 and changed title to Privacy Protection for Filings Made with the Court and incorporated General Order Addressing Judicial Conference Privacy Policy Regarding Public Access to Electronic Case Files entered April 14, 2003, as (a); and Court’s Advisory re: Eliciting Information Concerning Personal Data as (b).</p>
LR Civ P 7.1.	<p>Reformatted former LR Civ P 7.1 for consistency with numerical and alphabetical organizational schema used throughout Local Rules; clarified wording; conformed LR Civ P 7.1 with new computation of time periods under the federal rules using the “days are days” approach and multiples of 7 when feasible; provided a list of the types of motions that require a memorandum; added (1) new guideline on submitting a memorandum of law, response or reply exceeding 20 pages; (2) paper size, line spacing and margins; (3) typeface and type styles.</p>
LR Civ P 9.2.	<p>Reformatted former LR Civ P 9.1 for consistency with numerical and alphabetical organizational schema used throughout Local Rules.</p>
LR Civ P 9.3.	<p>Updated paragraph (b) to reflect 2007 change in federal rules (5.2) regarding access in Social Security cases.</p>
LR Civ P 9.4.	<p>Changed 10 business days to 14 days in paragraph (a), line 6.</p>
LR Civ P 9.7.	<p>Changed “electronic filing is preferred” to “is required.”</p>
LR Civ P. 16.1.	<p>Changed 5 business days to 7 days in second paragraph of section (a), line 4; Changed 5 business days to 7 days in third paragraph of section (a), line 4; Minor formatting change in section (d) for consistency with numerical and alphabetical organizational schema used throughout Local Rules; added ERISA cases at (17) under (g) Categories of Actions Exempted and renumbered (17) to (18).</p>

LR Civ P 16.2.	Minor formatting change in section (a)(3) for consistency with numerical and alphabetical organizational schema used throughout Local Rules; Changed 3 business days to 7 days in paragraph (b).
LR Civ P 16.6.8.	Changed 5 business days to 7 days, line 3.
LR Civ P 16.7.	Changed 3 business days to 7 days in paragraph (b), lines 2 and 3; Changed 5 business days to 7 days in paragraph (b)(11), line 3.
LR Civ P 26.1.	Changed 10 days to 14 days in paragraph (b)(3), line 1.
LR Civ P 26.2.	Deleted reference to FR Civ P 26(a)(5) because this rule had been deleted as redundant in 2007 federal rule changes; minor formatting change in section (c)(4) for consistency with numerical and alphabetical organizational schema used throughout Local Rules.
LR Civ P 26.4.	Added “filed electronically pursuant to the Administrative Procedures for Electronic Case Filing and” to paragraph (2).
LR Civ P 47.1.	Updated paragraph (b) to reflect last revision of Jury Plan on February 25, 2009.
LR Civ P 51.1.	Changed 3 business days to 7 days, line 1.
LR Civ P 52.1.	Changed 7 business days after the final pretrial conference to 14 days prior to trial for the submission of proposed findings of fact and conclusions of law.
LR Civ P 54.1.	Changed 10 days to 14 days in paragraph 3, line 2.
LR Civ P 71.1.	Changed numbering of rule from LR Civ P 71A to 71.1.
LR Civ P 77.2.	Changed county alignment pursuant to Order Amending Local Rule of Civil Procedure 77.2 and Local Rule of Criminal Procedure 18.2 Due to the Realignment of Raleigh and Fayette Counties entered January 1, 2008 - Fayette County moved from the Beckley Division to the Charleston Division; Putnam County moved from the Charleston Division to the Huntington Division.
LR Civ P 77.3	Eliminated the federal criminal rule reference in the civil rule.
LR Civ P 79.1.	Clarified procedure for custody and disposition of exhibits during trial or hearing and after trial or hearing.

LR Civ P 83.6.	Changed 15 days written notice to 14 days written notice in paragraph (a), line 17; Changed 20 days to 21 days in paragraph (e), line 4.
LR Civ P 83.15.	Added new rule entitled Courthouse Security to incorporate Order re: The Possession of Weapons entered March 31, 2009, and Standing Order re: Wireless Communication Devices entered December 30, 2005, and other Courthouse Security practices for entry of Federal Courthouse Buildings.
LR Cr P 5.1.	Minor formatting change for consistency with numerical and alphabetical organizational schema used throughout Local Rules: changed former LR Cr P 5.1.2 to LR Cr P 5.1(b); incorporated Standing Order re: Standard Terms and Conditions for Release on Bond entered February 4, 1997 as LR Cr P 5.1(c); changed former LR Cr P 5.1.3 to LR Cr P 5.1(d).
LR Cr P 7.2.	Added Referral and Intra-District Transfer to Reassignment of Cases ; The Clerk is authorized to sign orders to effectuate the reassignment, referral or intra-district transfer of cases when needed and as directed by a judge of this court.
LR Cr 12.1.	Changed 20 days to 14 days prior to the pretrial motions hearing date for filing pretrial motions in lieu of Standard Request for Discovery in LR Cr 12.1(a); Changed 5 days to 7 days in LR Cr 12.1(e).
LR Cr P 16.1.	Changed 10 days to 14 days in paragraphs (c) and (d).
LR Cr 18.2.	Changed county alignment pursuant to Order Amending Local Rule of Civil Procedure 77.2 and Local Rule of Criminal Procedure 18.2 Due to the Realignment of Raleigh and Fayette Counties entered January 1, 2008 - Fayette County moved from the Beckley Division to the Charleston Division; Putnam County moved from the Charleston Division to the Huntington Division.
LR Cr P 32.2.	Incorporated Standing Order for the Electronic Filing of Presentence Reports and Objections to the Presentence Reports under Seal Via CM/ECF and Disclosure of Presentence Reports entered June 22, 2007 as 2 nd paragraph in section (a); Incorporated the Standing Order re: The Statement of Reasons for Use in Reporting Sentencing Decisions entered December 22, 2005, as paragraph (b); changed former paragraph (b) to (c).

LR Cr 32.3.	Added the Standing Order for Adoption of Standard Conditions of Probation and Supervised Release in All Criminal Cases entered June 22, 2007, as LR Cr P 32.3.
LR Cr 32.4.	Added the Standing Order for Adoption of Standard and Optional Conditions of Probation and Supervised Release in All Sex Offense Cases entered March 19, 2009, as LR Cr P 32.4; added footnote 1 to paragraph (4) to explain why 10 days (vs. 14 days under new counting method) was retained pursuant to WV Code § 55-12-3.
LR Cr 32.1.1.	Changed former LR Cr P 32.3 to LR Cr P 32.1.1 to match FR Cr P 32.1, Revoking or Modifying Probation or Supervised Release.
LR Cr P 44.6.	Changed 15 days written notice to 14 days written notice in paragraph (a), line 17; changed 20 days to 21 days in paragraph (e), line 4
LR Cr P 49.1.1.	Moved former LR Civ P 49.3 entitled E-Government Act to LR Cr P 49.1.1 to follow FR Cr P 49.1 and changed title to Privacy Protection for Filings Made with the Court and incorporated General Order Addressing Judicial Conference Privacy Policy Regarding Public Access to Electronic Case Files entered April 14, 2003, as (a); and Court's Advisory re: Eliciting Information Concerning Personal Data as (b).
LR Cr P 55.1.	Clarified procedure for custody and disposition of exhibits during trial or hearing and after trial or hearing.
LR Cr P 57.1.	Added new rule entitled Courthouse Security to incorporate Order re: The Possession of Weapons entered March 31, 2009, and Standing Order re: Wireless Communication Devices entered December 30, 2005, and other Courthouse Security practices for entry of Federal Courthouse Buildings.
Forms Associated with Local Rule revised 12/09	LR Civ P 4.1 - AO 399 - Waiver of Service of Summons - abolished local form; replaced with national form from the Administrative Office dated 01/09; LR Civ P 16.1 - Worksheet for Report of Parties' Planning Meeting; LR Civ P 16.6.3 - Order Appointing Mediator; LR Cr P 16.1 - Arraignment Order and Standard Discovery Requests.