

A VIEW FROM GEORGIA'S FEDERAL JUDGES

This session will focus on best practices for litigating in our federal courts. We will delve into both the criminal and civil practice in the courts, the trial and appellate processes, pet peeves of the Judges and how to handle pro se litigants. We will also endeavor to learn the ins and outs of what it is like to be a federal judge in the national and international climate today.

Practitioners should note that beside the Federal Rules of Civil Procedure¹ and Evidence, each court² and judge³ also has its own rules. So don't ever forget to read the rules, rules and more rules before you step foot in the court house door.

¹<http://www.uscourts.gov/rules-policies/current-rules-practice-procedure>. (See attached).

²<http://www.call.uscourts.gov/rules-procedures>,
<http://www.gand.uscourts.gov/local-rules> and <http://www.gamd.uscourts.gov/local-rules>
are examples of web sites where you can find local rules for the 11th Circuit and the Northern and Middle Districts of Georgia. (See attached).

³<http://www.gand.uscourts.gov/instructions-individual-judges>. (See attached).

Current Rules of Practice & Procedure

Below are links to the national federal rules and forms in effect, as well as local rules (which are required to be consistent with the national rules) prescribed by district courts and courts of appeal.

Rules of Appellate Procedure

The [Federal Rules of Appellate Procedure \(/file/18065/download\)](#) (eff. Dec. 1, 2016) govern procedure in the United States courts of appeals. The Supreme Court first adopted the Rules of Appellate Procedure by order dated December 4, 1967, transmitted to Congress on January 15, 1968, and effective July 1, 1968. The Appellate Rules and accompanying forms were last amended in 2016.

Rules of Bankruptcy Procedure

The [Federal Rules of Bankruptcy Procedure \(/rules-policies/current-rules-practice-procedure/federal-rules-bankruptcy-procedure\)](#) (eff. Dec. 1, 2016) govern procedures for bankruptcy proceedings. For many years, such proceedings were governed by the General Orders and Forms in Bankruptcy promulgated by the Supreme Court. By order dated April 24, 1973, effective October 1, 1973, the Supreme Court prescribed, pursuant to 28 U.S.C. § 2075, the Bankruptcy Rules and Official Bankruptcy Forms, which abrogated previous rules and forms. Over the years, the Bankruptcy Rules and Official Forms have been amended many times, most recently in 2016.

Interim Bankruptcy Rule 1007-I

The National Guard and Reservists Debt Relief Act of 2008, Pub. L. No. 110-438, as amended by Public Law No. 114-107, provides a temporary exclusion from the bankruptcy means test for certain reservists and members of the National Guard. At the request of the Judicial Conference's Advisory Committee on Bankruptcy Rules, [Interim Rule 1007-I \(/file/18071/download\)](#) was transmitted to the courts for adoption as a local rule to implement the temporary exclusion.

Rules of Civil Procedure

The [Federal Rules of Civil Procedure \(/rules-policies/current-rules-practice-procedure/federal-rules-civil-procedure\)](#) (eff. Dec. 1, 2016) govern civil proceedings in the United States district courts. Their purpose is "to secure the just, speedy, and inexpensive determination of every action and proceeding." Fed. R. Civ. P. 1. The rules were first adopted by order of the Supreme Court on December 20, 1937, transmitted to Congress on January 3, 1938, and

effective September 16, 1938. The Civil Rules were last amended in 2016.

Rules of Criminal Procedure

The [Federal Rules of Criminal Procedure \(/file/18073/download\)](#) (eff. Dec 16, 2016) govern criminal proceedings and prosecutions in the U.S. district courts, the courts of appeals, and the Supreme Court. Their purpose is to "provide for the just determination of every criminal proceeding, to secure simplicity in procedure and fairness in administration, and to eliminate unjustifiable expense and delay." Fed. R. Crim. P. 2. The original rules were adopted by order of the Supreme Court on December 26, 1944, transmitted to Congress on January 3, 1945, and effective March 21, 1946. The rules have since been amended numerous times, most recently in 2016.

Rules of Evidence

The [Federal Rules of Evidence \(/file/18068/download\)](#) (eff. Dec. 1, 2016) govern the admission or exclusion of evidence in most proceedings in the United States courts. The Supreme Court submitted proposed Federal Rules of Evidence to Congress on February 5, 1973, but Congress exercised its power under the Rules Enabling Act to suspend their implementation. The Federal Rules of Evidence became federal law on January 2, 1975, when President Ford signed the Act to Establish Rules of Evidence for Certain Courts and Proceedings, Pub. L. No. 93-595. As enacted, the Evidence Rules included amendments by Congress to the rules originally proposed by the Supreme Court. The most recent amendments to the Federal Rules of Evidence were adopted in 2014.

Rules Governing Section 2254 and Section 2255 Proceedings

Generally, the [Rules Governing Section 2254 Cases \(/file/18069/download\)](#) in the United States District Courts govern habeas corpus petitions filed in a United States district court pursuant to 28 U.S.C. § 2254 by a person in custody challenging his or her current or future custody under a state-court judgment on the grounds that such custody violates the Constitution or laws or treaties of the United States. The [Rules Governing Section 2255 Proceedings \(/file/18069/download\)](#) for the United States District Courts govern motions to vacate, set aside or correct a sentence filed pursuant to 28 U.S.C. § 2255. Such motions must be filed in the sentencing court by a person in custody attacking the sentence imposed on the ground that the sentence was imposed in violation of the Constitution or laws of the United States, that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack.

The Supreme Court submitted proposed rules and forms governing proceedings under

Section 2254 and Section 2255 to Congress on April 26, 1976, but Congress exercised its power under the Rules Enabling Act to suspend their implementation. The Rules Governing Section 2254 and Section 2255 Proceedings, as amended by Congress, became federal law on September 28, 1976, and made applicable to petitions filed under Section 2254 and motions filed under section 2255 on or after February 1, 1977. Pub. L. No. 94-426. The rules were last amended in 2009.

Rules of the Foreign Intelligence Surveillance Court

The [Rules of Procedure for the Foreign Intelligence Surveillance Court \(/file/18070/download\)](#) were promulgated pursuant to 50 U.S.C. § 1803(g). They govern all proceedings in the Foreign Intelligence Surveillance Court and were last amended in 2010.

Local Court Rules

United States district courts and courts of appeals often prescribe local rules governing practice and procedure. Such rules must be consistent with both Acts of Congress and the Federal Rules of Practice and Procedure, and may only be prescribed after notice and an opportunity for public comment. A court's authority to prescribe local rules is governed by both statute and the Federal Rules of Practice and Procedure. See 28 U.S.C. §§ 2071(a)-(b); Fed. R. App. P. 47; Fed. R. Bankr. P. 9029; Fed. R. Civ. P. 83; Fed. R. Crim. P. 57.

Section 205 of the E-Government Act of 2002, Pub. L. No. 107-347, requires that federal courts post local rules on their websites. Visit the [Court Locator \(/court-locator\)](#) for a listing of all federal court websites.

Forms Accompanying the Federal Rules of Procedure and Evidence

- [Appellate Rules Forms \(/rules-policies/current-rules-practice-procedure/appellate-rules-forms\)](#)
- [Bankruptcy Forms \(/forms/bankruptcy-forms\)](#)
- [National Court Forms \(/services-forms/forms\)](#)

Rules & Procedures

[FRAP, 11th Circuit Rules, and IOPs - Effective August 1, 2017 \(Current\)](#)

[Pending Revisions to 11th Circuit Rules and IOPs](#)

[Proposed Revisions to 11th Circuit Rules and IOPs](#)

[Previous Revisions to 11th Circuit Rules and IOPs \(12 months\)](#)

[Addenda to 11th Circuit Rules](#)

[General Orders](#)

Rules Resources

[Federal Rulemaking](#)

This is the federal judiciary's web site for the federal rules of practice, procedure, and evidence. This site provides access to the federal rules currently in effect in the federal courts, and access to proposed amendments to the national Rules of Appellate Procedure) that are being circulated for public comment. The site also provides backlinks to the federal rules and the rulemaking process.

The Court promulgates the following Local Rules to supplement the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure. These rules are intended to promote the just, efficient, and economical determination of cases pending in the Middle District of Georgia.

 Local Rules



UNITED STATES DISTRICT
COURT
Northern District of
Georgia

*Honorable Thomas W. Thrash, Jr., Chief
Judge
James N. Hatten, District Court
Executive/Clerk of Court*

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Updated 06/01/2017

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Amended Plan for Random Selection of Grand and Petit Jurors

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Documents Associated With Civil Cases Pending in NDGA

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Plan for Achieving Prompt Disposition of Criminal Cases

[Appendix D](#)

Plan for Criminal Justice Act of 1964, as Amended

[Appendix E](#)

Forfeiture of Collateral Schedule in Misdemeanor and Petty Offenses

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Assignment of Civil Cases to Tracks for Discovery

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Rules Governing Committee on Discipline

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Electronic Case Filing and Administrative Procedures (includes
Standing Order 16-01)

Updated 12/01/2016

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Resource Links

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UNITED STATES DISTRICT
COURT
**Northern District of
Georgia**



*Honorable Thomas W. Thrash, Jr., Chief
Judge
James N. Hatten, District Court
Executive/Clerk of Court*

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Instructions of Individual Judges

Several judges have provided instructions for cases proceeding before them, as set forth in the links below:

- [Cases before Judge Batten](#)
- [Cases before Judge Cohen](#)
- [Cases before Judge Duffey](#)
- [Cases before Judge Jones](#)
- [Cases before Judge May](#)
- [Cases before Judge Ross](#)
- [Cases before Judge Story](#)
- [Cases before Judge Totenberg](#)

Procedures for Electronic Filing Under Seal

[Procedures for Electronic Filing Under Seal in Civil Cases](#)

Court Locations

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Resource Links

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- [11th Circuit US Court of Appeals](#)
- [District Court-Middle District of GA](#)
- [District Court-Southern District of GA](#)
- [Bankruptcy Court-Northern District of GA](#)
- [11th Circuit Pattern Jury Instructions](#)
- [Central Violations Bureau](#)
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