

Proposed Amendment to Local Civil Rule 7.1(d)

7.1(d)(1) Attempt to obtain concurrence – With respect to all motions, the moving party shall ascertain whether the motion will be opposed. In addition, in the case of all nondispositive motions, counsel or *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, given the nature of the contemplated motion. The conference must be held sufficiently in advance of filing the motion to allow the opportunity for meaningful discussion.

(d)(2) If concurrence is not obtained – the nondispositive motion shall be accompanied by a separately filed certificate setting forth in detail:

- (A) the identification of the participants of the conference, the issues addressed in the conference, and the legal basis for each party's position;
- (B) the reasons why, despite reasonable and timely efforts, the movant was unable to conduct a conference; or
- (C) the reasons why, given the emergent nature of the motion, concurrence could not reasonably be sought.

(d)(3) 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.

Proposed Amendment to Local Criminal Rule 12.4

12.4(a) Attempt to obtain concurrence – With respect to all motions, the moving party shall ascertain whether the motion will be opposed. In addition, in the case of all nondispositive motions, counsel or *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, given the nature of the contemplated motion. The conference must be held sufficiently in advance of filing the motion to allow the opportunity for meaningful discussion.

(b) If concurrence is not obtained – the nondispositive motion shall be accompanied by a separately filed certificate setting forth in detail:

- (1) the identification of the participants of the conference, the issues addressed in the conference, and the legal basis for each party's position;
- (2) the reasons why, despite reasonable and timely efforts, the movant was unable to conduct a conference; or
- (3) the reasons why, given the emergent nature of the motion, concurrence could not reasonably be sought.

(c) 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.