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INTRODUCTION

It has long been the intent of the federal judges in Kentucky to make the practice of law in the federal courts as simple and understandable as possible for the Kentucky federal practitioner. While no federal statute mandates uniformity, the United States District Courts for the Eastern District and Western District of Kentucky promulgated Joint Local Rules in 1986. The 2015 revisions of the Joint Rules reflect the Joint Local Rule Commission's desire to ensure continuing continuity, clarity, and modernity in these Joint Rules.

The members of the Joint Local Rules Commission who participated in the revision and editing process are as follows:

Brian Haara, Esq., Chairman, Louisville, Kentucky
Honorable Joseph H. McKinley, Jr, Chief Judge, Western District of Kentucky
Honorable Karen Caldwell, Chief Judge, Eastern District of Kentucky
Honorable Danny Reeves, Judge, Eastern District of Kentucky
Honorable Hanly Ingram, Magistrate Judge, Eastern District of Kentucky
Honorable Lanny King, Magistrate Judge, Western District of Kentucky
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Mark Whitlow, Esq., Paducah, Kentucky
Vanessa L. Armstrong, ex officio, Clerk, Western District of Kentucky
Robert R. Carr, ex officio, Clerk, Eastern District of Kentucky

The Judges of the Eastern and Western Districts of Kentucky are grateful to the many lawyers who have worked on the Joint Local Rules Commission and for their ongoing efforts in the review of the Local Rules of Court. The invaluable contribution of these lawyers has made for the success of the Joint Local Rules Project between the Eastern and Western Districts.

Comments and suggestions for the improvements of the Local Rules should be directed to a Clerk of Court for the attention of the Joint Local Rules Commission.

JOINT LOCAL RULES OF CRIMINAL PRACTICE

LCrR 1.1 Scope, Purpose and Construction

These Joint Local Rules of Criminal Practice for the United States District Courts for the Eastern and the Western Districts of Kentucky provide standardized procedures for the convenience of the bench and bar. They must be construed to be consistent with the Federal Rules of Criminal Procedure and to secure the just, efficient and economical determination of criminal actions. These rules do not eliminate the statutory distinction between the United States District Courts for the Eastern and Western Districts of Kentucky.

LCrR 1.2 Definitions

References to "Court" or the "Clerk" mean the United States District Court for the Eastern District of Kentucky -- or the Clerk of that Court -- or the United States District Court for the Western District of Kentucky -- or the Clerk of that Court. A "party" or "you" refers to either the party or the attorney.

LCrR 5.1 Duties of United States Magistrate Judges

All magistrate judges are specially designated within the meaning of 18 U.S.C. §3401(a) to try persons accused of misdemeanor offenses and to sentence persons convicted of misdemeanor offenses. They are further authorized to perform all duties in regard to extradition proceedings specified in 18 U.S.C. §3184, including but not limited to certifications to the Secretary of State and issuance of warrants.

LCrR 11.1 Plea Agreement Supplements Required in Criminal Cases

All plea agreements shall be accompanied by a supplement containing either a cooperation agreement or a statement that no such agreement exists. The Clerk of Court shall file the supplement under seal.

LCrR 12.1 Motions

(a) **Generally.** All motions must state precisely the relief requested. Except for routine motions -- such as motions for an extension of time -- each motion must be accompanied by a supporting memorandum. Failure to file a supporting memorandum may be grounds for denying the motion.

(b) **Motions for an Extension of Time.** Extensions of time in criminal actions will be granted only if the party seeking the extension files a motion demonstrating good cause. Extensions of time by agreement of the parties are not valid in criminal cases. A memorandum opposing a motion for an extension of time must be filed within seven (7) days of service of the motion.

(c) **Time for Filing Motions.** Unless a different time is fixed by statute or the Federal Rules of Criminal Procedure, motions must be filed within the time period ordered by the Court.

(d) **Time for Filing Memoranda in Response and Reply.** A party opposing a motion must file a response memorandum within fourteen (14) days of service of the motion. Failure to timely respond to a motion may be grounds for granting the motion. A party may file a reply memorandum within fourteen (14) days of service of the response.

(e) **Limitations on Memoranda.** Supporting and opposing memoranda may not exceed twenty-five (25) pages without leave of Court. Reply memoranda may not exceed ten (10) pages without leave of Court.

(f) **Proposed Order.** A party filing a motion must also file a separate proposed order. Any proposed order imposing sanctions must be provided separately from a proposed order pertaining to any other matter.

(g) **Hearings or Oral Arguments on Motions.** A party may request a hearing or oral argument by motion.

(h) **Submission to the Court.** A motion is submitted to the Court for decision after the completion of the hearing or oral argument - or if none - after the reply memorandum is filed, or the time for filing the reply has expired.

(i) **Copies of Cited Authority.** If a motion or memoranda contains a citation to any authority not available electronically, you must attach a copy of the authority. Upon request, a party must provide a copy of any cited unpublished or non-Kentucky state case or statute to the opposing party.

LCrR 18.1 Jury Divisions

(a) **United States District Court for the Eastern District of Kentucky.** The United States District Court for the Eastern District of Kentucky is divided into the following jury divisions with juries drawn from the counties within each docket:

(1) **Northern**. The Northern Division is divided into two dockets.

(A) **Ashland.** The following counties are in the Ashland Docket: Boyd, Carter, Elliott, Greenup Lawrence, Lewis, Morgan, and Rowan.

(B) **Covington.** The following counties are in the Covington Docket: Boone, Bracken, Campbell, Gallatin, Grant, Kenton, Mason, Pendleton, and Robertson.

(2) **Central**. The Central Division is divided into two dockets:

(A) **Frankfort.** The following counties are in the Frankfort Docket: Anderson, Carroll, Franklin, Henry, Owen, Shelby, and Trimble.

(B) **Lexington.** The following counties are in the Lexington Docket: Bath, Bourbon, Boyle, Breathitt, Clark, Estill, Fayette, Fleming, Garrard, Harrison, Jessamine, Lee, Lincoln, Madison, Menifee, Mercer, Montgomery, Nicholas, Powell, Scott, Wolfe, and Woodford.

(3) **Southern**. The South Division is divided into two dockets:

(A) London. The following counties are in the London Docket: Bell, Clay, Harlan, Jackson, Knox, Laurel, Leslie, McCreary, Owsley, Perry, Pulaski, Rockcastle, Wayne, and Whitley.

(B) **Pikeville.** The following counties are in the Pikeville Docket: Floyd, Johnson, Knott, Letcher, Magoffin, Martin, and Pike.

(b) **United States District Court for the Western District of Kentucky.** The United States District Court for the Western District of Kentucky is divided into the following jury divisions:

(1) **Louisville.** The following counties are in the Louisville Division: Breckinridge, Bullitt, Hardin, Jefferson, Larue, Marion, Meade, Nelson, Oldham, Spencer, and Washington.

(2) **Bowling Green.** The following counties are in the Bowling Green Division: Adair, Allen, Barren, Butler, Casey, Clinton, Cumberland, Edmonson, Green, Hart, Logan, Metcalf, Monroe, Russell, Simpson, Taylor, Todd, and Warren.

(3) **Owensboro.** The following counties are in the Owensboro Division: Daviess, Grayson, Hancock, Henderson, Hopkins, McLean, Muhlenberg, Ohio, Union, and Webster.

(4) **Paducah.** The following counties are in the Paducah Division: Ballard, Caldwell, Calloway, Carlisle, Christian, Crittenden, Fulton, Graves, Hickman, Livingston, Lyon, McCracken, Marshall, and Trigg.

(c) **Assignment to a Division.** Jury division assignments may be changed by rule or by Court order.

LCrR 18.2 Place of Prosecution and Trial

(a) **Assignment of Actions to Jury Divisions.** Criminal actions will be assigned to the jury division in which the crime is alleged to have occurred. If it is unclear in which division the alleged crime occurred, the indictment will be assigned to the division in which the first named defendant resides. A corporation is deemed to be a resident of the county in which it has its principal place of business within the district. In any instance not covered by this rule, the action will be assigned to a division in the discretion of the Clerk.

(b) **Transfer.** Any criminal action or proceeding may, in the discretion of the Court, be transferred from the jury division in which it is pending to any other division for the convenience of the Court, the defendant, witnesses, or in the interest of justice.

LCrR 24.1 Trial Jurors

(a) **Contact with Jurors.** Unless permitted by the Court, no person, party or attorney, nor any representative of a party or attorney, may contact, interview, or communicate with any juror before, during or after trial.

(b) **Peremptory Jury Challenges.** Unless the Court orders otherwise, the parties must exercise their peremptory challenges simultaneously.

(c) **Attorneys Not to Request any Person's excuse from Jury Service.** No attorney or law firm -- or an employee of an attorney or law firm -- may request a judge to excuse any person lawfully summoned for jury service.

LCrR 45.1 "Last Day" Defined

For the purposes of Federal Rules of Criminal Procedure 45(a)(3), unless a different time is set by a statute or court order, the "last day" ends for electronic filing at midnight, **EASTERN TIME**.

LCrR 45.2 Computation of Time – Date Certain

When any period of time set by Order of the Court or otherwise ends on a date certain and that date certain falls upon a Saturday, Sunday or legal holiday, the period of time continues to run until the end of the next day that is not a Saturday, Sunday or legal holiday.

LCrR 46.1 Release from Custody -- When Surety is Required

(a) **General Requirements.** The Clerk may -- unless the Court orders otherwise -- accept only the following as surety on a bond:

(1) a surety company approved by the United States Department of Treasury;

(2) cash in an amount set by the Court; or

(3) a personal surety secured by real estate that complies with subsections (d), (e), (f), and (g) below.

(b) **Powers of Attorney.** A Treasury Department approved surety company may designate an agent in Kentucky to execute bonds. If so, the power of attorney designating the agent may be filed with the Clerk in the jury division in which the action is pending. In lieu of filing the power of attorney with the Clerk, a copy of the power of attorney must be appended to each bond executed.

(c) **Unacceptable Personal Sureties.** The Clerk must not accept the following as a personal surety on any bond;

(1) an attorney;

(2) a Court officer or employee; or

(3) the United States Marshal or any deputy marshal.

(d) **Personal Surety Secured by Real Estate; Generally.** The Clerk must accept a personal surety secured by real estate under the following conditions:

(1) The real estate is located in Kentucky;

(2) The real estate has an unencumbered value of at least 110% of the bond amount;

(3) The real estate is not owned by a corporation or partnership; and

(4) If the property is held jointly, all joint tenants have executed the bond.

(e) **Procedure for Posting Real Estate Bond.** To post a real estate bond, the sureties must execute an affidavit providing the following information:

(1) the owners' names and addresses;

(2) an affiant's statement as to the assessed value from the Property Valuation Administrator's Office or, if that is not available, an appraisal by a licensed appraiser; and

(3) a listing of all liens and mortgages on the property, including all but the current year's real estate taxes.

(f) **Affidavit on Appearance Bonds.** On appearance bonds, the affidavit required in (e) must be incorporated by reference in the Justification of Sureties portion of the Appearance Bond Form.

(g) **Bond Execution and Deed Deposit.** All parties to the deed and the bond must execute the bond and take the oath. The deed, or certified copy of the deed, must be deposited with the Clerk. Upon receipt of the deed, or certified copy of the deed, the Clerk must provide a receipt to the owner. If the bond is not forfeited, the deed must be returned to the property owner in person, or by certified mail, at the conclusion of the case.

(h) **Lis Pendens Notice and Fees.** The Clerk must file a lis pendens notice against the property in the County Clerk's Office in the county where the property is located. The required fee for filing the notice and release of lis pendens is required upon the execution of the bond.

LCrR 49.1 Form of Pleadings

(a) **Name of Counsel.** All pleadings, motions and other papers must include the name, address, and telephone number of the filing party's attorney(s) of record or, if the party is not represented by counsel, of the filing party.

(b) **Paper Size.** All pleadings, motions and other papers filed with the Court must be on paper that is "8½ x 11".

LCrR 49.2 Place of Filing Pleadings and Other Papers

Pleadings, motions and other papers may be filed in any of the divisional offices of the Clerk for the district in which the action is filed or pending.

LCrR 49.3 Filing of Documents by Electronic Means

Documents shall be filed, signed and verified by electronic means to the extent and in the manner authorized by General Order 05-03 of the Court. A document filed by electronic means in compliance with this Local Rule constitutes a written document for the purposes of applying these Local Rules and the Federal Rules of Criminal Procedure. The General Orders of the Court referenced herein may be obtained from the Clerk's office on the following websites:

WDKY – "http://www.kywd.uscourts.gov/"
EDKY – "http://www.kyed.uscourts.gov"

LCrR 49.4 Service of Documents by Electronic Means

Documents shall be served through the court's transmission facilities by electronic means to the extent and in the manner authorized by General Order 05-03 of the Court. Transmission of the Notice of Electronic Filing (NEF), with a hyperlink to the electronically filed document, constitutes service of the filed document upon each party in the case who is registered as an electronic case filing user with the Clerk. Any other party or parties shall be served documents according to these Local Rules and the Federal Rules of Criminal Procedure.

LCrR 49.5 Time of Filing and Service

Documents filed by electronic means under LCrR 49.3 shall be deemed filed on the date and time stated on the Notice of Electronic Filing which is transmitted, with a hyperlink to the electronically filed document, to the filing party.

Documents served by electronic means under LCrR 49.4 shall be deemed served on the date and time stated on the Notice of Electronic Filing which is transmitted, with a hyperlink to the electronically filed document, to the party served.

LCrR 49.7 Service Date for Electronic Notice of the Entry of Court Judgments and Orders

When the Notice of Electronic Filing transmitted to a party contains a complete court order and states that there is no document attached, notice of entry of the order shall be deemed served on the date and time stated on the Notice of Electronic Filing that is transmitted to the party served.

In all other cases, court judgments and orders shall be deemed served on the date and time stated on the Notice of Electronic Filing that is transmitted, with a hyperlink to the judgment or order, to the party served.

LCrR 50.1 Assignment of Cases Among Judges and Calendaring

(a) **Assignment of Cases Among Judges.** Cases are assigned among the various judges within a district in a manner established by the Court's General Order. Unless otherwise ordered, cases are calendared for trial or other appropriate proceedings by the assigned judge.

(b) **Judge Not Available.** If it appears that any matter demands immediate attention and the judge to whom the case has been assigned is not or will not be available, the Clerk -- upon request -- must determine if another judge is available who will consent to hear the matter.

LCrR 53.1 Courtroom Decorum

(a) **Persons Permitted Inside the Bar of the Courtroom.** Only those persons authorized by the Court, or those having an official function, are permitted inside the bar of the courtroom during criminal proceedings held in open court.

(b) **Possession and Use of Electronic or Photographic Equipment; Generally.** Except as permitted by (c), no person may operate any visual or audio recording, broadcasting or transmitting device or equipment in any courtroom. This rule applies regardless of whether court is actually in session.

(c) **Permitted Uses of Electronics.** The presiding judge may permit the following:

(1) Use of electronic or photographic means for presenting evidence or perpetuating the record; and/or

(2) The broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceeding.

(3) Any wireless or internet communication device approved by the Court.

(d) **Devices and Equipment in Courthouses.** By General Order, the Eastern and Western Districts may regulate the possession of electronic devices and equipment within each courthouse. Notice of any such General Order shall be posted in a conspicuous place in all federal court buildings in the District and will be available on the Clerk's website. Notice of (b) must be posted in a conspicuous place in all federal court buildings in Kentucky.

LCrR 55.1 Original Pleadings

Originals of pleadings, motions, and other papers filed with the Court must not be withdrawn from Court files, unless ordered by the Court.

LCrR 55.2 Exhibits

Unless the Court orders otherwise, exhibits must be managed as follows:

(a) **Method of Designation.** All exhibits and materials to be used during a criminal trial must be marked for identification purposes with labels obtained from the Clerk.

(1) Joint exhibits (JX) must be numbered using white labels;

(2) Plaintiff's exhibits (PX) must be numbered using pink labels;

(3) Defendant's exhibits (DX) must be numbered using blue labels;

(4) Third-party exhibits (TPX) must be numbered using green labels;

(5) If the proceeding involves multiple plaintiffs or multiple defendants, the identification assigned to each exhibit must contain the individual party's surname or corporate name.

(b) **Uniform Designation.** Proposed exhibits must be uniformly identified during all phases of the case. This rule applies to all proposed exhibits, including exhibits appended to discovery requests or depositions and exhibits to be used at trial.

(c) **Disposition of Exhibits.** The Clerk may direct counsel of record to retrieve their exhibits from the Clerk's custody by a specific date. The Clerk may destroy any exhibits that remain unclaimed two weeks after counsel of record has been directed to retrieve them.

(d) **X-Rays, Hospital Records and Medical Reports.** The Clerk may deliver x-ray negatives, hospital records and medical reports to the witness through whom the exhibit was introduced in evidence.

(e) **Contraband.** If not claimed within two (2) weeks of final disposition of a case, the Clerk may deliver all contraband filed as exhibits to the appropriate agency for disposition.

LCrR 57.1 Attorney Admission to Practice

(a) **Applicant Eligibility.** An attorney may apply for admission to the Bar of the Court if:

(1) The attorney has been admitted to practice before the Supreme Court of Kentucky;

(2) The attorney is in good standing with the Supreme Court of Kentucky; and

(3) The attorney is of good moral and professional character.

(b) **Admission Procedure.** An applicant must provide the Clerk with the following:

(1) an Application for Admission;

(2) an Authorization and Release;

(3) an affidavit of sponsorship signed by a member of the bar; and

(4) the prescribed fee; and

(5) a statement identifying the method of training completed before use of the Court's electronic filing system.

(c) **Admission.** After the Court grants the attorney's application, the applicant may be admitted by mail or by appointment in open court.

(1) **Admission by Mail.** Upon request, the Clerk will promptly mail a Certificate of Admission to the applicant.

(2) **Admission in Open Court.** Upon request, the Clerk will arrange for a hearing at which time the sponsor will move to admit the applicant. The presiding judge will administer the attorney's oath or affirmation in open court.

LCrR 57.2 Permission to Practice in a Particular Case*

(a) **Procedure.** An attorney who has not been admitted to the Bar of the Court – but who is in good standing in the Bar of any state, territory, or the District of Columbia – may represent parties before the Court if the attorney has paid the prescribed *pro hac vice* admission fee to the Clerk of the Court and been granted leave by the Court to appear *pro hac vice* in a particular case. A separate motion for each attorney requesting *pro hac vice* admission must include the following information:

(1) *Admission Status.* The motion must identify each Bar in which the attorney is a member and attach a certificate of good standing issued by the highest court of the state, territory, or the District of Columbia in which the attorney is a resident. The certificate of good standing must be issued no more than ninety (90) days before the filing of the motion.

(2) *Disciplinary History*. The motion must disclose whether the attorney is currently or has ever been disbarred, suspended from practice, or subject to other disciplinary action by any court, state, territory, or the District of Columbia.

(3) *Consent to Jurisdiction*. The motion must include a statement indicating that the attorney consents to be subject to the jurisdiction and rules of the Kentucky Supreme Court governing professional conduct.

(4) *ECF Training*. The motion must identify the method of training completed by the attorney before use of the Court's electronic filing system.

(b) The Attorney General or any other bar member of the Department of Justice, or of any federal agency, including federal public defenders or panel attorneys that cross district lines, need not seek admission *pro hac vice* under this rule.

(c) **Sanctions.** Nothing in this rule detracts from the Court's power to sanction unprofessional conduct.

*The Attorney General or any other officer of the Department of Justice need not seek admission pro hac vice under this rule. See 28 U.S.C. §515(a).

LCrR 57.3 Attorney Discipline

(a) **Discipline Generally.** Any attorney practicing before the Court is subject to discipline by the Court upon a showing that:

(1) The attorney is currently suspended or disbarred by any admitting or licensing authority; or

(2) The attorney is guilty of unprofessional conduct in the matter pending before the Court.

(b) **Discipline By Admitting or Licensing Authority; Procedure.**

(1) *Attorney's Duty to Notify.* An attorney practicing before the Court who is publicly reprimanded, suspended, or disbarred by any admitting or licensing authority must inform the Clerk in writing of the public reprimand, suspension or disbarment within ten (10) days after the effective date of any such public reprimand, suspension, or disbarment.

(2) *Automatic Reciprocal Discipline; Discretion to Enhance Discipline.* Unless otherwise ordered by the Court, any such attorney who has been suspended or disbarred by any admitting or licensing authority, whether by suspension, revocation, or disbarment, shall automatically forfeit his or her right to practice law before this Court during the same period that such attorney has been prohibited from practicing law by such other licensing authority, or, under the Court's discretion, for a greater period of time. The Clerk of Court shall send a written notice to the attorney, together with a copy of this section of the Local Rules, informing the attorney of the forfeiture of his or her right to practice law before this court. Any failure or delay with regard to

the sending of such notice shall not affect the automatic forfeiture provisions of this section.

(3) *Grounds for Challenge.* Within thirty (30) days after the effective date of any suspension or disbarment by any admitting or licensing authority, the attorney may file a written challenge to the reciprocal discipline imposed under section (2). To conclude that the entry of some other order is appropriate, the Court must find that the record underlying the attorney's suspension or disbarment clearly indicates that:

(A) the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;

(B) the proof establishing the misconduct was so infirm that the Court could not – consistent with its duty – accept the conclusion of the admitting or licensing authority as final;

(C) the Court's disqualification of the attorney would result in grave injustice; or

(D) the Court concludes that the misconduct underlying the attorney's suspension or disbarment warrants substantially different discipline.

(4) *Finality of the Action of the Admitting or Licensing Authority.* Unless the Court determines that one of the grounds contained in (3) above exists, the admitting or licensing authority's final adjudication of attorney misconduct conclusively establishes the misconduct for purposes of this Court's discipline.

(5) *Reinstatement.* Upon reinstatement of an attorney by any admitting or licensing authority, the attorney shall provide to the Clerk of Court written notice from the admitting or licensing authority confirming the reinstatement. The Clerk of Court shall then transmit the confirmation to the Chief Judge who shall determine whether the attorney may be reinstated to practice before the Court.

(c) **Discipline for Unprofessional and Improper Conduct.** If it appears to the Court that an attorney practicing before the Court has violated the rules of the Kentucky Supreme Court governing professional conduct or is guilty of other conduct unbecoming an officer of the Court, any judge may order an attorney to show cause -- within a specified time -- why the Court should not discipline the attorney. Upon the expiration of the period specified or upon the attorney's response to the show cause order, the Court will enter an appropriate order. If requested by the responding attorney, the Court will conduct a hearing prior to determining the appropriate order.

(d) **Discipline for Contempt.** Disbarment from the Court may be utilized as a sanction for contempt of court under the procedures contained in Federal Rule of Criminal Procedure 42. Nothing in this rule shall limit the Court's power to punish contempt.

LCrR 57.4 Local Counsel

If the law practice of an attorney practicing before the Court is not located in proximity to the place where court is held, the Court may -- in its discretion -- require the attorney to designate local counsel. To require local counsel, the Court must enter an order articulating the reasons local counsel is required.

LCrR 57.5 Appearance of Counsel

Unless the Court orders otherwise, an attorney is deemed an attorney of record by:

(a) appearing in court on behalf of a party;

(b) filing an entry of appearance;

(c) signing a pleading, motion or other paper as attorney for a party; or

(d) listing his or her name as an attorney -- other than of counsel -- on a pleading, motion, or other paper.

LCrR 57.6 Substitution or Withdrawal of Attorney of Record

Unless a compelling reason exists, an attorney of record is not permitted to withdraw within twenty-one (21) days of trial. At any other time, an attorney of record may withdraw from a case only under the following circumstances:

(a) The attorney files a motion, his or her client consents in writing, and another attorney enters his or her appearance; or

(b) The attorney files a motion, certifies the motion has been served on the client, makes a showing of good cause, and the Court consents to the withdrawal on whatever terms the Court chooses to impose.

(c) In cases where an attorney seeks to be substituted for another as attorney of record, and both attorneys are within the same partnership or other legal professional association, a notice of substitution must be filed by the withdrawing attorney and the substitute attorney with an affirmative representation stating that the substitution is made with the client's consent; the notice may, but need not be, signed by the client.

LCrR 57.7 Modification or Amendment of Local Rules

(a) **Modification in Particular Case.** A judge may modify any local rule in a case by entering an appropriate order.

(b) **Amendments to the Joint Local Rules.** The Courts may amend these rules by entering an appropriate order in each District under the procedures in Federal Rule of Criminal Procedure 57. The Courts have agreed not to adopt an amendment to the Joint Local Rules of Civil or Criminal Practice until considered by the Joint Local Rules Commission.

(c) **Joint Local Rules Commission Membership**

(1) **Generally.** The Joint Local Rules Commission is comprised of the following members:

(A) two judges from each District;

(B) four practicing attorneys from each District;

(C) a chairperson selected by -- and serving at the will of -- the Chief Judges of the Districts.

(2) **Judge Members.** Judge members of the Commission must include the Chief Judges of the respective Districts -- or his or her designee -- and one other judge selected by the judges of each Court.

(3) **Attorney Members.** The Board of Governors of the Kentucky Bar Association must appoint the attorney members of the Commission. Attorney members must be selected from those attorneys currently practicing in the Eastern or Western District of Kentucky -- or in both Districts. The Board should select attorneys so as to maintain geographic representation for all Bar members in Kentucky.

(d) **Terms of Office for Attorney Members.** Attorney members of the Commission must be appointed for a four year period. The initial appointments must be staggered terms of one, two, three or four years to achieve continuity on the Commission. Commission members at the time this rule takes effect may be reappointed to the Commission in appropriately staggered terms to maintain continuity.

(e) **Meetings.** The Commission will meet bi-annually in a place convenient to as many members as possible. If no one identifies any agenda items to the chairperson prior to the scheduled meeting, the meeting may be canceled. A quorum consists of the following:

(1) one judge from each District; and

(2) two attorneys from each District.

LCrR 58.1 Misdemeanors and Other Petty Offenses

(a) **Collateral.** In lieu of appearance, a defendant may post collateral in amounts specified by court order if:

(1) the defendant is charged with a "petty offense" as defined in (b); and

(2) the petty offense charged is one for which the court has specifically authorized the posting of collateral.

(b) **Petty Offenses.** For purposes of this rule, "petty offenses" are those offenses in 18 U.S.C. §19. In determining a "petty offense," it is irrelevant whether the offense originated under applicable federal statutes or regulations or under applicable state statutes by virtue of the Assimilative Crimes Act, 18 U.S.C. §13.

(c) **Petty Offense List.** The Clerk and each United States Magistrate Judge will maintain a current list of the petty offenses and the collateral applicable. The list referenced herein may be obtained from the Clerk's office on the following websites:

WDKY – "http://www.kywd.uscourts.gov/"
EDKY – "http://www.kyed.uscourts.gov"

LCrR 59.1 Effective Date

These rules are effective August 12, 2014. Except for jury plans, speedy trial plans and criminal justice plans for each district, these rules supersede all previous local rules and court orders.

LCrR 60.1 Citation

These rules may be known as the Joint Local Rules of Criminal Practice, and cited as "LCrR ____".

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