

United States District Court

District of Maine

Amendments to District Court Local Rule 56

On July 1, 2011, District Court Local Rule 56 regarding summary judgment practice will be amended in a number of significant ways. Following the Maine State Bar Association Summer Meeting in Bar Harbor last summer, the District Court Local Rules Advisory Committee began to consider whether Local Rule 56 should be amended to require some type of limitation on statements of material fact, and if so, how that limitation should be quantified and implemented. Discussions with the bar continued last October at the District of Maine Judicial Conference followed by more discussion by the Local Rules Advisory Committee at the Maine State Bar Association Winter Bar Meeting this past January.

The Committee has had extensive discussions, considered several options and invited comment and input from the bar and the public. The Committee and the Court ultimately determined that some revision to the statement of material facts provision of Local Rule 56 was appropriate. On July 1, 2011, Local Rule 56 will be amended to add new subsections (g) and (h), which read as follows:

- (g) Facts deemed admitted solely for purposes of summary judgment shall not be deemed admitted for purposes other than determining whether summary judgment is appropriate.
- (h) In all Standard Track cases, but not including those categories of cases specifically referenced in Rule 26(a)(1)(B), F.R.Civ.P., a party moving for summary judgment shall, no later than seven (7) days after the close of discovery, provide the Court and all other parties to the action with written notice of the intent to file and need for a pre-filing conference with a judicial officer. At the pre-filing conference, the parties shall be prepared to discuss, and the judicial officer shall consider:
 - The issues to be addressed by a motion for summary judgment;
 - The length of any statement of material facts filed pursuant to LR 56(b)&(c);
 - The length of the memoranda filed pursuant to LR 7, and the time within which the motion for summary judgment shall be filed.

Following the pre-filing conference, the judicial officer will issue an order reciting the action taken at the conference.

The mandatory pre-filing conference is expected to result in a reduction in the number of motions for extension of page limits on memoranda and unnecessarily long statements of material facts.

The Court and Committee recognize that this is a polarizing issue and may have a significant impact on summary judgment practice. This is a pilot project, expected to last for eighteen months. At the conclusion of the pilot, the Court and the Committee will review the efficacy of the amended rule.