

Filing of PSRs and Objections in CM/ECF (Modification to Criminal Local Rule 32.2)

Effective **Monday, August 14, 2017**, the draft presentence report (PSR) and objections/acknowledgement of no objections must be filed in Case Management/Electronic Case Filing (CM/ECF). Additionally, PSRs will no longer be mailed to defendants. Pursuant to the updated local rule, the defense attorney shall disclose and review the PSR with the defendant.

DRAFT PSR:

- The attorneys of record will receive a Notice of Electronic Filing (NEF) of the filed draft PSR and have one opportunity to view the draft PSR through the NEF without having to pay through PACER.
- The First Draft Cover Memo with the objection due date will be filed with the draft PSR as an attachment.

Objections to the PSR:

- Counsel for both parties shall either file in CM/ECF objections to the PSR or an acknowledgement of no objections¹ using the event found under Sealed and Ex Parte Events, entitled "Objections to PSR" and must notice the applicable parties.
- Unlike most other criminal Sealed and Ex Parte Events, when filing objections to the PSR under the "Objections to PSR" event, the filing party must select the appropriate defendant and the government who will then receive an NEF will be able to access the document through the NEF.
- It is imperative that when filing objections, the appropriate defendant is selected in order to avoid non-parties from gaining access to the document.
- Counsel may still contact the U.S. Probation Officer (USPO) to correct factual issues via email/telephone; however, if the end result is all issues are resolved, then an acknowledgement of no objections must be filed in CM/ECF with notice to the applicable parties.
- If there are unresolved issues, those objections must be filed in CM/ECF with notice to the applicable parties.
- Filed objections can still be resolved prior to the finalization of the PSR and result in no objections or a reduced number of objections to the PSR. Thereafter, counsel for the applicable party with the objection(s) does not have to re-file the remaining objection(s) or acknowledgement of no objections. It should be clear what the outstanding objection are in the Addendum.
- Probation does not have the ability to file objections/acknowledgement on behalf of an attorney.
- Since the objections are filed in CM/ECF, objections will no longer be filed as an attachment to the PSR upon the request of counsel.

FINAL PSR:

- The attorneys of record will receive NEF notification of the filed final PSR and have one opportunity to view the final PSR through the NEF without having to pay through PACER.

Disclosure of PSR to Defendant:

- As previously noted, neither a copy of the draft nor final PSR will be mailed to the defendant.
- Counsel has the option of either providing a copy of the PSR to the defendant or merely reviewing the document with the defendant.

¹The acknowledgement should be on letterhead and state the party has no objection to the PSR.