Chapter 4: Local Rules and Standing Orders

“Before you even begin composing, be certain that you’ll comply with the rules of the court in which you’re filing. If any of them seem unclear, call the clerk of court.” Antonin Scalia & Bryan A. Garner, The Art of Persuading Judges 65 (2008).

While that sounds like excellent advice, to a new legal writer, the question remains of what exactly are the “rules of the court”? The answer is, “It depends.” This is the default for most legal questions, as you will quickly learn. Specifically, it depends on which court you are submitting a document to and whether that court, or the system of which that court is a part, has established certain rules for things like font selection, page limits, document formatting, form usage, filing timelines, and more. These rules of the court are often called **local rules** because they apply only to that court or system of courts. Local Rule, Black’s Law Dictionary, (11th ed. 2019), defines a local rule as “1. A rule based on the physical conditions of a state and the character, customs, and beliefs of its people. 2. A rule by which an individual court supplements the procedural rules applying generally to all courts within the jurisdiction.” Local rules deal with a variety of matters, such as how many copies of a document must be filed, what type of font should be used in court filings, and what is considered appropriate courtroom decorum.

As an example of local rules being in the news, in January 2021 Florida courts changed their document formatting rules from page limits to word counts and to require using either Arial 14-point or Bookman Old Style 14-point font. In re Amendments to Fla. Rules of Appellate Procedure 9.120 and 9.210, 307 So.3d 626 (2020).

Sometimes, courts will rely on standing orders instead of local rules to implement preferences for form usage, filing requirements and timelines, and other matters that affect cases that are routinely filed in that court. **Standing orders** are the rules governing the protocols of a court. These can include standards for form usage, filing requirements, and timelines. Standing Order, Black's Law Dictionary (11th ed. 2019), defines standing order as “A prospective omnibus court order that applies to all cases pending before a court.”

You have encountered types of local rules and standing orders many times before: the rules in a classroom. How to format your assignment submissions, when and if you can miss any class sessions, and the protocol for being called on to speak can all be analogized to a court’s local rules.

During law school, your professors will require you to format your documents in certain ways that might not make sense to you or that you might not like. Keeping up with formatting minutiae might seem tedious, but ensuring that your documents are formatted in the way the legal reader (in this case, your professor) expects is a quick way to keep points and to enhance your credibility as a legal writer.

Failure to follow local rules can result in a response not being accepted by the court and a party being prohibited from participating in oral argument at a hearing (see [Ordos City Hawtai Autobody Co., v. Dimond Rigging Co.,](https://1.next.westlaw.com/Document/I3ed2e660f4ac11e69f02f3f03f61dd4d/View/FullText.html?transitionType=Default&contextData=(oc.Default)) No. 13-14909, 2015 WL 13048810 (E.D. Mich. July 16, 2015)), denial of a motion (see Thomas v. Hsiao, No. 12 CIV. 1128 ILG SMG , 2012 WL 5897412 (E.D.N.Y. Nov. 21, 2012)), or even fee-shifting from one party to another. (see [Royal Bahamian Ass'n. v. QBE Ins. Corp.](https://1.next.westlaw.com/Document/I9a8e4e87d70511df8228ac372eb82649/View/FullText.html?transitionType=Default&contextData=(oc.Default)), 744 F. Supp. 2d 1297 (S.D. Fla. 2010)).

# Conclusion

There are many varieties of rules, as with so much else in the study and practice of law, and you should be certain to locate what the rules are for the jurisdiction in which you are researching, writing, and practicing. Following the local rules and standing orders builds your credibility with the practitioners within the jurisdiction and might also be the difference between your writing be accepted or rejected.