

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Administrative Order 86 - 13

IN RE:

LOCAL RULE 5.5 DUTY JUDGE

INTERIM ORDER

During the Court's regularly scheduled Judges' Meeting of February 20, 1986, it was moved, seconded and unanimously agreed that General Rule 5.5 regarding Duty Judge matters be amended as set forth below. Pending a public hearing and final ratification of said amendments, this Interim Order shall be in full force and effect.

RULE 5.5 DUTY JUDGE

A. There shall be established for the Miami Division on a monthly rotating basis, to be determined by the Court, a schedule designating each active resident Judge as Duty Judge and who shall be available to hear and preside over the following:

1. Handle all grand jury matters. This includes convening grand juries and ruling on matters affecting those grand juries during each month's duty. The Clerk's Office will call the offices of the Duty Judge to attempt to arrange a time convenient to the Judge for the empanel of the grand jury (if one is scheduled for that month), but if the jurors have already been summoned, the date will have to be firm and the Judge will have to adjust his or her schedule accordingly. Once the date for the empanelment is set by the Judge in consultation with the clerk, the date will have to be firm and not subject to change. Rule 6(f) of the Federal Rules of Criminal Procedure makes provisions for a grand jury return to be taken by either a Federal Judge or a United States Magistrate. Whether the District Judge or the Magistrate will take a return will be determined by the Judge. Until Rule 6(f) is further construed, a District Judge should handle immunization of witnesses and all matters that pertain to contempt.

2. Presiding over emergency naturalization matters.

3. Preside over matters arising from Magistrates' proceedings which are not assigned to a District Judge, including but not limited to, applications for reduction of bonds and competency examinations.

4. Transfer of Probation from foreign districts.

5. Swearing in of attorneys to practice.

Administrative Order 86-  
In Re: Local Rule 5.5 Duty Judge


Continued

6. Preside over wire tap applications in matters not assigned to any District Judge. All extensions will be handled by the District Judge who granted the original application.

7. Preside over pen register and trap and trace applications including all applications for renewals.

8. Approval of issuance of warrants of arrest in admiralty cases when the Judge in whose division the case is assigned is not in that division or is otherwise unavailable.

DONE and ORDERED in chambers at the United States Courthouse, Federal Courthouse Square, Miami, Florida, this 24 day of March, 1986.

  
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James Lawrence King  
Chief Judge  
For The Court

CC: All United States District Judges  
All United States Magistrates  
Clerk of Court  
Court Executive