

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER NO. 91-59

**IN RE: DUTY JUDGE ASSIGNMENT
SCHEDULE, MIAMI**

The following is a schedule for August, 1991 through July, 1992, as to the Duty Judge for Miami, and supersedes Administrative Order 91-13. The Duty Judge's function is as follows:

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 empanelment 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. Key West Grand Juries will be empaneled and supervised by Chief Judge James Lawrence King.
3. Preside over emergency naturalization matters.
4. 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.
5. Transfer of Probation from foreign districts.
6. Swearing in of attorneys to practice.
7. 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.

8. Preside over pen register and trap and trace applications whether they be original applications or renewals.
9. 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.

MONTHLY ASSIGNMENTS:

*	August	1991	Judge Davis
	September	1991	Judge Kehoe
**	October	1991	Judge Moreno
	November	1991	Judge Nesbitt
	December	1991	Judge Marcus
	January	1992	Judge Ryskamp
	February	1992	Judge Moreno
***	March	1992	Judge Graham
***	April	1992	Judge Highsmith
	May	1992	Judge King
	June	1992	Judge Kehoe
	July	1992	Judge Davis

The Duty Judge should be present in the district and available for handling Duty Judge matters at all times during the month assigned. If it is necessary for the Duty Judge to be out of the district for a short period of time during the assignment month, it is his or her responsibility to make arrangements with another Judge to handle all Duty Judge matters arising during the brief absence, and to notify the Chief Judge and the Clerk of Court.

DONE and ORDERED in chambers at the United States Courthouse, Federal Courthouse Square, Miami, Florida, this 22nd day of August, 1991.



 JAMES LAWRENCE KING
 CHIEF U.S. DISTRICT JUDGE

- * Although Judge Davis was originally designated duty judge for the month of November, he switched with Judge Moreno so as to permit him to go on vacation the month of August.
- ** Due to the death of Judge Spellman the duty judge rotation was revised so as to advance the previous schedule by one month.
- *** Pending confirmation

cc: All United States District Judges
United States Attorney
Federal Public Defender
Clerk of Court
District Executive
Miami Review
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