

**UNIFORM LOCAL CIVIL RULES OF THE  
UNITED STATES DISTRICT COURTS  
FOR THE EASTERN, MIDDLE, AND  
WESTERN DISTRICTS OF LOUISIANA  
(EFFECTIVE MAY 15, 1987, current through  
October \_\_, 2010~~December 29, 2008~~)**

**PREAMBLE**

~~The Uniform Local Rules of the United States District Courts for the State of Louisiana is the result of a cooperative effort of the three courts and the Louisiana State Bar Association. Those rules which only apply to a certain court are designated by a letter after the rule number: "E" for the Eastern District of Louisiana, "M" for the Middle District of Louisiana, and "W" for the Western District of Louisiana. Any rule which is not followed by a letter or letters applies to all three districts. Where a particular provision within a rule applying to all three districts is limited to a particular district or districts, such limitation is specifically set forth.~~

~~On March 12, 1996, the Judicial Conference of the United States approved the recommendation of the Committee on Rules of Practice and Procedure to "adopt a numbering system for local rules of court that corresponds with the relevant Federal Rules of Practice and Procedure." The United States District Courts for the State of Louisiana complied and adopted a uniform numbering system on April 15, 1997, the date set by the Judicial Conference for compliance. Only the numbering of the Local Rules has changed.~~

~~The various rules may be cited as follows: Local Civil Rules may be cited as "LR\_\_\_\_"; the Local Criminal Rules may be cited as "LCrR\_\_\_\_"; and Local Admiralty Rules as "LAR\_\_\_\_"; and Local Criminal Rules as "LCrR\_\_\_\_".~~

**LOCAL CIVIL RULE 3 - COMMENCEMENT OF ACTION**

**LR3.1 Collateral Proceedings and Refiled Cases**

**LR3.1.1 Assignment of Collateral Proceedings and Refiled Cases**

**LR3.1.1E Assignment of Collateral Proceedings and Refiled Cases**

LR 3.2 Removal

**LR3.1 Collateral Proceedings and Refiled Cases**

Whenever a civil matter, commenced in or removed to the court, involves subject matter that ~~comprises either comprises~~ all or a material part of the subject matter or operative facts of another action, whether civil or criminal, then or previously pending ~~before this or another in any~~ court or ~~an~~ administrative agency, ~~or previously dismissed or decided by this court,~~ counsel ~~must file shall append on a separate sheet of paper, to the front of the complaint,~~ a list and description of all such actions then known to counsel and a brief summary of the relationship ~~between the cases.~~ If information concerning any such ~~action or~~ proceeding is obtained ~~after subsequent to the the~~ filing of the original pleading in the latter case, ~~it shall be the duty of counsel must obtaining such information to~~ notify the court and opposing counsel in writing of the relationship between the cases. ~~information so received in the same manner.~~ [Amended, October \_\_, 2010]

**LR3.1.1E & M Assignment of Collateral Proceedings and Refiled Cases**

~~In order to~~ To promote judicial economy ~~and~~ conserve judicial resources, and ~~to avoid the~~ potential ~~for~~ forum shopping and conflicting court rulings, all actions described in LR3.1 ~~must shall~~ be transferred to the section ~~with to which the matter having~~ the lowest docket number ~~has been allotted,~~ unless the two judges involved determine that some other procedure is in the interest of justice. If the transferee ~~and or~~ transferor judges cannot agree upon whether a case should be transferred, the opinion of the transferee judge prevails. \_

-If counsel fails to make the certification described in LR3.1 ~~then~~ the allotted judge to whom the case is allotted must shall transfer the action take this action when he or she learns of the related nature of the proceedings. [Amended June 28, 2002; October \_\_, 2010]

LR 3.2 Removal

Pursuant to 28 U.S.C. §1447(b), in every case in which a Notice of Removal is filed, the removing defendant must file, within 14 days of removal:

- (a) A list of all parties remaining in the action;
- (b) Copies of all pleadings, including answers, filed in state court; and
- (c) Copies of the return of service of process filed in state court on those parties.

[Adopted, October \_\_, 2010]

## OF PLEADINGS AND OTHER DOCUMENTSPAPERS

LR5.1 Place and Manner of Filing ~~LR5.1 Place of Filing~~

LR5.1.1 Filing of Extraordinary Pleadings ~~LR5.1.1E Filing of Extraordinary Pleadings~~

LR5.2 Advance Payment Required

LR5.3 Certificate of Service

LR5.4 Deposit for Service

LR 5.7 Procedure for Filing Documents Under Seal

~~LR5.5W Filings by Facsimile Transmission in Emergency~~

~~LR5.6E & W Corporate Disclosure~~

~~LR5.7M Electronic Case Files~~

~~LR5.7W Electronic Case Files~~

~~LR5.3~~ **LR5.1 Place and Manner of Filing**

All ~~documents must be filed~~ ~~filings shall be made~~ with the clerk of court in the manner provided in the court's Administrative Procedures for office of the clerk ~~Electronic Case Filings and Unique Procedures and Practices for Electronic Filings~~, available at [www.laed.uscourts.gov](http://www.laed.uscourts.gov). [Amended, October \_\_, 2010]

**LR5.1.1E & M Filing of Extraordinary Pleadings**

The attorney filing any ~~All~~ pleadings of an extraordinary nature (*e.g.*, temporary restraining orders, vessel seizures, writs of attachment, and other pleadings requiring immediate judicial action) ~~shall be filed personally by an attorney signing the pleadings. The attorney shall must~~ remain available by telephone to the judge to whom the matter ~~is has been~~ allotted until the judge ~~has had the opportunity to review~~ the pleadings and determines the appropriate action. ~~course to be followed~~. [Amended December 5, 1997; ~~and~~ June 28, 2002; October \_\_, 2010]

**LR5.2 Advance Payment Required**

The clerk ~~is shall~~ not ~~be~~ required to file any document ~~paper~~ or ~~to~~ render any service for which a fee is legally collectible unless the fee for the ~~particular~~ service is paid in advance. [Amended, October \_\_, 2010]

**LR5.3 Certificate of Service**

Every document pleading and every brief or memorandum filed after the initial complaint in any proceeding in this court must shall bear a certificate by the attorney or party who files it that, contemporaneously with or before prior to filing, copies have been served on all parties or their attorneys in a manner authorized by FRCP 5(b)(2) or, ~~either in person or by mailing it~~

~~postage prepaid, properly addressed via the court's CM/ECF system. This certificate may be by rubber stamp or typing, or it may be contained in the text of the pleading. [Amended, October , 2010]~~

### **LR5.4 Deposit for Service**

~~Upon deposit of a sum sufficient to cover the immediate costs, e~~Except as provided by law, ~~in cases involving indigent persons, the marshal is shall not be required compelled~~to perform the any service, ~~until the deposit of a sum sufficient to cover the immediate costs~~The marshal shall have been made, and may demand security in a reasonable amount for future ~~the~~ costs. [Amended, October , 2010]

### **LR5.6E & W Corporate Disclosure**

~~Any non-governmental corporate party to an action in this court shall file in duplicate a statement identifying all its parent corporations and any publicly traded company that owns 10% or more of the party's stock, unless such filing is waived by the presiding judge. A party shall file the statement as soon as practicable and in no event later than the preliminary conference or the scheduled hearing date for any dispositive motion, whichever is earlier. A party shall supplement the statement within a reasonable time of any relevant change in the information. Nothing herein is intended to require the disclosure of confidential information except *in camera* to the judge. [Adopted AugustSeptember 31, 2000 and March 13, 2001]~~

### **LR 5.7 Procedure for Filing Documents Under Seal**

- (A) ~~No document or other tangible item may be filed under seal without the filing of a separate motion and order to seal, unless authorized by law.~~
- (B) ~~Any motion providing prospectively for filing materials under seal must be accompanied by a non-confidential supporting memorandum, a notice of the request to seal, and a proposed order. The non-confidential memorandum and proposed order must include:~~
- ~~(1) A non-confidential description of what is to be sealed (e.g., medical records);~~
  - ~~(2) A statement as to why sealing is necessary;~~
  - ~~(3) Reference to governing case law; and~~
  - ~~(4) A statement of the period of time the party seeks to have the matter maintained under seal and how the matter is to be handled upon sealing.~~

~~The proposed order must recite the findings required by governing case law to support~~

the proposed sealing.

The movant may also submit a confidential memorandum for in camera review in support of the motion. Memoranda supporting or opposing the motion may be submitted and may be designated, in whole or in part, as confidential. Any confidential memoranda must be treated as sealed pending the ruling on the motion to seal.

The clerk must provide public notice by docketing the motion as set forth in the non-confidential description and date assigned for submission.

- (C) A party submitting a document or portion of a document for filing under seal pursuant to a governing statute, rule, or order must note on the face of the document that it or a portion of it is filed under seal pursuant to that statute, rule or order. Upon filing a document under seal, the clerk must provide public notice by stating on the docket that the document is sealed.
- (D) If the motion to file under seal is denied, the movant may file another motion to remove the document(s) from the record within seven days. If no such motion is timely filed, the document(s) must be filed as a public record.
- (E) Each document filed under seal must be submitted to the clerk's office securely sealed with the container clearly labeled "UNDER SEAL." The case number, case caption, a reference to any statute, rule or order permitting the item to be sealed and a non-confidential descriptive title of the document must also be noted on the container.
- (F) A motion to have the entire case sealed is subject to the requirements and procedures of subsections (C) and (E) of this rule.
- (G) Nothing in this Rule restricts the parties from stipulating access to materials that are not filed with the court.
- (H) Except as permitted by law, trial exhibits, including documents previously filed under seal, and trial transcripts will not be filed under seal.

[Adopted October \_\_, 2010]

## **LOCAL CIVIL RULE 7 - PLEADINGS ALLOWED; FORM OF MOTIONS**

LR7.1 Submission of Motions ~~LR7.1E & M Submission of Motions~~  
~~LR7.1W Submission of Motions~~

~~LR7.2 Setting Motions for Hearing~~ ~~LR7.2 Noticing Motions for Submission~~ ~~LR7.2E Setting Motions for Hearing~~   
~~LR7.3 Submission of Ex Parte or Consent Motions~~ ~~LR7.3E Submission of Ex Parte or Consent Motions~~   
~~LR7.3M Submission of Ex Parte or Consent Motions~~ ~~LR7.3E~~  
~~LR7.4 Motions Must Be Accompanied by Memorandum~~  ~~LR7.4.1M Motions Not Requiring Memorandum~~   
~~LR7.4.1W Motions Not Requiring Memorandum~~   
~~LR7.5 Response and Memorandum~~ ~~LR7.5E Response and Memorandum~~  ~~LR7.5M Response and Memorandum~~   
~~LR7.5W Response and Memorandum~~   
~~LR7.6 Motions to Intervene, to Amend Pleadings and to File Third-Party Complaints~~  
~~LR7.6E Motions to Intervene, to Amend Pleadings and to File Third-Party Complaints~~   
~~LR7.6W Motions to Intervene, to Amend Pleadings and to File Third-Party Complaints~~   
~~LR7.7W Motions for Joinder in Actions Removed From State Court~~   
~~LR7.8 Briefs~~ ~~LR7.8E Briefs~~ ~~LR7.8E Briefs~~  
~~LR7.8.1E Length of Memoranda and Briefs~~   
~~LR7.8M Briefs~~  ~~LR7.8W Briefs~~  
~~LR7.9 Extension of Time to Plead~~ ~~LR7.9E & M Extension of Time to Plead~~  
~~LR7.9W Motion for Continuance or for Extension of Time~~

### **LR7.1E & M Submission of Motions**

All motions, except those made on the record during a hearing or trial, ~~which is being properly recorded into the court record~~ must shall be made in writing and filed pursuant to LR 5.1. Each motion and its accompanying documents shall be filed in duplicate; one copy is for the record and the other is for the use of the hearing judge. ~~Documents~~ Papers accompanying filed with the motion are thereby filed in ~~made a part of~~ the record. [Amended June 28, 2002; October \_\_, 2010]

### **LR7.2E Noticing Setting Motions for Submission** Hearing

~~Counsel filing a motion~~ must, shall, at the time of filing, notice it for submission hearing within a reasonable time. ~~thereafter.~~ Unless otherwise ordered by the court, a judge in a particular case, motions must be filed not later than the fifteenth day preceding the notice hearing date assigned for submission and ~~at least fifteen days~~ actual notice of the submission date hearing must be given to opposing counsel at least fifteen days before the submission date, regardless of which FRCP 5(b) service method is used. ~~whether notice is served by mail or delivery under FRCvP 5(b).~~ The Copies of the motion and supporting memorandum ~~in support thereof~~ must shall also be served with the such notice. ~~of hearing.~~

The noticed date is the date the motion is deemed submitted to the court for decision and after which no further briefing will be allowed, except with prior leave of court. No oral argument, in-court presentation or live hearing concerning contested motions will be conducted on the submission date, except when requested in accordance with Local Rule 78.1 or if ordered by the court. [Amended, October \_\_, 2010]

### **LR7.3E Submission of Ex Parte or Consent Motions**

A motion n application for an order, allowed by these rules to be filed submitted ex parte or by consent, need not assign a date for be noticed for submission, ~~hearing as described above,~~

but ~~must shall instead~~ be accompanied by a proposed order. Except as otherwise ordered in an individual case, every such ~~motion must application shall~~ be filed pursuant to LR 5.1. ~~submitted to the judges through the clerk.~~ [Amended, October \_\_, 2010]

#### **LR7.4 Motions Must Be Accompanied by Memorandum**

~~The moving party shall submit and serve opposing parties with a copy of the motion and memorandum. Except as noted in LR7.4.1M & W, a~~ All contested motions ~~must shall~~ be accompanied by ~~a separate memorandum commonly referred to as a "Memorandum in Support",~~ which must shall contain (1) a concise statement of reasons ~~in supporting of the motion;~~ and (2) citations of ~~the authorities. on which he relies or copies of these authorities.~~ If the motion requires ~~the~~ consideration of facts not in the appearing of record, the movant ~~must shall~~ also file ~~with the clerk~~ and serve upon opposing counsel a copy of all ~~documentary evidence he or she intends to submit in supporting of the motion.~~ Memoranda may not be supplemented, ~~except with leave of court. first obtained.~~ [Amended, October \_\_, 2010]

#### **LR7.5E Response and Memorandum**

Each party opposing a motion ~~must shall~~ file and serve, in duplicate, a memorandum ~~of the reasons advanced in opposition to the motion~~ with and a list of citations of the authorities ~~no later than eight upon which the opponent relies or copies of these authorities no later than the eighth calendar days before prior to the noticed submission hearing date.~~ and shall at the same time serve a copy thereof on the opposing parties. The opposition memorandum, ~~in duplicate, must be in the hands of the judge who will hear the motion no later than the day such memorandum is due to be filed.~~

~~A copy of the memorandum will be delivered to opposing counsel in the same fashion in which delivery to the judge is made.~~

If the opposition motion requires ~~the~~ consideration of facts not in the appearing of record, counsel ~~must also shall also file~~ and serve all evidence submitted in opposition to the motion with the memorandum, ~~and shall submit with each copy of his/her opposition,~~ copies of all documentary evidence that he/she intends to submit in opposition to the motion.

~~No supplemental opposition memoranda may be filed except with leave of court first obtained.~~ [Amended, October \_\_, 2010]

#### **LR7.6E Motions to Intervene, to Amend Pleadings and to File Third-Party Complaints**

~~Before Prior to~~ filing any motion for leave to intervene, ~~to~~ amend pleadings or ~~to~~ file a third-party complaint, the moving party ~~must shall~~ attempt to obtain consent for the filing and granting of ~~the such~~ motion from all parties having an interest to oppose. If ~~such~~ consent is obtained, the motion ~~need shall~~ not be assigned a submission date, noticed for hearing but ~~must thereafter shall~~ be filed, accompanied by a proposed order and include a certification by counsel for the moving party, ~~with a statement~~ of the consent of opposing counsel. ~~No such motions, when required to be noticed for hearing, shall be accepted for filing unless~~

~~accompanied by a certificate of counsel for the moving party to the effect that opposing counsel have refused to consent to the filing and granting of such motion. If the court finds that opposing counsel does not have a good faith reason for failing to so consent, the court may impose such sanctions as it deems proper. [Amended, October \_\_, 2010]~~

### **LR7.8E - Briefs**

~~In cases not covered by the court's uniform pretrial order, but involving controverted questions of law, trial briefs shall be delivered to the court (but not filed with the clerk) at least two days before the commencement of the trial, unless some other time is designated by the trial judge. Service of same on opposing counsel must be made at the same time and in the same fashion in which delivery to the court is made, or so as to assure that the copy is actually received within the same time period.~~

### **LR7.8.1E Length of Memoranda and Briefs**

Except with prior leave of court, prior permission of the judge, a no-trial brief or memorandum supporting or opposing a motion must not shall exceed 25 pages, in length, excluding sive of exhibits, and a -A reply brief or memorandum, if any, must shall not exceed 10 pages, excluding exhibits.

~~All text in trial briefs and memoranda supporting or opposing motions shall be double-spaced except for quotations and footnotes.~~

~~Standard typeface shall be used. The court may refuse to consider text presented in less than standard typeface, such as small or fine typeface. [Amended, October \_\_, 2010]~~

### **LR7.9E & M Extension of Time to Plead**

Upon certification by a moving party that there has been no previous extension of time to plead and that the opposing party has not filed in the record an objection to an extension of time, ~~then~~ on ~~an~~-ex parte motion and order, the court must will allow one extension for a period of 2120 days from the time the pleading would otherwise be due. Further extensions will not be granted by stipulation, but only upon motion and order of by application to the court ~~and~~ for good cause shown. [Amended June 28, 2002; October \_\_, 2010]

## **LOCAL CIVIL RULE 9 - PLEADING SPECIAL MATTERS**

LR9.1 Three Judge Cases  
LR9.2 Social Security Cases

### **LR9.1 Three Judge Cases**

Upon filing any suit or proceeding ~~that may that is thought to~~ require a three judge court for ~~its~~ disposition, the party ~~filing instituting~~ the action ~~must shall give state in writing notice~~ to the clerk and other parties ~~in writing, stating under what the~~ provision ~~under which~~ he/she is proceeding. ~~Failure to comply with this rule may result in the matter being treated and that a three judge court is requested. In the absence of such notice, the clerk may treat the matter as one not requiring three judges. In cases in which such notice is filed, all pleadings shall be filed in quadruplicate until it is determined that the matter is not for three judges.~~ [Amended, October \_\_, 2010]

### **LR9.2E&W Social Security Cases**

Complaints filed in civil cases pursuant to Section 205(g) of the Social Security Act, *42 USC U.S.C. 405(g) (o)* ~~[sic]~~ ~~(Correct site: 42 USC 405(g))~~, for benefits under Titles II-, XVI and XVIII of the Social Security Act ~~must include shall contain~~, in addition to what is required under FRCvP 8(a), ~~the following information, a separate attachment, that will not be filed in the record but must be served with the complaint on the United States Attorney's Office, and must contain:~~

A. In cases involving claims for retirement, disability, health insurance and black lung benefits, the full social security number of the worker on whose wage record the application for benefits was filed (whether or not the worker is who may or may not be the plaintiff).

B. In cases involving claims for supplemental security income benefits, the full social security number of the plaintiff.

C. In cases involving benefits sought for a minor child under Titles II and XVI, the minor child's full social security number.

~~In the Eastern District, C~~omplaints submitted for filing ~~must shall~~ be on forms furnished by the clerk or substantially similar to those forms, ~~in conformity therewith.~~

[Amended, October \_\_, 2010]

## **LOCAL CIVIL RULE 10 - FORM OF PLEADINGS**

~~LR10.1 Form: Statement Regarding Filing of Papers LR10.1E Form: Statement Regarding Filing of Papers~~

~~LR10.1M Form: Statement Regarding Filing of Papers~~

~~LR10.1W Form: Statement Regarding Filing of Papers~~

~~LR10.2 Consolidated Cases LR10.2E Consolidated Cases~~

~~LR10.2M & W Consolidated Cases~~

LR10.3 Constitutional Questions

### **LR10.1E Form: Statement Regarding Filing of DocumentsPapers**

All ~~documents papers drafted for~~ filing in this court ~~must shall~~ be ~~in on~~ 8-1/2 by 11 inch ~~format~~ paper, ~~legibly plainly~~ written or printed without defacing erasures or interlineations, and ~~must shall~~ be double spaced, except that quotations and footnotes may be single spaced. If a document consists of more than ~~two (2) three (3)~~ pages, each page of the document ~~must shall~~ bear a sequential number, beginning with "21" for the ~~second first~~ page. ~~Standard font must be used. The court may refuse to consider text presented in less than standard font, such as small or fine typeface.~~

~~On the first page of each document, the left and right margins will be one inch from the edge of the page, the top margin will be two and one half inches, and the bottom margin will be one and one half inches. On subsequent pages, a~~All margins ~~must will~~ be no less than one inch. No print or writing, except ~~the~~ page numbers, ~~must shall~~ appear in the margins, and page numbers ~~must shall~~ not be less than one-half inch from the bottom of the page.

In addition to the requirements of FRCvP 10(a), the caption ~~must shall also~~ indicate the Division and Section (as applicable and after allotment), and the judge and ~~the~~ magistrate judge to whom the case is assigned.

A completed and executed Civil Cover Sheet form ~~must shall~~ accompany the initial pleading of each civil case ~~to be filed, but this except that such~~ requirement ~~doesshall~~ not apply to persons in the custody of civil, state or federal institutions or to persons filing cases pro se. [Amended July 17, 2000; ~~October~~, 2010]

### **LR10.2E Consolidated Cases**

Unless otherwise ordered by the court, ~~in where~~ cases ~~are~~ consolidated, ~~whether~~ for ~~any purpose, trial only or otherwise,~~ the caption of all ~~documents papers~~ filed after ~~the~~ consolidation ~~must shall~~ list the name and docket number of the lowest numbered case in the group, with ~~the~~ words "~~consolidated with~~" or abbreviation "~~c/w~~" ~~indicative of the consolidation. This shall be~~ followed by a listing of the docket numbers of only those cases to which the ~~document~~ paper applies or if it pertains to all cases, with a notation "all cases."

The caption of the lowest numbered case ~~is will serve as~~ the identifying caption during the pendency of the consolidation and ~~must will continue to~~ be used even if that particular case is closed.

~~If In the event that~~ a case is ~~ordered to be~~ separated from the consolidation, ~~counsel must the attorneys of record shall be responsible to~~ jointly designate the documents in the master record ~~deemed~~ necessary to ~~the~~ continued litigation of the separated case and ~~to file the such~~ designation ~~and copies of the documents~~ with the clerk within ~~seven five~~ days of the

deconsolidation order. [\[Amended, October , 2010\]](#)

### **LR10.3 Constitutional Questions**

Whenever the constitutionality of any act of Congress is, ~~or is intended to be,~~ called drawn into question in any suit or proceeding to which the United States, or any of its agencies, officers or employees ~~thereof as such officer or employee,~~ is not a party, counsel for the party raising ~~or intending to raise~~ the constitutional issue ~~must shall~~ notify the court, in writing, of the existence of that question (to enable the court to comply with 28 ~~USC~~U.S.C. 2403). A copy of ~~the such~~ notice ~~must shall~~ be served upon each of the other parties. The notice ~~must shall~~ give the title of the cause, a reference to the questioned statute sufficient for its identification, and the ~~manner respects~~ in which the statute is claimed to be unconstitutional. [Amended, October , 2010]

## **LOCAL CIVIL RULE 11 - SIGNING OF PLEADINGS, MOTIONS, AND OTHER DOCUMENTSPAPERS; REPRESENTATIONS TO COURT; SANCTIONS**

[LR11.1 Signing of Pleadings, Motions and Other Papers](#)

~~LR11.1E Signing of Pleadings, Motions and Other Papers~~

~~LR11.1M Signing of Pleadings, Motions and Other Papers~~

~~LR11.1W Signing of Pleadings, Motions and Other Papers~~

LR11.2 Trial Attorney

LR11.3 Announcement of Representation

### **LR11.1E Signing of Pleadings, Motions and Other DocumentsPapers**

In addition to the requirements of FRCP 11(a), eEvery pleading, motion or other ~~document~~paper presented for filing ~~must shall~~include counsel's Attorney Identification Number, telephone number, and e-mail, ~~in accordance with the Federal Rules of Civil Procedure, be signed personally by counsel in his or her individual name. In addition,~~ counsel's name, and post office ~~and~~and street addresses. Counsel's Attorney Identification Number must be, ~~telephone number and Attorney Identification Number shall be~~ typed or printed under his or her signature. If the attorney is admitted to ~~practice in the bar by the Supreme Court of Louisiana,~~ the Attorney Identification Number ~~must shall~~ be the same as the number assigned by the Louisiana Supreme Court. ~~of Louisiana.~~ Otherwise, the Attorney Identification Number ~~must shall~~ be the number assigned by this court.

Documents filed by a party not represented by counsel ~~must shall~~ be signed by the party. The unrepresented party's name, e-mail, post office ~~and~~and street addresses and telephone number ~~must shall~~ be typed or clearly printed.

Each attorney and pro se litigant has a continuing obligation promptly to notify ~~advise~~ the court of any address or telephone number change. [Amended, October , 2010]

### **LR11.2 Trial Attorney**

If ~~a law firm or~~ more than one attorney represents a party, one attorney must ~~will~~ be designated in the first pleading filed on behalf of that party as "Trial Attorney" or "T.A.". This attorney ~~may, but~~ need not, be the attorney who personally signs pleadings.

The designated trial attorney is ~~will be~~ responsible for the case. A ~~and~~ all notices and other communications with respect to it will be directed to the designated trial attorney, or to local counsel if in the event a visiting attorney is designated as trial attorney. The ~~designa~~tion of the trial attorney may be changed at any time by ex parte motion and order of the court. ~~If a party desires to change the trial attorney, the new trial attorney will be promptly designated.~~ [Amended, October , 2010]

### **LR11.3 Announcement of Representation**

At all trials or hearings, ~~and upon first addressing the court or taking any part in such trials or hearings,~~ counsel must ~~shall~~ announce his or her name and the name of the party or parties he or she represents upon initially addressing the court. [Amended, October , 2010]

## **LOCAL CIVIL RULE 16 - PRETRIAL CONFERENCES; SCHEDULING; MANAGEMENT**

LR16.1 Scheduling Orders ~~LR16.1E & M Scheduling Orders~~

LR16.2 Call of the Docket ~~LR16.2E Call of the Docket~~

LR16.3 Responsibility for Settlement Discussions ~~LR16.3E Responsibility for Settlement Discussions~~

LR16.3.1 Alternative Dispute Resolution ~~LR16.3.1E Alternative Dispute Resolution~~

~~LR16.3.1M Alternative Dispute Resolution~~

~~LR16.3.1W Alternative Dispute Resolution~~

**LR16.4 Notice of Settlement to Clerk**

LR16.5 Captious Settlement Tactics ~~LR16.5E Captious Settlement Tactics~~ □

LR16.6 Reasonable Settlement Discussions ~~LR16.6E Reasonable Settlement Discussions~~ □

**LR16.7 Cases to Be Tried on Date Assigned - Exception** □ ~~LR16.8E & W Absence of Material Witness~~ □

LR16.8 Absence of Material Witness ~~LR16.8M Absence of Material Witness~~ □

LR16.9 Retaining Position on Trial Calendar ~~LR16.9E Retaining Position on Trial Calendar~~ □

**LR16.9W Retaining Position on Trial Calendar**

### **LR16.1E & M Scheduling Orders**

- (a) In every case, the court must enter a scheduling order pursuant to FRCP 16.  
~~(a) The scope and timing of the scheduling order under FRCvP 16(b) shall be as~~

~~prescribed by the Civil Justice Expense and Delay Reduction Plan of this court.~~

(b) Unless otherwise ordered ~~by the court, by a judge in a particular case,~~ the following categories of cases are exempted from the requirements for a scheduling order:

Social Security Appeals  
Bankruptcy Appeals  
Habeas Corpus cases  
~~Prisoner-Section~~ 1983 ~~Prisoner~~ cases  
Government Collection cases

(c) The magistrate judges of this court are authorized to enter and/or modify scheduling orders, ~~except as to the dates for trial, final pretrial conference and motions before the district judge. in matters referred to them or when directed by a district judge. [Amended, October , 2010]~~

#### **LR16.2~~E~~ Call of the Docket**

To ~~en~~insure compliance with ~~FRCP4(m), Rule 16(b), FRCvP,~~ the ~~case manager~~ clerk of court ~~shall~~ in each section of court, once a month, or as often as the court deems proper, must call all cases before the court that have been pending 120 days or longer after filing of the ~~c~~Complaint, and in which ~~the~~ issue has not been joined. The call ~~must shall~~ be ~~on for~~ the regular day and time assigned for ~~hearing-submission of~~ motions, and the clerk ~~must shall~~ give ~~1410~~ days' notice of ~~the such~~ call to all counsel of record. ~~[Amended, October , 2010]~~

#### **LR16.3~~E~~ Responsibility for Settlement Discussions**

As officers of the court, counsel ~~in civil cases~~ have a responsibility to minimize the expense of ~~the administering ration of~~ justice, ~~to~~ refrain from burdening unnecessarily ~~those~~ members of the public called for jury duty, and ~~to~~ avoid inconveniencing witnesses unnecessarily. To these ends, they ~~must should~~ conduct serious settlement discussions in time to avoid the expense to the public and ~~to~~ litigants, and the inconvenience to jurors and witnesses, occasioned by settlements made on the eve ~~of~~, or at the outset, of trial. ~~[Amended, October , 2010]~~

#### **LR16.3.1~~E~~ Alternative Dispute Resolution**

If the presiding judicial officer determines at any time that the case will benefit from alternative dispute resolution, the judicial officer ~~may shall~~:

(a) ~~have discretion to~~ refer the case to private mediation, if the parties consent, even if such mediation efforts upset previously set trial or other dates;

(b) ~~have discretion to~~ order nonbinding mini-trial or nonbinding summary jury trial before a judicial officer with the parties' consent; or  
(c) employ other dispute resolution programs ~~that which~~ may be designated for use in this District.

~~(d)~~ All alternative dispute resolution proceedings ~~are shall be~~ confidential. [Amended June 2, 1999; October, 2010]

#### **LR16.4 Notice of Settlement to Clerk**

Whenever a ~~civil~~ case is settled or otherwise disposed of, counsel ~~must shall~~ immediately inform the clerk's office, the judge to whom the case is allotted, and all persons subpoenaed as witnesses. If a ~~civil~~ case is settled as to fewer than all of the parties or all of the claims, counsel ~~must shall~~ also ~~identify set forth~~ the remaining parties and unsettled claims. [Amended, October, 2010]

#### **LR16.5E Captious Settlement Tactics**

When ~~such~~ notice of settlement is not ~~provided as required by LR 16.4 given,~~ or when a case is settled within ~~the~~ 24 hours ~~before period prior to~~ trial, or after ~~the~~ trial has commenced, and the court is not aware of circumstances that indicate that this development was reasonable, ~~it shall afford~~ counsel ~~must an opportunity to~~ show that the failure to give notice of settlement, or the failure to agree on settlement at an earlier time, ~~as the case may be,~~ was not the result of captious tactics, did not constitute merely the acceptance of an offer earlier refused as part of a calculated tactic of delay in reaching a settlement ~~in order to attempt~~ to obtain further advantages in disregard ~~of the~~ interests of others, or did not result from some other cause amounting to interference with the orderly conduct of judicial business. If counsel fails to make this showing, the court may assess or apportion jury costs, including attendance fees, marshal's costs, mileage and per diem, against the parties or counsel deemed responsible, ~~or against the parties or counsel equally if the fault is mutual.~~ [Amended, October, 2010]

#### **LR16.6E Reasonable Settlement Discussions**

~~This rule-LR 16.5 will not be shall be so~~ applied ~~as not~~ to inhibit reasonable settlement discussions. The court recognizes that good cause may exist for a belated change in position - an important witness may fail to appear, counsel may learn that facts deemed provable are not provable, or a witness may change his testimony. But the rule ~~will shall~~ also be applied ~~so as~~ to take into account the difference between good cause for delay in settlement and negotiating tactics that, heedless of ~~the~~ inconvenience to the court and the public, use ~~the imminent ee of~~ trial as a catalyst to attempt to increase or reduce an already acceptable offer. [Amended, October, 2010]

#### **LR16.7 Cases to Be Tried on Date Assigned - Exceptions**

All cases ~~must shall~~ be tried on the date set unless the trial is continued by order of the court. [Amended, October \_\_, 2010]

### **LR16.8E & W Absence of Material Witness**

Every motion for a continuance based upon ~~the ground of the~~ absence of a material witness ~~must shall~~ be accompanied by the affidavit of the moving party ~~applying therefor,~~ or ~~his or her~~ attorney, setting forth the efforts made to procure attendance and, ~~in a civil case,~~ the facts ~~he/she expecteds~~ to be proved by ~~the such~~ witness. ~~In a criminal case, the court may require,~~ or ~~in its discretion, dispense with,~~ a statement of the facts to be proved. If the proposed testimony is set forth and it is admitted by the opposite party admits that the witness, if called, would testify as set forth in the affidavit, the court may, in its discretion, deny the motion. ~~In a criminal case if the proposed testimony is not set forth, or in any other case, the court may hold a hearing on the matter and take such action with respect to the motion as justice requires.~~ [Amended, October \_\_, 2010]

### **LR16.9E Retaining Position on Trial Calendar**

Cases set for trial but not reached on that day, ~~shall~~ retain their relative position on the trial calendar and, ~~shall~~ to the extent practicable, are ~~be~~ entitled to precedence over cases set for trial on a later date. If this is not practicable, the court will reassign the case or cases that cannot be reached. [Amended, October \_\_, 2010]

## **LOCAL CIVIL RULE 23 - CLASS ACTIONS**

### **LR23.1 Class Action**

In any case sought to be maintained as a class action:

A. The caption of the complaint ~~must shall~~ bear ~~next to its caption~~ the designation, "Complaint-Class Action." The complaint must also;

1. Refer to the portions of ~~FRC~~<sup>FRCP</sup> 23 under which it is claimed that the suit is properly maintainable as a class action;

2. Make allegations thought to justify the maintenance of the claim as a class action, including, but not necessarily limited to:

- a. the size ~~(or approximate size)~~ and definition of the alleged class;
- b. the basis upon which the plaintiff ~~(or plaintiffs)~~ claims;

(i) to be an adequate representative of the class, or

(ii) if the class is comprised of defendants, that those named ~~as parties~~ are adequate representatives of the class;

3. The alleged questions of law or fact claimed to be common to the class; and

4. In actions claimed to be maintainable as class actions under ~~FRCvP 23(b)(3)~~, allegations ~~that thought to~~ support the ~~elements findings~~ required by that subdivision.

B. Within ~~910~~ days after ~~the~~ filing of a complaint in a class action ~~or filing of a notice of removal of the class action from state court, whichever is later, plaintiff must move for class certification under FRCP 23(c)(1), unless this period is extended upon motion for good cause and order by the court., unless this period is extended on motion for good cause appearing, the plaintiff shall move for a certification under FRCvP 23(c)(1), as to whether the case is to be maintained as a class action.~~

C. The foregoing provisions ~~shall~~ apply, with appropriate adaptations, to any counterclaim or cross claim alleged to be brought for or against a class.

D. 1. Whenever a party or counsel ~~seeks desires~~ to prohibit another party or counsel from communicating concerning ~~a class such~~ action with any potential or actual class member not a formal party to the action, he or she ~~must file a motionshall apply in writing to the court for such an order. In such application, the parties must that~~ sets forth with particularity the ~~consequences abuses that they fear~~ will result from such communication ~~and, along with the form of the~~ remedy ~~sought. they believe would be appropriate to prevent frustration of the policies of Rule 23.~~

2. ~~To obtain The court will not enter~~ an order prohibiting communication with ~~class~~ members, ~~the movant must establish -of the class in the absence of~~ a clear record ~~(and when necessary, an evidentiary hearing)~~ reflecting:

a. specific ~~consequences the motion findings regarding the abuse the court~~ seeks to prevent;

b. the need for ~~the such an~~ order, weighing the ~~consequences abuse~~ sought to be corrected and the effect ~~of the order it will have~~ on the right of a party to proceed pursuant to Rule 23 without interference.

3. Any attorney who communicates with the class ~~must shall~~ preserve and retain ~~in his or her files, until the final conclusion of the action,~~ a copy of all communications ~~that which~~ he or she has ~~with sent to~~ any members of the class or potential class until the final conclusion of the action.

[Amended, October \_\_, 2010]

## LOCAL CIVIL RULE 26 - GENERAL PROVISIONS GOVERNING DISCOVERY; DUTY OF DISCLOSURE

~~LR26.1W Civil Actions Subject to the December 1, 1993 Discovery Amendments~~ □  
~~LR26.2M & W Format of Discovery Requests~~ □ ~~LR26.3 Disclosure Under FRCvP 26(a)~~  
~~LR26.3E Disclosure Under FRCvP 26(a)~~  
~~LR26.3M Disclosure Under FRCvP 26(a)~~  
~~LR26.3W Initial Disclosure Under FRCvP 26(a)(1) Not Required~~ □  
~~LR26.4 Meeting of Parties Under FRCvP 26(f)~~ ~~LR26.4E Meeting of Parties Under FRCvP 26(f)~~ □  
~~LR26.4M Meeting of Parties Under FRCvP 26(f)~~ □  
~~LR26.4W Exemptions From the Requirements of FRCvP 26(d) and (f)~~ □  
~~LR26.5E Non Filing of Disclosure, Discovery Requests and Responses: Retention by Requesting Party~~  
~~LR26.5M Non Filing of Disclosure, Discovery Requests and Responses: Retention by Requesting Party~~  
~~LR26.5W Non Filing of Disclosure, Discovery Requests and Responses: Retention by Requesting Party~~  
~~LR26.5.1E Filing of Disclosure or Discovery Materials~~ □ ~~LR26.5.2E Construction of the Rule~~ □  
~~LR26.6E Disputed Disclosure and Discovery Materials to Be Filed With Request for Relief~~  
~~LR26.6M Disputed Disclosure and Discovery Materials to Be Filed With Request for Relief~~  
~~LR26.6W Disputed Discovery Materials to Be Filed With Request for Relief~~ □  
~~LR26.7E Pretrial Filing of Disclosure and Discovery Materials to Be Used at Trial~~  
~~LR26.7M & W Pretrial Filing of Disclosure and Discovery Materials to Be Used at Trial~~  
~~LR26.8E Filing of Disclosure or Discovery Materials for Appeal Purposes~~  
~~LR26.8M & W Filing of Disclosure or Discovery Materials for Appeal Purposes~~

### **LR26.3E Disclosure Under *FRCvP* 26(a)**

The ~~court will set the scope and timing of disclosures under *FRCvP* 26(a). ~~(2) and *FRCvP*(a)(3) shall be as directed by the court in the order issued after the preliminary conference held pursuant to Article One (1) of the Civil Justice Expense and Delay Reduction Plan of this court.~~~~ [Adopted March 23, 2001; Amended October \_\_, 2010]

### **LR26.4E Meeting of Parties Under *FRCvP* 26(f)**

A. Except as otherwise ordered in a particular case, the conference between the parties required by *FRCvP* 26(f) ~~must shall~~ be held no later than seven working days before the scheduled preliminary conference.

B. Except as otherwise ordered ~~or provided in a particular case or as indicated~~ hereinafter, the parties are excused from submitting a written report outlining the proposed discovery plan and ~~may shall~~ report orally on their proposed discovery plan at the Rule 16(b) conference. An oral report on the proposed discovery plan is not authorized when, during the Rule 26(f) conference, a party objects that the initial disclosures required by Rule 26(a)(1) are not appropriate in the circumstances. ~~of the action.~~ In such a case, no later than three working

days ~~before prior to~~ the scheduled Rule 16(b) preliminary conference, the parties must file a written report outlining the proposed discovery plan, including the nature of the objection(s) to the initial disclosures. ~~and statements by the parties detailing their positions on the objection(s) to the initial disclosure.~~ [Adopted March 23, 2001; Amended October \_\_, 2010]

~~**LR26.5E Non-Filing of Disclosure, Discovery Requests and Responses: Retention by Requesting Party**~~[Repealed March 23, 2001]

~~———— **LR26.5.1E Filing of Disclosure or Discovery Materials**~~[Repealed March 23, 2001]

~~———— **LR26.5.2E Construction of the Rule**~~[Repealed March 23, 2001]

~~**LR26.6E Disputed Disclosure and Discovery Materials to Be Filed With Request for Relief**~~ [Repealed March 23, 2001]

~~———— **LR26.7E Pretrial Filing of Disclosure and Discovery Materials to Be Used at Trial**~~[Repealed March 23, 2001]

~~———— **LR26.8E Filing of Disclosure or Discovery Materials for Appeal Purposes**~~[Repealed March 23, 2001]

## **LOCAL CIVIL RULE 33 - INTERROGATORIES TO PARTIES**

~~———— LR33.1 Number of Interrogatories **LR33.1E Number of Interrogatories**~~

~~**LR33.1M Number of Interrogatories**~~

~~**LR33.1W Number of Interrogatories**~~

~~LR33.2 Responses to Interrogatories **LR33.2 Objections to Interrogatories**~~

### **LR33.1E Number of Interrogatories**

~~Before Any party desiring to serve more than ~~the~~ 25 interrogatories, permitted by *FRCvP-33(a)* the discovering party must shall file a ~~written~~ motion for leave setting forth the proposed additional interrogatories and the reasons ~~establishing good cause~~ for their use. Leave to serve additional interrogatories shall be granted to the extent consistent with the principles of *FRCvP 26(b)(2)*. [Adopted March 23, 2001]; Amended October \_\_, 2010]~~

### **LR33.2 Responses Objections to Interrogatories**

~~Answers and/or oObjections to interrogatories, ~~and objections to the answers to them, shall~~ must state set forth in full, ~~immediately preceding each answer or objection,~~ the interrogatory~~

or answer to which objection is being made immediately preceding each answer or objection.  
[Amended, October \_\_, 2010]

## LOCAL CIVIL RULE 34 – REQUESTS FOR PRODUCTION

### LR 34.1 Responses to Requests for Production

Answers and/or objections to requests for production must state in full the request for production immediately preceding each answer or objection. [Adopted October \_\_, 2010]

## **LOCAL CIVIL RULE 36 - REQUESTS FOR ADMISSION**

~~LR36.1 Objections to Requests for Admission~~

~~LR36.2M Number of Requests for Admission~~

### **LR36.1 Responses ~~Objections~~ to Requests for Admission**

Answers and/or o~~Objections to requests for admission, and objections to the answers to them, must shall state set forth~~ in full, ~~immediately preceding each answer or objection,~~ the request for admission or answer to which objection is being made immediately preceding each answer or objection. [Amended, October \_\_, 2010]

## ~~LOCAL CIVIL RULE 37 – FAILURE TO MAKE DISCLOSURE OR COOPERATE IN DISCOVERY; SANCTIONS~~

~~LR37.1E Discovery Motions~~

~~LR37.1M Discovery Motions~~

~~LR37.1W Discovery Motions~~

~~LR37.1E Discovery Motions~~

~~No motion relative to discovery shall be accepted for filing unless accompanied by a certificate of counsel for the moving party stating that counsel have conferred in person or by telephone for purposes of amicably resolving the issues and stating why they are unable to agree or stating that opposing counsel has refused to so confer after reasonable notice. Counsel for the moving party shall arrange the conference. Any motion filed under this paragraph shall be noticed for hearing. If the court finds that opposing counsel has willfully refused to meet and confer, or, having met, willfully refused or failed to confer in good faith, the court may impose such sanctions as it deems proper.~~

## **LOCAL CIVIL RULE 38 - JURY TRIAL OF RIGHT**

### **LR38.1 Designation of Jury Demand**

All documents asserting If a jury demand must contain in is made in the document, the caption shall contain words indicating that a demand for jury trial is being made. therein. [Amended, October \_\_, 2010]

## LOCAL CIVIL RULE 41 - DISMISSAL OF ACTIONS

LR41.1 Dismissals

LR41.2 Conditional Dismissals ~~LR41.2E Conditional Dismissals~~

LR41.2M Conditional Dismissals

LR41.3 Dismissal for Failure to Prosecute ~~LR41.3E Dismissal for Failure to Prosecute~~

LR41.3.1 Dismissal for Failure to Provide Notification of Change of Address

~~LR41.3.1E Dismissal for Failure to Provide Notification of Change of Address~~

~~LR41.3M Dismissal for Failure to Prosecute~~  ~~LR41.3W Dismissal for Failure to Prosecute~~

### **LR41.1E & M Dismissals**

Except as provided in FRCvP 41(a)(1), if an attorney proposes to dismiss a suit with the intention of refileing it, the attorney must clearly state that intention in the motion to dismiss. - he or she must bring this to the attention of the judge of the division and section (as applicable) to which the suit has been allotted. [Amended May 18, 2004, June 26, 2004; October \_\_, 2010]

### **LR41.2E Conditional Dismissals**

If the parties have agreed unconditionally to ~~the settlement of~~ a case, the case must it shall be conditionally dismissed without prejudice to the right, with leave to reinstate the matter if settlement is not concluded within the time set forth in the dismissal order, to - If the settlement is not consummated, either party may file a proceed by motion to request that the dismissal be set aside and for a summary judgment enforcing the settlement or to reopen the matter if settlement is not consummated. - be entered. [Amended, October \_\_, 2010]

### **LR41.3E Dismissal for Failure to Prosecute**

Unless good cause is shown in response to the court's show cause order at the time of the call of the docket why issue has not been joined, the case may be dismissed ~~without prejudice~~ for failure to prosecute pursuant to FRCP 41(b). ~~If the case is not dismissed,~~ The court may enter any make such orders to as may facilitate prompt and just disposition, including dismissal of any defendant or defendants as to whom issue is not joined.

When a suit in rem against a vessel has been filed, if service of process is not effected within one year from the date suit is filed, the clerk must shall give notice to counsel that the suit is

subject to dismissal, and thereafter the suit ~~must shall~~ be dismissed ~~without prejudice pursuant to FRCP 41(b)~~ for failure to prosecute unless the plaintiff shows:

A. By affidavit, diligence and continuing efforts to effect service; and

B. By memorandum, the reasons why dismissal will ~~cause occasion a~~ hardship or injustice (such as the possibility of a successful defense of laches or statute of limitations).

[Amended, October \_\_, 2010]

### **LR41.3.1E Dismissal for Failure to Provide Notification of Change of Address**

The failure of an attorney or pro se litigant to ~~notify keep~~ the court ~~apprised~~ of a ~~current e-mail or postal~~ address ~~change~~ may be considered cause for dismissal for failure to prosecute when a notice is returned to the court ~~because for the reason~~ of an incorrect address and no correction is made to the address for a period of 350 days ~~from the return~~. [Amended, October \_\_, 2010]

## **LOCAL CIVIL RULE 43 - TAKING OF TESTIMONY**

LR43.1 Oral Testimony on Hearing of Motion ~~LR43.1 Oral Testimony on Hearing of Motion~~

**LR43.2 One Counsel to Examine Witness and Present Objections**

### **LR43.1 Oral Testimony on Hearing of Motion**

~~No~~ Oral testimony ~~may shall not~~ be offered at ~~a the motion~~ hearing ~~on a motion~~ without prior authorization from the court. ~~C, and counsel~~ ~~must shall not~~ ~~cause~~ service of any subpoenas or subpoenas duces tecum in connection with any such hearing until ~~such~~ authorization has been obtained and reasonable notice has been given to all parties. [Amended, October \_\_, 2010]

### **LR43.2 One Counsel to Examine Witness and Present Objections**

Only one ~~attorney counsel~~ for each separate interest ~~may shall~~ conduct ~~the~~ examination of any one witness, or present argument or urge objections ~~concerning with respect to~~ the testimony of that witness, except with leave of court. [Amended, October \_\_, 2010]

## LOCAL CIVIL RULE 45 — SUBPOENA

[LR45.1 Witness Fees and Mileage](#) ~~LR45.1 Witness Fees and Mileage~~□

[LR45.2 Notification of Witnesses](#)□

[LR 45.3 Subpoena Duces Tecum to Hospitals](#)

### LR45.1 Witness Fees and Mileage

~~Any person~~ ~~It shall be the duty of the person provoking the issuing~~ ~~ance of any a subpoena~~ for any witness subpoena for a witness to cause to be must tendered to the witness, at the time of service of the subpoena, ~~upon him or her, one day's~~an attendance fee ~~for one day~~ and ~~the legal amount for a~~ mileage fee to and from the place of trial or hearing, as set forth in 28 USC U.S.C. 1821, and ~~pay further to cause to be paid~~ concurrently to ~~the any such~~witness the daily attendance fee for each day ~~he or she is the witness must required to~~ attend ~~the said~~ trial or hearing. ~~Failure to attend a trial or hearing after payment of such fees may result in the issuance of an attachment for the No witness, shall be liable to attachment for not obeying the subpoena if this rule has not been complied with.~~ This rule does not apply to witnesses for the United States. [Amended, October, 2010]

### LR45.2 Notification of Witnesses

~~Any person who issues~~ ~~It is the duty of counsel who has provoked the issuance of a subpoena~~ must to notify the person subpoenaed immediately if ~~his or her~~ attendance will not be required, ~~in time to prevent the witness from making a needless trip.~~ Any person who fails ~~Counsel failing to comply with this rule is may be subject to appropriate sanctions.~~ [Amended, October, 2010]

### LR45.3E & W Subpoena Duces Tecum to Hospitals

A. When a subpoena duces tecum is served upon ~~a the~~ custodian of medical records or other qualified witness from a hospital or other health care facility in an action in which the hospital or facility is not a party and ~~the such~~ subpoena requires the production for trial of all or any part of the records of the hospital or facility relating to the care and treatment of a patient in ~~the such~~ hospital or facility, ~~it shall be sufficient~~ compliance with the subpoena is sufficient therewith if the custodian or other officer of the hospital or facility delivers by registered mail or by hand a true and correct copy of all records described in ~~the such~~ subpoena to the clerk of court, ~~or other tribunal, or if there is no clerk, then the court or other tribunal,~~ together with the affidavit described in Subsection B. Production of the record ~~must shall~~ occur before prior ~~to~~ the time fixed for the trial, but no earlier than two working days before the trial date unless otherwise directed by the court. ~~in the pretrial order.~~ This section is limited to procedures for complying with a subpoena duces tecum for purposes of trial and ~~does shall~~ not affect the rights of parties to production of documents pursuant to laws governing discovery or other laws pertaining ~~thereto.~~ to production of documents.

B. The records ~~must shall~~ be accompanied by the affidavit of the custodian or other qualified witness, stating in substance ~~each of the following~~:

1. That the affiant is the duly authorized custodian of the records and ~~is has~~ authorized ~~ty~~ to certify the records.

2. That the copy is a true copy of all records described in the subpoena.

3. That the records were prepared by the personnel of the hospital or facility, staff physicians, or persons acting under the control of either in the ordinary course of the business of the hospital or facility. ~~at or near the time of the act, condition, or event.~~

C. If the hospital or facility has none of the records described, or only part thereof, the custodian ~~must shall~~ so state in the affidavit, and deliver the affidavit and ~~any available such~~ records ~~as are available~~ in the manner provided in Subsection A.

[Amended, October \_\_, 2010]

## LOCAL CIVIL RULE 47 — JURORS

LR47.1 Juries ~~LR47.1E & W Grand and Petit Juries~~ □

LR47.2 Voir Dire Examination □

LR47.3 Argument of Law to Jury Prohibited □

LR47.4 Contacting Prospective Jurors □

LR47.5 Interviewing Jurors ~~LR47.5E Interviewing Jurors~~ □

~~LR47.5M & W Interviewing Jurors~~

### ~~LR47.1E & W Grand and Petit Juries~~

All Grand and petit juries for the district ~~are shall be~~ drawn and ~~be convene in session~~ as directed by the court. [Amended, October \_\_, 2010]

### LR47.2 Voir Dire Examination

~~All v~~ Voir dire examinations of prospective jurors will be conducted by the judge, who may permit further examination by counsel or the parties. ~~alone unless an exception to this rule is made by special leave of court. Before trial, c~~ Counsel may submit written requests for specific questions in advance, in writing, questions to be asked, upon such examination which and may be supplemented ~~this~~ by oral request at side bar when necessary. [Amended, October \_\_, 2010]

**LR47.3 Argument of Law to Jury Prohibited**

In ~~the argument of any case~~ to a jury, counsel ~~must shall~~ not read to the jury from any legal textbook or reported case, instruct the jury on any matter of law, or argue law to the jury, except to refer to the instructions on the law that the court has advised will be given to the jury. [Amended, October \_\_, 2010]

**LR47.4 Contacting Prospective Jurors**

Prospective jurors ~~must shall~~ not be contacted, either directly or indirectly, through any member of their immediate family, in an effort to secure information concerning the background of any member of the jury panel. [Amended, October \_\_, 2010]

**LR47.5E Interviewing Jurors**

A. ~~A No~~ juror has noany obligation to speak to any person about any case and may refuse all interviews or comments.;

B. No person may make repeated requests to for interviews or questions a juror after the a juror has expressed a desire not to be interviewed.;

C. ~~Under no circumstances~~ Except by leave of court granted upon motion for good cause shown, no shall any attorney or party to an action or anyone acting on their behalf may examine or interview any juror. ~~Any No~~ juror who may consents to be interviewed ~~must shall~~ not disclose any information concerning: with respect to the following:

- 1. The specific vote of any juror other than the juror being interviewed;
- 2. The jury deliberations; ~~of the jury;~~ or
- 3. ~~For the purposes of obtaining~~ Evidence of improprieties in the jury's deliberations, except as to whether (a) extraneous prejudicial information was improperly brought to the juror's attention; (b) any outside influence was improperly brought to bear upon any juror; or (c) there was a clerical mistake in entering the verdict on the verdict form.

[Adopted March 26, 2001; Amended October \_\_, 2010]

~~LOCAL CIVIL RULE 48 – NUMBER OF JURORS – PARTICIPATION IN VERDICT~~

~~LR48.1 Jury Cases~~

~~In all civil jury cases the jury shall consist of not less than six members, except by agreement of counsel with court approval.~~

## LOCAL CIVIL RULE 54 - JUDGMENTS; COSTS

- LR54.1 Costs
- LR54.2 Award of Attorney's Fees
- LR54.3 Memorandum of Costs
  - LR54.3.1 Hearings
  - LR54.3.1E Hearings
- LR54.4M & W Objections
- LR54.5 Review of Taxation of Costs
- LR54.6 Security for Costs
- LR54.7E Settlement Judgments
- LR54.8E Concurrence in Settlement Judgments
- LR54.9E Satisfaction of Settlement Judgment
- LR54.10 Payment and Application for Order of Satisfaction of Judgment
- LR54.11 Filing Acknowledgment of Satisfaction Notice in Docket
- LR54.12 Seaman and Pauper Cases

### LR54.1 Costs

Whenever any civil action scheduled for jury trial is settled or otherwise disposed of ~~before~~ prior to trial ~~and the~~, then, except for good cause shown, juror costs, including marshal's fees, mileage and per diem, shall be assessed as directed by the court, unless the clerk's office is not notified in time to ~~inform~~ advise the jurors that it will not be necessary for them to attend. ~~juror costs, including marshal's fees, mileage and per diem, may be assessed.~~ [Amended, October \_\_, 2010]

### LR54.2 Award of Attorney's Fees

In all cases ~~in which a party seeks where~~ attorneys' fees ~~are sought~~, the party ~~desiring to be awarded such fees must shall~~ submit to the court a verified, contemporaneous ~~time~~ report reflecting the date, time involved, and nature of the services performed. ~~The report shall be in both narrative and statistical form and provide hours spent and justification thereof.~~ Any judge of the court may, for good cause shown, relieve counsel of the obligation of filing such a report with the court. [Amended, October \_\_, 2010]

### LR54.3 Certification Memorandum of Costs

Within ~~30~~ 305 days ~~of after~~ receiving notice of entry of judgment, unless otherwise ordered by the court, the party in whose favor judgment is rendered and who ~~claims and~~ is allowed costs, ~~must shall~~ serve on the attorney for the adverse party and file with the clerk a motion notice of application to ~~tax have the~~ costs on the forms prescribed by the court, ~~taxed~~, together with a certification memorandum signed by the attorney of record stating that the items are correct and that the costs have been necessarily incurred. [Amended, October \_\_, 2010]

### **LR54.3.1E Cost Motions Hearings**

The party applying for taxation of costs ~~must shall serve notice notice of submission of~~ the matter ~~for hearing~~ before the clerk. The clerk may, in his or her discretion, schedule a conference with counsel to consider the matter before decision. [Amended, October \_\_, 2010]

### **LR54.5 Review of Taxation of Costs**

~~A dissatisfied party may request within five days that the court review the action of the clerk, in accordance with FRCvP 54(d).~~

### **LR54.6 Security for Costs**

In any civil matter, the court, on motion or its own initiative, may order any party to file a bond ~~for costs~~ or additional security for costs in such an amount and subject to conditions designated by the court. so conditioned as it may designate. [Amended, October \_\_, 2010]

### **~~LR54.7E Settlement Judgments~~**

~~When a case is disposed of by settlement involving the payment of a monetary amount, the party to whom the settlement requires the payment of money may present to the court and opposing counsel a proposed executory judgment, casting the parties obligated to make payment in accordance with the settlement agreed upon. The judgment shall set forth the agreement with respect to costs. It shall provide for the payment of interest on all amounts due under the judgment at the current legal rate, commencing at the date agreed upon by counsel, to be not less than 15 days from the date of the judgment. If counsel cannot agree upon a date, it shall be 45 days from the date of judgment.~~

### **~~LR54.8E Concurrence in Settlement Judgments~~**

~~It shall be the duty of counsel for the party or parties who are to pay the funds under a settlement judgment to signify concurrence in the entry of judgment if it is otherwise in accordance with the agreed settlement.~~

### **~~LR54.9E Satisfaction of Settlement Judgment~~**

~~Within five days of the consummation of the settlement embodied in any settlement judgment, it shall be the duty of counsel who presented the original judgment to file with the clerk, and to serve upon all other parties to the action, a Satisfaction of Judgment setting forth that the judgment has been paid in full and that all claims therein are fully satisfied.~~

### **LR54.10 Payment and Application for Order of Satisfaction of Judgment**

~~Upon full payment of~~ Whenever any party shall pay into court an amount of money which fully satisfies any judgment or decree in principal, interest, and costs, ~~a party he or she~~ may file a motion, with proof of such complete satisfaction of judgment, and a proposed ~~apply to the court for an order of satisfaction, and, after notice to opposing counsel, or party (if no counsel), upon proof to the court of such complete satisfaction, shall be entitled to an order declaring same.~~ [Amended, October \_\_, 2010]

#### **LR54.11 Filing Acknowledgment of Satisfaction Notice in Docket**

Upon filing of acknowledgment of satisfaction made by the judgment creditor or his/her attorney, the clerk ~~must shall~~ note upon the docket sheet "Judgment Satisfied," together with the date of ~~the any~~ judgment. [Amended, October \_\_, 2010]

#### **LR54.12 Seaman and Pauper Cases**

In all actions in which the fees of the marshal and the clerk are not required by law to be paid in advance and in which a ~~poor suitor or a~~ seaman or party proceeding in forma pauperis prevails, either by judgment or ~~by~~ settlement, ~~no dismissal or satisfaction of judgment shall be filed or entered until~~ all fees of the marshal and ~~the~~ clerk must be paid before dismissal or satisfaction of judgment may be filed, unless otherwise ordered by the court. ~~have been paid. It shall be the responsibility of~~ Counsel handling the payment of any settlement must confirm to see to it that all fees are paid, whether or not any dismissal or satisfaction of judgment entry is applied for. [Amended, October \_\_, 2010]

## **LOCAL CIVIL RULE 56 - SUMMARY JUDGMENT**

**LR56.1 Motions for Summary Judgment**

**LR56.2 Opposition to Summary Judgment**

#### **LR56.1 Motions for Summary Judgment**

Every motion for summary judgment ~~must shall~~ be accompanied by a separate, ~~short~~ and concise statement of the material facts ~~as to~~ which the moving party contends present there is no genuine issue. ~~to be tried.~~ [Amended, October \_\_, 2010]

#### **LR56.2 Opposition to Summary Judgment**

~~Any~~ Each copy of the papers opposition ~~ng to~~ a motion for summary judgment ~~must shall~~ include a separate, ~~short~~ and concise statement of the material facts which the opponent contends present a genuine issue. ~~as to which there exists a genuine issue to be tried.~~ All

material facts ~~set forth~~ in the moving party's statement ~~required to be served by the moving party~~ will be deemed admitted, for purposes of the motion, unless controverted in the opponent's statement. ~~as required by this rule.~~ [Amended June 28, 2002; Amended October , 2010]

## LOCAL CIVIL RULE 58 - ENTRY OF JUDGMENT

LR58.1 Judgments and Orders ~~LR58.1 Judgments/Orders~~  
LR58.2 Clerk May Require Draft of Judgment to Be Furnished  
LR58.3 Seaman Settlements

### **LR58.1 Judgments and /Orders**

Judgments and orders must be on a separate document on a separate sheet of paper and shall bear the caption of the action. ~~In the Middle and Western Districts, orders must also be on a separate sheet of paper and shall bear the caption of the action.~~ [Amended, October , 2010]

### **LR58.2 Clerk May Require Draft of Judgment to Be Furnished**

The clerk may require the prevailing party to furnish to the clerk a draft of any judgment or order that does not require signature or approval as to form by the judge.

### **LR58.3 Seaman Settlements**

A. To obtain a judgment based upon a joint stipulation and compromise, a complaint and a joint motion for approval of the compromise must be filed.

~~A. The court will not enter a judgment based upon a joint stipulation and compromise which has been agreed upon by parties prior to the filing of a complaint.~~

~~B. As to those cases which constitute legitimate and bona fide cases at the time of filing and in which parties have agreed to a compromise at some stage prior to trial and the court, if requested, but *only* if requested, will consider the matter upon filing with the court a joint motion for approval of the compromise.~~

B.

The filing motion must papers shall include: the following:

1. Statements of the facts claimed by the respective parties;
2. Copies of all relevant known and available medical reports, together with certification that the attached medical reports are all relevant reports that are those available;

3. A copy of proposed disbursements, except for Attorney's fees need not be set forth unless requested by the judge. ~~In the event an individual judge may so request, the parties must be prepared to show net disbursements, including attorneys' fees;~~

4. A copy of the proposed release ~~to be executed by claimant;~~

C. -5. The judge must conduct an interview with the plaintiff in open court and on the record. In addition, the parties shall make arrangements for the presence of and payment of a court reporter who shall record the judge's interview with the plaintiff, transcribe same, and file it into the record of the case. If  
~~Thereafter, the court, in the event that it~~ approves the compromise, will enter an order will be entered in *substantially* the following form:

#### "ORDER

"Considering the joint motion of the parties, the statement of facts attached, annexed medical report, the proposed release, ~~and~~ the court having independently interviewed the plaintiff and being satisfied ~~therefrom~~ that the plaintiff understands his (her) legal rights and the consequences of the contemplated settlement that the court determines to be fair and without making any determination as to seaman status.

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"IT IS ORDERED that the said compromise between plaintiff and by defendant with plaintiff in the amount of \$ \_\_\_\_\_ as submitted this date, is hereby approved on the terms set forth in the proposed aforesaid release."

~~The court will not make any determination whatsoever as to status.~~

D. A similar procedure may be followed if a seaman's case is compromised during trial. C. In the event a case is compromised during the trial, the judge will, if requested, follow a similar procedure in approving the compromise with variations to adjust to the particular factual situation. In particular, the court in such instances may not need a statement of the facts as it might have become familiar with them during the course of trial. In addition, the proposed order approving the compromise might be redrafted to fit the particular factual situation and could include provisions for entering a judgment on the compromise and for making it executory on a particular date, and with interest and costs.

~~D. Although the court's intervention is not necessary in order for parties to effect a compromise and settlement of their claim, if it is their desire to obtain this court's approval of such, they must follow the above procedure.~~

EE. If in the event that the a matter is compromised after a bona fide complaint has been filed, pursuant to an out-of-court interview with the plaintiff, a copy of the transcript of such proceedings must shall be filed in the record.

[Amended, October \_\_, 2010]

## LOCAL CIVIL RULE 62 - STAY OF PROCEEDINGS TO ENFORCE A JUDGMENT

LR62.1 Petitions to Stay Execution of State Court Judgments

LR62.2 Supersedeas Bond

### LR62.1 Petitions to Stay Execution of State Court Judgments

A. A plaintiff who seeks a stay of enforcement of a state court judgment or order ~~must shall~~ attach to the petition a (1) copy of ~~the each relevant~~ state court opinion and judgment; (2) a ~~statement involving the matter to be presented. The petition shall also state whether or not~~ the same plaintiff has previously sought ~~and been denied~~ relief arising out of the same matter from this court or from any other federal court; ~~and (3) -t~~ The reasons for denying relief given by any court that has considered the matter ~~and denied it, or, if shall also be attached. If~~ reasons for the ruling were not given in a written opinion, a copy of the relevant portions of ~~anythe~~ transcript. ~~shall be supplied.~~

B. If any issue is raised that was not ~~previously~~ raised, or has not been fully exhausted, in state court, the petition ~~mustshall~~ state the reasons why such action ~~wh~~ has not ~~been~~ taken.

C. This court ~~'s opinion in any such action must shall~~ separately ~~address state~~ each issue raised by the petition. ~~and rule expressly on each issue stating the reasons for each ruling made.~~

~~D. If the same petitioner has previously filed in this court an application to stay enforcement of a state court judgment or for habeas corpus relief, the case shall be allotted to the judge who considered the prior matter. [Amended, October \_\_, 2010]~~

### LR62.2 Supersedeas Bond

A supersedeas bond staying execution of a money judgment ~~must shall~~ be in the amount of the judgment plus 20% of ~~thate~~ amount to cover interest, costs and any ~~damages~~ award. ~~of damages for delay,~~ unless the court directs otherwise. [Amended June 28, 2002; ~~October \_\_, 2010~~]

## LOCAL CIVIL RULE 65.1 - SECURITY; PROCEEDINGS AGAINST SURETIES

LR65.1.1 Qualifications of Sureties

LR65.1.2 Court Officers Not to Be Sureties

### LR65.1.1 Qualifications of Sureties

Every bond furnished in connection with a civil proceeding in this court must have as surety either (1) a cash deposit equal to the amount of the bond, (2) an obligation of the United States Government, or (3) a corporation authorized by the Secretary of the Treasury of the United States to act as surety on official bonds, pursuant to 31 USC U.S.C. 9303-9309, except that a bond for costs may ~~instead~~ have as surety an individual resident of the district who ~~satisfies the clerk that he/she~~ owns real or personal property within the district sufficient to cover ~~justify~~ the full amount of the suretyship.

~~Only by~~ By stipulation of the parties or ~~by~~ order of the court, ~~may~~ some other form of surety be permitted.

### LR65.1.2 Court Officers Not to Be Sureties

No clerk, marshal, member of the bar, or other officer of this court may qualify ~~will be accepted~~ as surety on any bond or undertaking in any action or proceeding in this court.

## LOCAL CIVIL RULE 67 - DEPOSIT IN COURT

LR67.1 Receipt and Deposit of Registry Funds ~~LR67.1E Receipt and Deposit of Registry Funds~~

LR67.2 Form of Order ~~LR67.2E & W Form of Order~~

LR67.3 Disbursement of Registry Funds ~~LR67.3E&M Disbursement of Registry Funds~~

### LR67.1E Receipt and Deposit of Registry Funds

Funds received in the registry of the court must ~~will~~ be deposited by the clerk with this court's designated depository in an ~~interest-bearing~~ account bearing interest at ordinary passbook rates.

If the principal sum deposited is ~~not less than~~ \$10,000.00 or more, ~~a judge of this court may,~~ upon motion of an interested party, a judge of this court may instruct the clerk to ~~withdraw all or a portion of the fund deposited and to~~ reinvest the ~~sum~~ same in ~~an~~ some form of interest-bearing account bearing interest with ~~for~~ a higher return ~~of interest~~. [Amended, October ,

2010]

**LR67.2E & W Form of Order**

A proposed order to invest registry funds ~~must shall~~ specify (1) the amount to be invested; (2) the type of investment and that it ~~must shall~~ be made at the prevailing rate of interest; (3) ~~it shall the~~ name of the institution, if other than the court's designated depository; and (4) ~~it shall state~~ the length of time the fund is to be invested and whether it is to be automatically rolled over at maturity. The order ~~must shall~~ be consented to in writing by all parties who might ultimately be determined to be entitled to the fund and who might be adversely affected by any provision such as a possible penalty for early withdrawal of the fund.

~~All proposed orders pertaining to the investment of registry funds must be first presented to the clerk to assure that the proposed order complies with the U.S. Treasury Regulations governing deposit of registry funds. No such order shall be presented to a judge of this court without the clerk's certificate of compliance. In the Western District of Louisiana the clerk's certificate of compliance may be issued by the clerk, chief deputy, financial administrator, or the deputy in charge of a divisional office, after consultation with the financial administrator.~~

A proposed order pertaining to the investment of registry funds must be accompanied by a certification by the moving party that the proposed order has been submitted to the clerk for review. Before the signing of the order, the clerk will certify to the judge that the proposed order is in compliance with the United States Treasury Regulations governing deposit of registry funds.

~~All orders signed by a judge directing that registry funds be invested other than in the court's savings account must be delivered by counsel to the clerk of court personally or the chief deputy, or in the absence of both, to the administrative manager, deputy in charge of a divisional office, or financial administrator. Delivery to another deputy is not sufficient. Failure to effect such personal delivery shall relieve the clerk of any personal liability relative to compliance with the order. It shall further be the responsibility of the moving party to verify that the provisions of the order are accurate and have been carried out.~~

The moving party must confirm that the clerk and the financial administrator have actual knowledge of any order signed by a judge directing that registry funds be invested other than in the court's savings account. The moving party must verify that the provisions of the order have been carried out.

-Unless otherwise specifically provided by order of a judge of this court, the ultimate beneficiary or beneficiaries of any appreciation resulting from investing in interest-bearing accounts ~~must shall~~ be that person or those persons ultimately found to be entitled to receive the principal thereof. [Amended, October \_\_, 2010]

### **LR67.3E&M - Disbursement of Registry Funds**

Funds ~~may shall~~ be disbursed from the registry of the court only upon order of a judge of this court. ~~It shall be the responsibility of Counsel~~ must file ing a motion for disbursement and must to satisfy the court of the recipient's entitlement to the funds sought to be disbursed.

~~In the Eastern District, a motion for disbursement of registry funds shall be submitted to the financial deputy clerk for certification of the principal amount of the fund held in the registry in a particular case, before the motion is presented to the judge.~~  
A motion for disbursement of registry funds must be accompanied by a certification of the moving party that the motion and proposed order have been submitted to the clerk for review. Before the signing of the order, the clerk will certify to the judge that the motion and proposed order comply with the requirements of the local rules and will state the principal amount held in the registry account.

A motion for disbursement of registry funds ~~must shall~~ set forth the principal sum initially deposited, the amount of principal funds to be disbursed, to whom the disbursement is to be made, complete mailing instructions and specific instructions regarding distribution of accrued interest.

Each motion ~~must shall~~ be accompanied by a proposed order which ~~must shall~~ contain substantially the following language: "The clerk is authorized and directed to draw a check (or checks) on the funds on deposit in the registry of this court in the principal amount of \$ \_\_\_\_\_ plus all interest earned less the assessment fee for the administration of funds, (*or state other instruction regarding interest*), payable to (*Name and address of payee*), and mail or deliver the check (or checks) to (*payee or attorney*) at (*full address with zip code*)."

If more than one check is to be issued on a single order, the portion of principal due each payee must be stated separately. Counsel must also provide the Social Security number or Tax I.D. number for each payee and complete mailing or delivery instructions for each payee.

On all checks drawn by the clerk on registry funds, the name of the payee ~~must shall~~ be written as that name appears in the court's order providing for disbursement.

The clerk will issue disbursements as soon after receipt of the order for disbursement as the business of the clerk's office allows, except when it is necessary to allow time for a check or draft to clear or when otherwise directed by the court. ~~In the Eastern District, it shall be the responsibility of T~~ the moving party ~~must to~~ verify that the funds have been paid within a reasonable time. [Amended, October , 2010]

## **LOCAL CIVIL RULE 72 - MAGISTRATE JUDGES; PRETRIAL ORDERS**

[LR72.1 Automatic Referral of Pre-trial Proceedings](#)

[LR 72.2 Review of Magistrate Judges' Orders](#)

~~LR72.1E Automatic Referral of Pre-trial Proceedings in Civil Matters~~

**LR72.1E Automatic Referral of Pre-trial Proceedings in Civil Matters**

A. ~~Unless otherwise ordered by the court, t~~The following pre-trial motions ~~are hereby shall be~~ automatically referred to the magistrate judge to whom the action is allotted: all civil discovery motions, contested motions for leave to intervene, to amend, to file a third-party complaint, for extension of time to plead, for a more definite statement and motions relative to attorney representation. These motions ~~mustshall~~ be noticed for ~~submissionhearing~~ before the magistrate judge to whom the case ~~iw~~was allotted. Uncontested motions for leave to intervene, to amend, to file a third-party complaint, for extension of time to plead, and for a more definite statement are not automatically referred under this subsection.

Any other motion ~~which is~~ specifically referred ~~for hearing~~ by a judge to a magistrate judge ~~must will~~ be ~~submitted heard~~ at the same time and date as ~~it~~would have ~~occurred been heard~~ before the judge, or at such other time as the magistrate judge may designate.

A motion for continuance of a ~~motion or other matter pending hearing~~ before the magistrate judge ~~must shall~~ indicate that the matter is pending ~~before on~~ the magistrate judge ~~'s docket~~.

B. The following pre-trial and post-trial matters ~~areshall~~ also ~~be hereby~~ automatically referred to the magistrate judge:

1. Determination of pauper status pursuant to 28 ~~USCU.S.C.~~ 1915;
2. Examination of judgment debtors pursuant to ~~Rule 69~~ of the ~~FRCvP~~.

~~[Amended, October \_\_, 2010]~~

**LR72.2 Review of Magistrate Judges' Orders**

~~A motion to review a magistrate judge's order, or an objection to the proposed findings and recommendation of a magistrate judge must be made by filing a motion or objection along with a supporting memorandum. The motion must be noticed for submission to the district judge in the manner provided in these rules for motions. To expedite the preparation of written findings from the magistrate judge, the motion or objection shall contain a certificate verifying that a copy of the motion or objection has also been served upon the judge and magistrate judge at the time of filing.—[Amended, October \_\_, 2010]~~

## LOCAL CIVIL RULE 73 - MAGISTRATE JUDGES; TRIAL BY CONSENT AND APPEAL OPTIONS

[LR73.1 Jurisdiction](#) ~~LR73.1E Jurisdiction~~  
[LR73.1M & W Jurisdiction](#)  
[LR73.2 Automatic Referral of Cases](#) ~~LR73.2E Automatic Referral of Cases~~  
[LR73.2M Referral of Cases](#)  
[LR73.2W Referral of Cases](#)  
[LR73.3 Referral of Other Cases](#) ~~LR73.3E Referral of Other Cases~~  
[LR73.3M & W Cases Referred for Trial Under 28 USC 636\(e\)](#)  
[LR73.4 Additional Duties](#) ~~LR73.4E Additional Duties~~  
[LR73.4M & W Other Duties](#)  
[LR73.5 Assignment of Matters to the Magistrate Judge](#) ~~LR73.5E Assignment of Matters to the Magistrate Judge~~

### **LR73.1E Jurisdiction**

A. All U.S. Magistrate Judges are designated and empowered to exercise the powers and perform the duties prescribed by 28 USC 636(a), (b) and (c), when assigned to them by a judge of this court or by these rules.

~~B. Each U.S. Magistrate Judge is specifically designated to try persons accused of and sentence persons convicted of misdemeanors as defined in 18 USC U.S.C. 3401, when such matter is assigned to them by a judge in this district or by these rules.~~

### **LR73.2E Automatic Referral of Cases**

The clerk ~~must~~ shall automatically refer the following categories of civil cases to the magistrate judges pursuant to 28 USC 636(b) and/or 636(c), as applicable, conditioned upon consent of the parties, if required by statute:

A. Applications for post-trial relief, except in capital cases and in motions to vacate sentences pursuant to 28 U.S.C. 2255, made by individuals convicted of criminal offenses, of prisoner petitions challenging the conditions of confinement, and of prisoner cases brought pursuant to 42 USC U.S.C. 1983;

B. Appeals brought pursuant to 42 USC 405(g), i.e., judicial review of Social Security decisions;

C. Employment discrimination cases brought pursuant to 42 USC U.S.C. 2000(e);

D. Petitions to enforce an Internal Revenue Service summons;

E. Applications for an order authorizing entry upon and search of premises in order to effect levy and seize pursuant to 26 [USCU.S.C. 6331](#);

F. Applications by [an](#) appropriate representative of the United States ~~Government~~ for the issuance of administrative inspection orders or warrants.

[\[Amended, October \\_\\_, 2010\]](#)

### **LR73.3~~E~~ Referral of Other Cases**

A judge of the district court may refer to a magistrate judge by random allotment any other cases or matters permitted by law. If the magistrate judge to whom the case is allotted is not available, the case will be temporarily reallocated. [Amended June 26, 1998]

### **LR73.4~~E~~ Additional Duties**

The magistrate judges ~~must~~[shall](#) perform such additional duties as may be assigned by the court or by any of its judges on cases randomly allotted to that magistrate judge [including](#): ~~as follows~~:

A. Administer oaths and affirmations and take acknowledgments, affidavits and depositions;

~~B. Conduct extradition proceedings pursuant to 17 [USCU.S.C. 3184](#) [sic] (Correct site: 18 [USCU.S.C. 3184](#));~~

~~B~~[C](#). Issue attachments or orders to enforce obedience to an Internal Revenue summons to produce books and give testimony under 26 [USC 7604\(b\)](#);

~~C-D. Settle or certify the non-payment of seamen's wages under 46 [USCU.S.C. 603-604](#) [Repealed]; e~~[E](#). Enforce awards of foreign consuls in differences between captains and crews of vessels of the consul's nation under 22 [USCU.S.C. 258a 528\(a\)](#) ~~[sic]~~ ~~(Correct site: 22 [USCU.S.C. 258\(a\)](#));~~ conduct proceedings for disposition of deceased seamen's effects under 46 [USCU.S.C. 627-628](#) ~~[Repealed]~~ [10708-10710](#)); conduct hearings of offenses arising under 46 [USCU.S.C. 701](#) ~~[Repealed]~~ [11501](#); and submit ~~repeord~~[reports](#) and recommendations to the district court;

~~D~~[E](#). Conduct pre-trial ~~conferences~~ and scheduling conferences ~~in civil and criminal cases~~ and enter scheduling orders pursuant to ~~Rule 16(b) of the FRCvP~~ [16\(b\)](#) ;

EF. Conduct voir dire and select petit juries for the court;

FG. Perform any additional duty ~~that which~~ is not inconsistent with the Constitution and laws of the United States;

~~H. Hear motions, enter orders, conduct hearings, and make findings of fact and recommendations to the court on matters related to mental competency as provided in 18 USC U.S.C. 4244. [Amended June 26, 1998; October , 2010]~~

### **LR73.5E Assignment of Matters to the Magistrate Judge**

Unless the court orders otherwise in a particular case, ~~civil and criminal~~ cases will be allotted to the magistrate judges in the same manner as cases are allotted to the judges. [Amended, October , 2010]

## ~~LOCAL CIVIL RULE 74 – METHOD OF APPEAL FROM MAGISTRATE JUDGE TO DISTRICT JUDGE~~

~~LR74.1E Review of Magistrate Judges' Orders~~

~~LR74.1M Review and Appeal~~

~~LR74.1W Method of Appeal~~~~LR74.1W~~

~~LR74.1E Review of Magistrate Judges' Orders~~

~~A motion to review a magistrate judge's order, or an Objection to the Proposed Findings and Recommendation of a Magistrate Judge acting as Special Master shall be made in the following manner:~~

~~The moving party shall file the original and one copy of his/her motion or objection along with a memorandum of law in support thereof, and shall notice it for hearing in the manner provided in these rules for motions requiring a hearing. To expedite the preparation of written findings from the magistrate judge, the motion or objection shall contain a certificate verifying that a copy of the motion or objection has also been served upon the judge and magistrate judge at the time of filing.~~

## **LOCAL CIVIL RULE 77 - DISTRICT COURTS AND CLERKS**

**LR77.1 Conference In Chambers - Notice**

**LR77.2 Sessions of Court**

~~LR77.3W Administrative Divisions~~

### **LR77.1 Conference In Chambers - Notice**

Except as to applications normally considered and acted upon ex parte, ~~before any attorney or party shall confer, or arrange to confer, with a judge of this court in chambers relative to a matter then pending before the judge, he or she shall first~~ no ex parte communication with a judge in chambers is allowed, except upon give notice of the date and hour of the proposed conference to opposing counsel, or if counsel is unknown, to the opposing party. ~~and shall satisfy the judge that this has been done.~~ [Amended, October \_\_, 2010]

### **LR77.2 Sessions of Court**

The court ~~is~~ shall be in continuous session on all business days through the year for transacting judicial business. [Amended June 28, 2002; October \_\_, 2010]

## **LOCAL CIVIL RULE 78 - MOTION DAY**

LR78.1 Motion Days ~~LR78.1E Motion Days~~ □  
~~LR78.1M Motion Days~~ □  
~~LR78.1W Motion Days~~ □  
LR78.2 Calendar ~~LR78.2E Calendar~~

### **LR78.1E Motion Days**

Wednesday of each week, or such other day as the court may designate from time to time by order, is motion day. On this day, priority given to motions will be scheduled for submission and oral arguments conducted, if requested and permitted. ~~Motions will be in the various sections of court on alternate Wednesdays. Motion days arranged so that approximately half of the sections will motions on any given Wednesday.~~ Motions may also be designated for submission and/or hearing at some other time by order of the individual judge to whom the action is allotted. On motion day, the court also considers reviews from magistrate judges' rulings, contradictory motions requiring action by the court after hearing and other matters required by law or court order to be heard and determined summarily.

Any party seeking ~~desiring~~ oral argument must file either ~~file~~ contemporaneously with the filing of the motion or opposition memorandum to a motion, or within three days after receipt of the opposition memorandum to a motion, a separate written request for oral argument. Oral argument will be permitted in such cases without further order of the cCourt, unless the cCourt advises the parties, as soon as practicable, that the request for oral argument is denied. ~~not necessary.~~ [Amended October 1, 2003; October \_\_, 2010]

### **LR78.2E Calendar**

The clerk must prepare a calendar for each section of the court listing the matters submitted for decision on each motion day in the order in which they have been filed. The court may elect to determine motions in some other order and may defer determination of motions in which either party has not timely filed a memorandum to the end of the docket, or in the discretion of the court may deny oral argument. [Amended, October , 2010]

## **LOCAL CIVIL RULE 79 – BOOKS, AND RECORDS AND ENTRIES KEPT BY THE CLERK AND ENTRIES THEREIN**

LR79.1 Withdrawal of Files ~~LR79.1E & W Withdrawal of Files~~

~~LR79.1M Withdrawal of Files~~

LR79.2 Custody of Exhibits

LR79.3 Disposition of Exhibits

LR79.4 Offer and Marking of Exhibits

LR79.5 Obtaining Record From Appellate Court for Hearing on Motions

### **LR79.1E & W Withdrawal of Files**

Files in the office of the clerk may be removed from it only:

- A. for the use of the court;
- B. pursuant to a subpoena from any federal or state court directing their production; or
- C. with leave of court or permission of the clerk first obtained.

### **LR79.2 Custody of Exhibits**

After being received in evidence, all exhibits are ~~shall be placed~~ in the custody of the clerk, unless otherwise ordered by the court. [Amended, October , 2010]

### **LR79.3 Disposition of Exhibits**

All exhibits in the custody of the clerk must ~~shall~~ be removed within 350 days of the final disposition of the case. The party offering exhibits is ~~shall be~~ responsible for their removal and must ~~shall~~ give a detailed receipt for the clerk's records. If the parties or their attorneys fail or refuse to remove exhibits within 350 days, the exhibits may be destroyed or otherwise disposed of by the clerk. [Amended, October , 2010]

### **LR79.4 Offer and Marking of Exhibits**

An exhibit must be marked by counsel for identification before it may be referred to or offered into evidence. ~~Before referring to or using or offering in evidence any exhibit,~~

~~(whether book, paper, document, model, diagram or any other type of exhibit), counsel shall first ensure that it is marked for identification. [Amended, October \_\_, 2010]~~

### **LR79.5 Obtaining Record From Appellate Court for Hearing on Motions in district court**

~~It shall be the duty of counsel for the moving parties in cases in which an appeal has been taken and the record filed with the clerk of the cCourt of aAppeals, counsel for the moving party must to obtain the record and return it to the clerk of the dDistrict cCourt when a motion is filed in the district court. pending argument and determination of the motion. [Amended, October \_\_, 2010]~~

## **LOCAL CIVIL RULE 83 - RULES BY DISTRICT COURTS; JUDGES' DIRECTIVES**

### **LOCAL CIVIL RULE 83.1 - NATURALIZATION**

LR83.1E Naturalization

~~LR83.1M&W Naturalization~~

### **LOCAL CIVIL RULE 83.2 - ATTORNEYS**

LR83.2.1E & W Roll of Attorneys

~~LR83.2.1M Roll of Attorneys~~

~~LR83.2.2E Eligibility~~

~~LR83.2.2M & W Eligibility~~

LR83.2.23E Procedure for Admission

~~LR83.2.3M Procedure for Admission~~

~~LR83.2.3W Procedure for Admission~~

LR83.2.34E Rules of Conduct

~~LR83.2.4M Rules of Conduct~~

~~LR83.2.4W Rules of Conduct~~

LR83.2.45 Attorney Representation

LR83.2.56E & M Visiting Attorneys

~~LR83.2.6W Visiting Attorneys~~

LR83.2.67 Waiver by Court Order of Requirements for Local Counsel

LR83.2.78 Familiarity With and Compliance With Rules

LR83.2.8.1E Familiarity With the Record

LR83.2.9E Counsel's Failure to Appeal

~~LR83.2.10E RULES OF DISCIPLINARY ENFORCEMENT OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA~~

LR83.2.10-~~1E~~ Practicing Before Admission or During Suspension  
~~LR83.2.10M Suspension and Disbarment~~  
LR83.2.11 Continuing Representation, Withdrawals, Substitution of Counsel  
LR83.2.12 Additional Counsel  
LR83.2.13 Appearances by Law Students  
~~LR83.2.14M & W Courtroom Decorum~~

### **LOCAL CIVIL RULE 83.3 - BUILDING SECURITY**

LR83.3.1 Reasons for Building Security  
LR83.3.2 Security Personnel  
LR83.3.3 Carrying of Parcels, Bags, and Other Objects  
LR83.3.4 Search of Persons  
LR83.3.5 Unseemly Conduct  
LR83.3.6 Entering and Leaving  
LR83.3.7 Spectators  
LR83.3.8 Cameras and Electronic Equipment  
LR83.3.9 Photographs, Radio or Television Broadcasting  
~~LR83.3.10 Unauthorized Presence When Grand Jury Is in Session~~  
~~LR83.3.11 Interviewing Witnesses Before Grand Jury~~  
~~LR83.3.12E & W Weapons~~  
~~LR83.3.12M Weapons~~  
LR83.3.13 Enforcement

### **LOCAL CIVIL RULE 83.4 - BANKRUPTCY**

LR83.4.1 Reference to Bankruptcy Judge  
LR83.4.2 Appeal to the District Court  
LR83.4.3 Motion Seeking Relief From a District Judge  
LR83.4.4 Record Transmitted to the District Court

## **LOCAL CIVIL RULE 83 - RULES BY DISTRICT COURTS; JUDGES' DIRECTIVES**

### **LOCAL CIVIL RULE 83.1 - NATURALIZATION**

#### **LR83.1E&M Naturalization**

A judge of tThe district court administers the oOath of aAllegiance to applicants for naturalization. ][Amended May 18, 2004, June 26, 2004]

~~————LOCAL CIVIL RULE 83—RULES BY  
DISTRICT COURTS; JUDGES' DIRECTIVES~~

**LOCAL CIVIL RULE 83.2 - ATTORNEYS**

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**LR83.2.1E & W Roll of Attorneys**

Any member in good standing of the Louisiana bar who is of good moral character is eligible for admission to the bar of the Eastern District of Louisiana. The bar of the court consists of those lawyers admitted to practice before the court who have taken the prescribed oath and signed the roll of attorneys for the district.

**LR83.2.2E Eligibility**

~~Any member in good standing of the bar of the Supreme Court of Louisiana who is of good moral character is eligible for admission to the bar of the Eastern District of Louisiana.~~

[Amended July 17, 2000]

**LR83.2.23E Procedure for Admission**

A. Each applicant for admission to the bar of this court ~~shall~~must file ~~with the clerk~~ a written petition signed by him or her and endorsed by two members of the bar of this court listing the applicant's residence and office address, his or her general and legal education, the courts ~~that have admitted him or her in which he or she is admitted~~ to practice, and stating that the applicant is qualified to practice before this court, is of good moral character, and is not subject to any pending disbarment or professional discipline procedure in any other court. If the applicant has been convicted of a felony or has previously been subject to any disciplinary proceedings, full information about each, the conviction or about the disciplinary proceedings, including the charges and the result, must be set forth given.

B. An applicant ~~The petitioner~~ may be admitted in open court or in a judge's chambers, ~~and~~ upon taking an oath to conduct himself or herself as an attorney or counselor of this court uprightly and according to law and to support the Constitution of the United States. The attorney must, under the direction of the clerk, sign the roll of attorneys and pay the fee required by law and any other fee required by the court. ~~Unless such a~~ motion for admission ~~must be filed is made~~ within six months of ~~the~~ filing of the petition, ~~the clerk may destroy the petition and a new petition will be necessary before the applicant can be admitted.~~

C. Upon written request and for good cause shown, ~~if~~ a personal appearance would present ~~an~~ undue hardship for the applicant or the applicant resides outside the boundaries of this district, ~~upon written request and for good cause shown,~~ the cCourt may grant the applicant's request for admission ~~by mail~~ without ~~the necessity of~~ a personal appearance. In such instance, the applicant must take a written oath, on a form prescribed by the cClerk, to conduct himself or herself as an attorney or counselor of this cCourt uprightly and according to law and to support the Constitution of the United States, and submit this written oath with any fee required by law and any other fee required by the court. At the attorney's first physical appearance before the court, he/ or she must sign the roll of attorneys in the cClerk's oOffice. ~~[Amended July 17, 2000 and October 1, 2003]~~

D. Every attorney admitted to practice before this court must pay to the clerk of court an annual fee in an amount periodically set by the court en banc and posted for public notice by the clerk of court. The fee will be made part of a fund used to defray the expense of administration and enforcement under the court's Disciplinary Rules and for such other uses and purposes that the court determines appropriate. These fees must be paid triennially not later than March 1 of the calendar year in which such payment is due.

(1) At the time of admission, the attorney must make the initial triennial payment. Such fee will not be prorated within any calendar year, but an attorney first admitted in the second or third year of any triennial period will be required to make proportionate

payment only for those years of such period in which the attorney's membership in the bar is effective.

Attorneys admitted pro hac vice must pay a triennial or proportionate fee, unless a similar fee has been paid to another court of the United States and satisfactory evidence thereof has been submitted to the clerk.

- (2) Any attorney who fails to pay the fee required under subsection (1) will be summarily suspended, provided a notice of delinquency has been sent to the attorney to the last address appearing in the Roll of Attorneys of the bar of this court at least 35 days before such suspension.

Any attorney suspended under this provision may be reinstated upon payment of the fee.

E. To facilitate the keeping of an accurate Roll of Attorneys, every attorney subject to these Rules must triennially on or before the first day of March, file with the clerk of this court a registration statement on a form supplied by the clerk setting forth the attorney's current residence and office addresses; his/her Bar Roll number; and the bars of all states, territories, districts, commonwealths, or possessions or other courts of the United States to which the attorney is admitted and the dates of such admissions. In addition, every attorney subject to these Rules must file a supplemental statement of any change in this information previously submitted within 35 days of such change. All persons must file this required registration statement at the time of admission to practice before this court. Upon request, the clerk will provide a certificate of compliance.

- (1) Within 35 days of receipt of a statement or supplemental statement and of payment of the aforesaid fee in accordance with the provisions of (A) and (D) above, the clerk must acknowledge receipt thereof in appropriate form so as to enable the attorney, on request, to demonstrate compliance with the requirements of (A) and (D) above.

- (2) Any attorney who fails to file the attorney registration statement or supplemental statement as required above will be summarily suspended. A notice of delinquency must be sent to the attorney at the current address appearing in the Roll of Attorneys of the bar of this court at least 35 days before such suspension. The suspension will remain in effect until the attorney has complied with these Rules.

F. An attorney who has retired or is not engaged in the practice of law before this court may advise the clerk in writing that he or she desires to assume inactive status and discontinue the practice of law before this court. Upon the filing of such a notice, the attorney will no longer be eligible to practice law in this court and will not be obligated for further payment of the fee

prescribed herein or for filing the attorney registration statement every three years as required by this Rule for active practitioners.

Upon the filing of a notice to assume inactive status, the attorney will be removed from the roll of active attorneys until and unless he or she requests and is granted reinstatement to the active rolls. Reinstatement to active status may be granted (unless the attorney is then subject to an outstanding order of suspension or disbarment or has been on inactive status for five years or more) upon the payment of any fees due as prescribed by this Rule and the submission of a current registration statement. Reinstatement to active status of an attorney who has been on voluntary inactive status for five years or more will be governed by the provisions of the Disciplinary Rules of this court.

G. The fees and costs paid pursuant to these Rules will be maintained by the clerk as trustee thereof in separate interest bearing, federally insured accounts with such depositories as the court may from time to time approve or invested in obligations of the United States. Funds so held will be disbursed only pursuant to the orders of the court and at no time will they be deposited into the Treasury of the United States.

[Amended July 17, 2000; October 1, 2003; October \_\_, 2010]

### **LR83.2.~~34E~~ & M Rules of Conduct**

This court hereby adopts the Rules of Professional Conduct of the Louisiana State Bar Association-, ~~as hereafter may be amended from time to time by the Louisiana Supreme Court,~~ except as otherwise provided by a specific rule or general order of a court. [Amended June 28, 2002]

### **LR83.2.~~45~~ Attorney Representation**

~~In all cases before this court,~~ Any party who does not appear in proper person must be represented by a member of the bar of this court, except as set forth below.

### **LR83.2.~~56E~~ Visiting Attorneys**

Any member in good standing of the bar of any court of the United States or of the highest court of any state and who is ineligible to become a member of the bar of this court, may, upon written motion of counsel of record who is a member of the bar of this court, by ex parte order, be permitted to appear and participate as co-counsel in a particular case.

The motion must have attached to it a certificate by the presiding judge or clerk of the highest court of the state, or court of the United States, where he or she has been so admitted to practice, showing that the applicant attorney has been so admitted in such court, and that he or she is in good standing therein.

The applicant attorney must state under oath whether any disciplinary proceedings or criminal charges have been instituted against him or her, and if so, must disclose full information about the proceeding or charges and the results thereof.

An attorney thus permitted to appear may participate in a particular action or proceeding in all respects. The clerk must register all attorneys admitted to the bar of this court, including those admitted pro hac vice, as Filing Users of the court's Electronic Filing System. Registration as a Filing User constitutes consent to electronic service of all documents as provided in these rules in accordance with the Federal Rules of Civil Procedure. The clerk must provide Filing Users with a user log-in and password once registration and required training are completed.

When an attorney applies to be admitted or is admitted to this court for purposes of a particular proceeding (pro hac vice), the attorney is deemed thereby to have conferred disciplinary jurisdiction upon this court for any alleged misconduct of that attorney arising in the course of or in preparation for the proceeding. In addition to visiting counsel, local counsel is ~~shall be~~ responsible to the court at all stages of the proceedings. Designation of the visiting attorney as "Trial Attorney" pursuant to LR11.2 ~~herein does shall~~ not relieve ~~the~~ local counsel of the responsibilities imposed by this rule. [Amended, October , 2010]

#### **LR83.2.76 Waiver by Court Order of Requirements for Local Counsel**

~~In any civil action, C~~ounsel who is ineligible to become a member of the bar of this court ~~under LR83.2.2,~~ may be authorized by court order to appear and act for any party without joinder of local co-counsel when it is shown that:

- A. The party would suffer hardship by joinder of local counsel;
- B. The obligations and duties of counsel in the particular litigation will be fulfilled without joinder of local co-counsel.

#### **LR83.2.78 Familiarity With and Compliance With Rules**

Everyone who appears in court in proper person and every attorney permitted to practice in this court must be familiar with these rules. Willful failure to comply with the rules, any of them, or a false certificate of compliance, is cause for such disciplinary action as the court, after notice and hearing. [Amended, October \_\_, 2010]

### **LR83.2.8.1E Familiarity With the Record**

All counsel of record must. Counsel for a party in any civil matter in this court be familiar with the substance of all documents and court orders filed in the case and any if the case is consolidated with one or more other cases, be familiar with the record of the consolidated cases. ounsel representing a party joined in a case after its inception whether by third party complaint or otherwise, or whose case is consolidated with one or more pending cases, become familiar with court orders and with other documents previously filed in the record. [Amended, October \_\_, 2010]

### **LR83.2.9E Counsel's Failure to Appear**

Counsel's failure to appear, or appearing only extremely late, for conferences with the court or its magistrate judges, or for the argument of motions, trial, or any other proceeding, causes great inconvenience to the court, opposing counsel, and, in some instances, to witnesses and jurors. Accordingly, it will be the court's policy to impose costs or sanctions as follows:  
The court may impose the following costs or sanctions: as follows:

A. For failure to appear, or appearing late, at any proceeding before any of the judges or magistrate judges when the lawyer has been given timely notice of the proceeding, conference or hearing, has failed in advance to seek a continuance, and has no adequate excuse:

1. Upon a first violation, If this is the first time counsel has been delinquent, or if the last violation time he/she failed to appear promptly was more than two years ago, he or /she may shall be ordered to pay a fee in a reasonable amount to each opposing counsel who has appeared.

2. Upon a second violation, or If this is the second time, and it is within two years of the first, the lawyer may will be ordered required to pay a fee in a reasonable amount to each opposing counsel who has appeared, and may be required will, in addition, be cited to show cause before a judge of this court why he or she should not be suspended from practice for a period of time or subjected to some other form of discipline ary action.

3. This fee may not is not to be waived, nor is it to be returned, or taken into account on settlement, It is not to be billed or charged to a client in any way.

B. For failure, without adequate excuse, to appear for a trial or a hearing for which witnesses have been summoned, or for unreasonable delay in appearing ~~at such times~~, the lawyer may ~~will~~ be required to show cause why he or she should not be subject to disciplinary action. ~~by the court.~~

[Amended, October \_\_, 2010]

## **LR83.2.10E RULES OF DISCIPLINARY ENFORCEMENT OF THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA**

**RULE I JURISDICTION AND GOVERNING RULES**  
RULE II GROUNDS FOR DISCIPLINARY ACTION  
RULE III PROCEDURES  
RULE IV DUTIES OF THE CLERK  
RULE V DISBARMENT ON CONSENT  
RULE VI REINSTATEMENT  
RULE VII REGISTRATION STATEMENTS AND FEES

### **LR83.2.10.1E Practicing Before Admission or During Suspension**

Any person who exercises ~~in any proceeding in this court~~ any of the privileges of a member of the bar or who pretends to be entitled to do so before his or her admission to the bar of this court, or during his or her disbarment or suspension, ~~is in contempt of court and~~ subjects himself or herself to disciplinary action.

### **LR83.2.11 Continuing Representation, Withdrawals, Substitution of Counsel**

The original counsel of record must represent the party for whom he or she appears unless the court permits him or her to withdraw from the case. Counsel of record may obtain permission only upon joint motion (of current counsel of record and new counsel of record) to substitute counsel or upon a written motion served on opposing counsel and the client. ~~before the court acts.~~ If other counsel is not thereby substituted, the motion to withdraw must contain the present address of the client and the client's telephone number if the client can be reached by telephone. The motion must be accompanied by a certificate of service, including a statement that the client has been notified of all deadlines and pending court appearances, served on both the client by certified mail and opposing counsel, or an affidavit stating why service has not been made. [Amended, October \_\_, 2010]

### LR83.2.12 Additional Counsel

Where counsel has appeared for any party, other counsel may appear for the same party only:

- A. Upon motion of counsel of record for that party, or motion consented to by him or her; or
- B. Upon motion, after counsel for the party has been permitted to withdraw or has died, or is incapacitated, or cannot be found; or
- C. Upon motion of a party after notice to counsel of record and a hearing

### LR83.2.13 Appearances by Law Students

Limited appearances by law students, if the person on whose behalf he or she is appearing has consented to that appearance in writing and the supervising lawyer has also approved the appearance in writing, are allowed in any civil matter in which a fee is not provided for or could not reasonably be anticipated; ~~and in a criminal matter on behalf of an indigent defendant.~~

~~An eligible law student may also appear in any criminal matter on behalf of the United States with the written approval of both the prosecuting attorney or his or her authorized representative and the supervising lawyer. Insofar as practicable, the legal services of law students in criminal practice shall be divided equally between prosecution and defense.~~

The written consent and approval referred to above must be filed in the record of the case and must be brought to the attention of the judge.

The supervising lawyer or the prosecuting attorney must personally be present throughout the proceedings and is responsible for the manner in which they are conducted.

#### A. Prerequisites to Law Student Appearances

To make an appearance pursuant to this rule, the law student must:

1. Be duly enrolled in a law school in this state approved by the American Bar Association;
2. Have completed four (4) full-time semesters of legal studies or the equivalent if the school is on some basis other than a semester basis;

3. Be certified by the dean of his or her law school as being of good moral character, competent legal ability, and adequately trained to perform as a legal intern;
4. Be introduced to the court by an attorney admitted to practice in this court;
5. Neither ask for nor receive remuneration of any kind for services;
6. Take the following oath:

"I,     , do solemnly swear that I will support the Constitution of the United States and of the State of Louisiana and have read and am familiar with the Code of Professional Responsibility of the Louisiana State Bar Association, and I understand that I am bound by the precepts therein contained as fully as if I were admitted to the practice of law in Louisiana; and that I further accept the privileges granted to me as well as the responsibilities which will devolve upon me, so that I may be more useful through my clinical education in the service of justice."

*B. Certification of Students*

The certification of a student by the law school dean:

1. Must be filed with the clerk and, unless sooner withdrawn, remain in effect for twelve (12) months after it is filed, or until the announcement of the results of the first bar examination following the student's graduation, whichever comes earlier. For any student who passes that examination or who is admitted to the bar without taking an examination, the certification continues in effect until the date he or she is admitted to the bar;
2. May be withdrawn by the dean at any time by mailing a notice to that effect to the clerk. The notice need not state the cause for withdrawal;
3. May be terminated by this court at any time without notice or hearing and without any showing of cause. Notice of the termination may be filed with the clerk.

*C. Supervision of Students*

The member of the bar under whose supervision an eligible law student works must:

1. Be admitted to practice before this court and approved by the dean of the law school in which the law student is enrolled for service as a supervising lawyer for this program;
2. Assume personal professional responsibility and liability for the student's guidance in any work undertaken and for supervising the quality of the student's work;

3. Assist the student in his or her preparation.

[\[Amended, October \\_\\_, 2010\]](#)

## **LOCAL CIVIL RULE 83 - RULES BY DISTRICT COURTS; JUDGES' DIRECTIVES**

### **LOCAL CIVIL RULE 83.3 - BUILDING SECURITY**

**LR83.3.1 Reasons for Building Security**

**LR83.3.2 Security Personnel**

**LR83.3.3 Carrying of Parcels, Bags, and Other Objects**

**LR83.3.4 Search of Persons**

**LR83.3.5 Unseemly Conduct**

**LR83.3.6 Entering and Leaving**

**LR83.3.7 Spectators**

**LR83.3.8 Cameras and Electronic Equipment**

**LR83.3.9 Photographs, Radio or Television Broadcasting**

~~**LR83.3.10 Unauthorized Presence When Grand Jury Is in Session**~~

~~**LR83.3.11 Interviewing Witnesses Before Grand Jury**~~

~~**LR83.3.12 Weapons**~~ ~~**LR83.3.12E & W Weapons**~~

**LR83.3.12M Weapons**

**LR83.3.13 Enforcement** ~~**LR83.3.13**~~

#### **LR83.3.1 Reasons for Building Security**

The purpose of these rules [for building security](#) is to minimize interference with and disruptions of the court's business, to preserve decorum in conducting the court's business and to provide effective security in buildings [in which](#) proceedings governed by these rules are held. ~~These buildings are hereinafter collectively referred to as "the premises".~~ [\[Amended, October \\_\\_, 2010\]](#)

#### **LR83.3.2 Security Personnel**

The term "Security Personnel" means the U.S. Marshal or deputy marshal or a deputized court security officer.

#### **LR83.3.3 Carrying of Parcels, Bags, and Other Objects**

Security personnel [must](#) inspect all objects carried by persons entering the premises. [All persons who seek to](#) enter or remain [on](#) the premises [must](#) submit to such an inspection. [\[Amended, October \\_\\_, 2010\]](#)

### **LR83.3.4 Search of Persons**

Security personnel may search the person of anyone entering the premises or any space in it. Anyone who refuses to permit such a search will be denied entry. ~~Any defendant in a criminal case whose appearance is required who refuses to permit such a search will be denied entry, and security personnel must immediately notify the judge before whom the appearance is required. The judge may take the appropriate action, including, but not limited to, detention and search, and ordering revocation of bond, if the defendant is on bond. [Amended, October \_\_, 2010]~~

### **LR83.3.5 Unseemly Conduct**

No person may ~~shall~~:

A. Loiter, sleep or conduct himself or /herself in an ~~unseemly or~~ disorderly manner oin the premises;

B. Interfere with or disturb the conduct of the court's business ~~in any manner~~;

C. Eat or drink in the halls of the premises or in the courtrooms;

D. Block any entrance to or exit from the premises or interfere in any person's entry into or exit from the premises. [Amended, October \_\_, 2010]

### **LR83.3.6 Entering and Leaving**

All persons must enter and leave courtrooms only through such doorways and at such times as designated by the security personnel. [Amended, October \_\_, 2010]

### **LR83.3.7 Spectators**

Spectators must enter or depart courtrooms only at such times as the presiding judge may direct. Spectators may enter or remain in any courtroom only if spectator seating is available. Spectators must sit in that portion of the courtroom designated by the U.S. Marshal. Spectators excluded because of lack of seating and spectators leaving the courtroom while court is in session or at any recess must not loiter or remain in the area adjacent to the courtroom. [Amended, October \_\_, 2010]

### **LR83.3.8 Cameras and Electronic Equipment**

Except as set forth herein or as authorized by the court, no one other than court officials engaged in the conduct of court business may bring any camera, transmitter, receiver, audio or

video recording device, personal digital assistant, cellular telephone (including Palm Pilot, Blackberry, iphone, or comparable electronic device), computer (including laptop, notebook desktop, or comparable computing device) or ~~Unless authorized by the court, no camera, recording equipment, or other type of electrical or electronic device shall be brought~~ into the premises.

Any member of the Bar of this court may, subject to security screening, bring personal digital assistants, cellular telephones or computers ("Authorized Electronic Devices") into the courthouse for that attorneys' own use and for presenting, managing, and accessing documents and files for the presentation of evidence during trials and proceedings. Any Authorized Electronic Devices with the capability to make or record images or sounds must be off whenever the device is in any courtroom or its environs, and the use of any such device to record, transmit or photograph court proceedings is prohibited. All sound emitting capabilities (including ringtone or vibration sound) of any Authorized Electronic Device must be off in any courtroom. Authorized Electronic Devices may not be used in a manner that disrupts or interferes with any judicial proceeding or violates Fed. R. Evid. 615 regarding exclusion of witnesses. Notwithstanding this provision, no Authorized Electronic Device may be brought into any courtroom or judicial chambers if the judge to whom the courtroom or chambers is assigned prohibits the introduction of such devices. Other than as set forth herein, n ~~No~~ person may~~shall~~ introduce or attempt to introduce any type of electronic device (including but not limited to, ~~camera, recording equipment or other type of electrical or electronic device)~~ into the premises without court permission.

~~No person shall introduce any type of camera, recording equipment or other type of electric or electronic device into the premises while, or immediately before or after, the grand jury is in session.~~ [Amended, October , 2010]

### **LR3.3.9 Photographs, Radio or Television Broadcasting**

A. The audio-recording, video-recording, taking of photographs, in the courtroom or its environs or radio or television broadcasting from the courtroom or its environs, or electronic transmission of events from the courtroom or its environs is prohibited during the progress of or in connection with judicial proceedings, including proceedings before a United States Magistrate Judge, whether or not court is actually in session. ~~is prohibited.~~ Judicial proceedings, in whole or in part, may not be recorded, broadcast or transmitted by any means, including still or moving photography or any type of sound recording.

B. As used in these rules the term "environs" means any place within ~~the any~~ United States Courthouse ~~wherein these Rules apply, and and~~ any place wherein any judge of the court - United States Magistrate Judge may conduct judicial proceedings. ~~and any public place immediately adjacent thereto.~~ [Amended, October , 2010]

~~LR83.3.10 Unauthorized Presence When Grand Jury Is in Session~~

~~No person, except grand jurors, witnesses, government attorneys, agents or employees, court personnel concerned with any grand jury proceeding, private attorneys whose clients have been called to appear as witness at a session of the grand jury then in progress or about to commence, and others specifically authorized, shall be allowed to remain in the hall adjacent to the grand jury space beyond the entrance door.~~

~~LR83.3.11 Interviewing Witnesses Before Grand Jury~~

~~No person shall attempt to question, interview or interfere with any person who may testify or who has testified before any grand jury within the premises.~~

**LR83.3.12E & W Weapons**

No person ~~may~~shall be admitted to or allowed to remain in the premises with any object that might be employed as a weapon unless he or she has been authorized in writing by a judge or magistrate judge to do so, or unless he or she is a federal law enforcement agent, a U.S. Marshal, a Federal Protective Service Police Officer, a publicly employed law enforcement officer or a person designated by the court to assist U.S. Marshals or Federal Protective Service Police. No person, except U.S. Marshals and others specifically authorized by the court, ~~may~~shall have any such object in his or her possession while in any courtrooms, judges' chambers or magistrate judges' chambers. Federal law enforcement officers having prisoners in their custody in the courtroom of any magistrate judge or district judge may retain their sidearms. [Amended, October \_\_, 2010]

**LR83.3.13 Enforcement**

Security personnel enforce the whole of this Rule 83.3. In addition to such other penalties as may be prescribed by law, violators of this rule may be held in contempt of court and subject to the imposition of sanctions.

**LOCAL CIVIL RULE 83 - RULES BY DISTRICT COURTS; JUDGES' DIRECTIVES**

**LOCAL CIVIL RULE 83.4 - BANKRUPTCY**

LR83.4.1 Reference to Bankruptcy Judge

LR83.4.2 Appeal to the District Court

LR83.4.3 Motion Seeking Relief From a District Judge

LR83.4.4 Record Transmitted to the District CourtLR83.4.4LR83.4.4

### LR83.4.1 Reference to Bankruptcy Judge

~~Under the authority of 28 USC U.S.C. 157 the district court refers to the bankruptcy judges of this district.~~ All cases under Title 11 and all proceedings arising under Title 11 or arising in or related to a case under Title 11 are transferred by the district court to the bankruptcy judges of this district. As set forth in 28 USC 157(b)(5), personal injury tort and wrongful death claims must be tried in the district court. [Amended, October , 2010]

### LR83.4.2 Appeal to the District Court

Appeals from judgments, orders or decrees of a bankruptcy judge are governed by *Part VIII of the Bankruptcy Rules* (Section 8001, *et seq.*) and the applicable local rules of the district and bankruptcy courts. [Amended, October , 2010]

### LR83.4.3 Motion Seeking Relief From a District Judge

Motions filed seeking relief from a district judge, including motions under 28 USC 157(d) (for withdrawal of reference), 28 USC 157(c)(1) (objections to proposed findings of fact and conclusions of law) and *Bankruptcy Rule 8005* (for stay pending appeal), are governed by the rules set out below.

#### A. Original Motion

1. *Applicable Rules.* The Local Rules for the district court apply to all motions filed in bankruptcy cases or proceedings seeking relief from a district judge. In those instances where the Bankruptcy Rules require a report from the bankruptcy judge, *e.g., Bankruptcy Rules 5011(b) and 9027(e)*, the local Bankruptcy Rules apply until such report is issued.

2. *Place of Filing.* All motions described in ~~this~~ section A above must be filed with the clerk of the bankruptcy court.

3. *Contents of Motion.* In addition to the normal requirements of documents ~~papers~~ filed in the bankruptcy court, motions described in ~~this~~ section A above must include:

a. A clear and conspicuous statement opposite the title of the action that "RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE."

b. A designation of the portions of the record of the proceedings in the bankruptcy court that will reasonably be necessary or pertinent for consideration of the motion by the district court.

c. A list showing the names of each party with an interest in the motion and for each party

shown, [the names of](#) their attorney along with such attorney's mailing address.

4. *Subsequent Filings.* Any filing in a matter under this section subsequent to the "Original Motion" set forth above [must](#) be filed with the clerk of the district court and [must](#) comply with all rules of such court.

5. *Duties of the Clerk of the Bankruptcy Court.* Upon filing of an original motion, as set forth above, the clerk of the bankruptcy court [must](#) promptly transmit to the clerk of the district court:

- a. The original motion and all attachments to the motion, and
- b. The portion of the bankruptcy court record designated in accordance with (3)(b) above.

B. *No Automatic Stay.* [No](#) automatic stay of bankruptcy court proceedings results [from](#) the filing of any motion under [section A. the above.](#) ~~Any~~ stay of proceedings results [only](#) from an order of the bankruptcy court or the district court.

C. *Obligation of the Parties.* [A party or its attorney must](#) apprise the bankruptcy court and the United States District Court of orders entered in either forum which significantly affect matters pending in either forum. [\[Amended, October \\_\\_, 2010\]](#)

#### **LR83.4.4 Record Transmitted to the District Court**

The authority to retain any portion of the record on appeal or in connection with a motion seeking relief from a district judge is delegated to the clerk of the bankruptcy court. If any portion of a record is retained in the bankruptcy court, a certified copy of such record [must](#) be transmitted to the district court. If the district court requests the retained [documents, papers,](#) ~~the~~ bankruptcy clerk [must](#) transmit them [immediately.](#) ~~forthwith.~~

In the event that papers are retained in the bankruptcy court and certified copies are transmitted to the district court, the bankruptcy court may order the party [requesting upon](#) ~~whose instance~~ the [documents papers were required to](#) reimburse the clerk of the bankruptcy court for the cost of [reproduction. making the copies.](#) [\[Amended, October \\_\\_, 2010\]](#)

### **LOCAL ADMIRALTY RULE 4 - SUMMONS AND PROCESS**

#### **LAR4.1 Process**

##### **[LAR4.1.1W Vessel Seizure](#)**

##### **LAR4.2 Summons to Show Cause Why Funds Should Not Be Paid to Court**

#### **LAR4.1 Process**

A. In addition to the requirements set forth in [Admiralty Rule B](#) , the clerks of ~~these courts~~ ~~must shall~~ not issue a summons and process of attachment and garnishment until ~~such time as~~ ~~(1) the verified complaint and affidavit filed pursuant to Admiralty Rule B are be~~ reviewed by the court; ~~(2) the court and it~~ determines if the conditions set forth in [Rule B](#) appear to exist, and enters an order so stating, and authorizing process of attachment and garnishment. Supplemental process enforcing the court's order may be issued by the clerk upon application without further order of the court. If the plaintiff or his or her attorney certifies that exigent circumstances make review by the court impracticable, the clerk ~~must shall~~ issue a summons and process of attachment and garnishment and the plaintiff ~~has shall have~~ the burden on a post-attachment hearing under LAR4.1(C) to show that exigent circumstances existed.

B. In ~~connection with~~ actions in rem pursuant to [Admiralty Rule C](#) , the verified complaint and supporting affidavit filed in connection therewith ~~must shall~~ be reviewed by the court and no warrant for the arrest of a vessel ~~may shall~~ issue, unless the court determines that the conditions for an action in rem appear to exist, and enters an order so stating, and authorizing a warrant. Supplemental process enforcing the court's order may be issued by the clerk upon application without further order of the court. If the plaintiff or his or her attorney certifies that exigent circumstances make review by the court impracticable, the clerk ~~must shall~~ issue a summons and warrant for the arrest and the plaintiff ~~has shall have~~ the burden on a post-arrest hearing under LAR4.1(C) to show that exigent circumstances existed.

C. ~~The procedure for release from arrest or attachment either pursuant to Supplemental Rule B or C shall be as follows:~~ Whenever property is arrested or attached ~~pursuant to Supplemental Rule B or C~~, any person claiming an interest in it ~~is shall be~~ entitled to a prompt hearing at which the plaintiff ~~must shall be required to~~ show why the arrest or attachment should not be vacated or other relief granted consistent with these rules. This rule ~~does not apply shall have no application~~ to suits for seamen's wages when process is issued upon a certification of sufficient cause signed pursuant to 46 [USCU.S.C.](#) 603 and 604.

D. If the judge to whom the particular case is allotted is not [immediately](#) available, matters referred to in this LAR4.1 may be presented to any other judge without the necessity of reallocation of the case. [\[Amended, October \\_\\_, 2010\]](#)

#### **——LAR4.2 Summons to Show Cause Why Funds Should Not Be Paid to Court**

A summons issued pursuant to [Admiralty Rule C\(3\)](#) dealing with freight or the proceeds of property sold, or intangible property ~~must shall~~ direct the person having control of the funds to show cause why the funds should not be paid into court to ~~comply with abide~~ the judgment in accordance with the procedure described in the Civil Rules to notice ~~motions matters~~ for ~~submission. hearing.~~ [\[Amended, October \\_\\_, 2010\]](#)

## LOCAL ADMIRALTY RULE 64 - SEIZURE OF PROPERTY

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LAR64.3 Movement of Vessels Under Seizure

LAR64.4 Consent Guardian

LAR64.5 Notices

LAR64.6 Sales

[LAR 64.7 Night Vessel Seizures](#)

### **LAR64.1E & M Publication and Time to Claim and Answer Where Publication Necessary and Under [Supplemental Rule C\(4\)](#)**

In all cases where publication is necessary under [Admiralty Rule C\(4\)](#), the time for filing a [right of possession or any ownership interest in the property that is the subject of the action](#) is hereby extended for a period of 21 days from the date of the publication.

The published notice must contain the title and the number of the suit, the date of the arrest and identity of the property arrested, the name of the marshal, and the name and address of the attorney for the plaintiff. It must also state that parties must file their [right of possession or any ownership interest in the property that is the subject of the action](#) pursuant to [Rule C\(6\)](#) with the clerk and serve ~~them on~~ the attorney for plaintiff within 21 days after the date of first publication, or within such other time as may be allowed by the court, and must serve their answers within 21 days after the filing of their [right of possession or any ownership interest in the property that is the subject of the action](#); that, if they do not, default may be entered and condemnation ordered; and that application for intervention under [FRCP 24](#), by persons [asserting right of possession or any ownership interest in the property that is the subject of the action](#) or other interests may be untimely if not filed within the time allowed for [asserting right of possession or any ownership interest in the property that is the subject of the action](#). [Amended, October \_\_, 2010]

### **LAR64.2 Release of Vessel or Property [Under Admiralty](#)**

The marshal is authorized to release a vessel or property if the party at whose instance the vessel or property is detained or his or her attorney, expressly authorizes the marshal in writing to release the vessel or property, and agrees in writing to hold the marshal and his deputies forever harmless ~~of and~~ from any and all liability as a result of the release of the vessel or other property pursuant to such authorization. At the same time the party or his or her attorney must certify that all costs and charges of the court and its officers have either been paid or that none are due.

### **LAR64.3 Movement of Vessels Under Seizure**

Without a separate order in each individual case, the marshal is authorized to move the

vessels under seizure by him within the district in such a manner and at such times as he, acting as a prudent administrator, finds to be necessary to their proper safeguarding and preservation while under seizure. Further, and without an order of court, he is authorized to permit the moving of vessels anywhere within the area of the district when the party at whose instance the vessel is detained and its owner, or the owner's attorney, expressly authorizes in writing such a movement and agrees in writing to hold the marshal and all his deputies harmless from any and all liability as a result of any such move.

#### **LAR64.4 Consent Guardian**

The marshal is authorized, without special order of court, to appoint the master of the vessel or another competent person as keeper or custodian of any vessel under seizure with their consent, provided that all parties to the action or their attorneys shall have expressly consented in writing to the appointment and shall have agreed in writing to hold the marshal and all of his deputies harmless from any and all liability as a result of the appointment.

#### **~~————~~LAR64.5 Notices**

Unless otherwise ordered by the court, or otherwise provided by law, all notices required to be published by statute, rule, or order of court must be published in ~~the following newspapers, depending on the district and division of the court in which filed: [Amended June 28, 2002]~~

~~Eastern District the Times-Picayune. [Amended, October \_\_, 2010]~~

~~Middle District The Advocate~~

~~Shreveport Division Shreveport Times~~

~~Monroe Division Monroe Morning World~~

~~Alexandria Division The Alexandria Daily Town Talk~~

~~Lake Charles Division Lake Charles American Press~~

~~Lafayette/Opelousas Division The Daily Advertiser~~

#### **LAR64.6 Sales**

A. *Notice.* Unless otherwise ordered by the court or otherwise provided by law, notices of sale of arrested or attached vessels or property must be published on three different days, the first of which ~~shall~~ must be published at least 14 days and the last at least three days before the day of the sale.

B. *Confirmation.* In all public auction sales of admiralty by the marshal of this court, the marshal must require the last and highest bidder to whom the property is adjudicated to deposit a minimum of \$500.00 or 10% of the bid, whichever is greater, in cash or certified check, or cashier's check on a local bank. In the event that the last and highest bid should be for an amount not in excess of \$500.00, its full amount must be paid at the time of adjudication. The balance, if any, of the purchase price must be paid in cash or by certified or

cashier's check on a local bank on or before confirmation of the sale by the court and within 140 days of the adjudication or dismissal of any opposition which may have been filed.

At the conclusion of the auction, the marshal must immediately forthwith report to the court the fact of the sale, the price brought, and the name of the buyer, and the clerk must endorse upon such report the time and date of filing. ~~This report lie over for three days, exclusive of Saturdays, Sundays, and legal holidays.~~ If within ~~these~~ three business days no written objection is filed, the sale ~~is shall be~~ confirmed, ~~as of course,~~ provided that no sale ~~is shall be~~ confirmed until the buyer ~~has shall have~~ performed the terms of his purchase. In the event no opposition to the sale shall have been made, the cost of keeping the property pending confirmation ~~must shall~~ be paid out of the proceeds of the sale; except that if the confirmation is delayed by the purchaser's failure to pay any balance which is due on the price, the cost of keeping the property ~~must shall~~ be borne by the purchaser after the three-day period ~~has shall have~~ lapsed. In the event an opposition to the sale is filed, the opponent ~~must shall be required to~~ deposit with the marshal, in advance, costs of keeping the property pending the court's determination of the opposition; ~~by the court;~~ in default of his or her ~~his~~ making the advance, his or her opposition ~~shall~~ fails without affirmative action by the court. If the opposition fails, the cost of keeping the property during its pendency ~~is shall be~~ borne by the opponent.

At the auction, the marshal must take, record, and report the cost, the name and address of the second highest bidder, and the amount of that second highest bid. In the event that the highest bidder fails to meet his or her financial obligation pertaining to his or her bid, the court may, with the approval of the party or parties at whose instance the sale has been ordered, and of the second highest bidder, confirm the sale to the second highest bidder. ~~him or her.~~ [Amended, October \_\_, 2010]

#### 64.7 Night Vessel Seizure

For the safety of deputy United States Marshals, in the normal course of events, the United States Marshal's Service will not seize vessels that require a bar pilot for their movement in the Mississippi River after dark; provided, however, that the United States Marshal's Service receives from the appropriate pilots' association, after notification to the association that a warrant of attachment has been issued and is in the hands of the Marshal, written acknowledgement that the pilots' association will hold the vessel in the port or at anchorage and not permit movement of the vessel until the United States Marshal's service can seize the vessel the following morning.

In any case in which the seizing party can show exigent circumstances requiring an immediate seizure, before the time the United States Marshal's Service would seize the vessel under this Rule, any judge of this court may order the United States Marshal's Service to execute the warrant and seize a vessel at any time of the day or night. [Adopted October \_\_, 2010]

## **LOCAL ADMIRALTY RULE 65.1 - SECURITY**

~~LAR65.1.1 Security for Costs~~

~~LAR65.1.2 SuretiesLAR65.1.2%20%20SuretiesLAR65.1.2%20%20Sureties~~

~~————LAR65.1.1 Security for Costs~~

~~Except in suits in forma pauperis, or in suits where by statute a party is relieved of prepaying fees and costs or of giving security therefor, or unless otherwise ordered by the court, no process in rem or of attachment shall issue unless the party requesting issuance files a~~

~~stipulation in the sum of \$250.00 with good and solvent surety, conditioned as provided in Admiralty Rule E(2)(b).~~

~~Whenever in these rules the filing of a bond or stipulation required or permitted, the party required or permitted to file such bond or stipulation may, in lieu thereof, deposit the requisite amount of money in the registry of the court as security.~~

### **LAR65.1.2 Sureties**

In all cases where the surety on a bond or stipulation for the release of a vessel or other property under seizure is not a corporate surety holding a certificate of authority from the Secretary of the Treasury, and the bond or stipulation is not approved as to amount and nature by the party at whose instance the vessel or other property is detained, or by his or her attorney, the vessel or property ~~mustshall~~ not be released without an order of a judge approving the surety, or in the absence of a judge, the clerk, after ~~on~~ reasonable notice and opportunity to be heard. ~~contradictorily, approving the surety. In the absence of the judges, the approval of the clerk, on like notice and contradictorily, shall suffice.~~

Such approval ~~mustshall~~ not limit the right of a party to move, under Rule E(6) of the Supplemental Rules, *FRCvP*, to reduce the amount of surety given or to require new or additional sureties. [Amended, October , 2010]

~~APPENDIX~~

~~LOCAL CIVIL RULE 83.2.10E~~

~~RULES OF DISCIPLINARY ENFORCEMENT~~

~~OF THE~~

~~UNITED STATES DISTRICT COURT~~

~~FOR THE~~

~~EASTERN DISTRICT OF LOUISIANA~~

~~RULE I~~

~~JURISDICTION AND GOVERNING RULES~~

~~A. Admission of an attorney to the bar of this court or other authorizations to practice before this court confer disciplinary jurisdiction upon the court.~~

~~B. Unless otherwise provided by these or other applicable local rules or otherwise determined by the court, all procedures in disciplinary actions, including discovery, shall be governed by the Federal Rules of Civil Procedure.~~

~~C. Nothing contained in these Rules shall be construed to deny to this court such powers as are necessary for the court to maintain control over proceedings conducted before it, such as proceedings for contempt under Title 18 of the United States Code or under Rule 42 of the Federal Rules of Criminal Procedure.~~

~~D. The court hereby adopts the Rules of Professional Conduct adopted by the Supreme Court of the State of Louisiana, as amended from time to time by said Supreme Court, except as otherwise provided by specific rule of this court.~~

~~RULE II~~

~~GROUND FOR DISCIPLINARY ACTION~~

~~A. Any attorney authorized to practice before this court may be disbarred or suspended~~

~~from further practice before this court or subjected to such other disciplinary action as the court finds the circumstances warrant if such attorney:~~

~~\_\_\_\_\_~~  
~~1. Has been convicted of a serious crime, as same is hereinafter defined, in any court of the United States or any of its territories, commonwealths, or possessions; the District of Columbia; or any state of the United States; or~~

~~\_\_\_\_\_~~  
~~2. Has been convicted of an offense not constituting a "serious crime" or has committed acts or omissions individually or in concert with any other person or persons, whether or not said acts or omissions occur in the course of an attorney-client relationship, which violate (1) the laws of the United States or any territory, commonwealth, or possession thereof; the District of Columbia; or any state of the United States or (2) the rules of this court or the Louisiana Rules of Professional Conduct which specifically are adopted by this court; or~~

~~\_\_\_\_\_~~  
~~3. Has been disbarred or suspended from the practice of law by any court of the United States or any of its territories, commonwealths, or possessions; the District of Columbia; or any state of the United States.~~

~~\_\_\_\_\_~~  
~~B. The term "serious crime" shall include not only any felony, but also any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a "serious crime."~~

~~\_\_\_\_\_~~  
~~**RULE III**~~

~~\_\_\_\_\_~~  
~~**PROCEDURES**~~

~~\_\_\_\_\_~~  
~~**A. COMMENCEMENT OF PROCEEDINGS**~~

~~\_\_\_\_\_~~  
~~1. Disciplinary proceedings under these Rules shall be commenced by (1) the filing of a complaint which sets forth a factual statement of the alleged misconduct; (2) a judgment of conviction; or (3) an order of disbarment, suspension, or other discipline imposed by another court on which the proceedings are based.~~

~~\_\_\_\_\_~~  
~~2. A certified copy of a judgment of conviction of an attorney for a "serious" crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.~~

~~\_\_\_\_\_~~  
~~3. Complaints involving conviction of an attorney for an offense not constituting a "serious crime" as defined above or allegations or instances of other misconduct by an attorney shall be referred by the judge to whose attention any such complaint has come to the~~

court *en banc* for determination by a majority of the active judges of the action to be taken, if any, with respect to such complaint.

4. In any case in which the court *en banc* determines that a complaint or allegations of misconduct, other than the conviction of a "serious crime," even if substantiated, would not warrant disciplining the attorney involved or should be handled by another forum such as the Office of the Disciplinary Counsel for the Louisiana State Bar Association, such complaint may be disposed of by the court without investigation or other action in such manner and with such formality as it deems appropriate.

5. If the complaint is to be pursued, it shall be docketed for random allotment among the active judges of the court. If a matter is predicated upon a complaint by the allotted judge, it shall be reallocated.

6. The allotted judge will conduct all necessary proceedings in such matters.

## **B. INVESTIGATION**

1. In disciplinary proceedings based on allegations or instances of misconduct by an attorney other than a criminal conviction for a "serious crime," the allotted judge shall appoint counsel to investigate the matter and to make a report thereon in accordance with the provisions of paragraph (6) hereinafter. The order of appointment shall set forth the alleged misconduct to be investigated.

2. A copy of the order of appointment for investigation, together with a copy of the complaint or judgment of conviction involved, shall be mailed to the respondent attorney via registered or certified mail, return receipt requested.

3. The term "counsel" as used in these Rules shall refer to the United States Attorney, his/her assistants, and any other member or members of the bar of this court who are appointed to conduct investigations in and/or to institute and prosecute any disciplinary proceedings provided for in these Rules. Counsel appointed pursuant to these Rules shall serve until relieved by the court.

4. Substitute counsel may be appointed when deemed proper by the court. Whenever it appears that any investigatory or prosecuting counsel is then engaged as an adversary of the respondent attorney in any other matter, the court shall make a substitute appointment.

5. Upon application by appointed counsel, or counsel for the respondent attorney, the allotted judge may direct the clerk to issue subpoenas and subpoenas duces tecum as may be required in any investigation or proceeding.

~~6. Counsel shall expedite the investigation and shall deliver a report thereon in writing to the allotted judge. Counsel may include in the report a recommendation for or against institution of disciplinary action and shall give reasons therefor. The court shall not be required to act in accordance with any such recommendation.~~

#### ~~C. IMPOSITION OF DISCIPLINE~~

~~1. If after reviewing counsel's report, the court concludes that disciplinary action may be warranted, the respondent attorney shall be ordered to show cause within 30 days after service of the order to show cause, or at such other designated time, why he/she should not be disbarred or suspended or other discipline imposed. The order to show cause shall be served upon the respondent attorney by personal service or by registered or certified mail, return receipt requested, along with a copy of the document(s) upon which the disciplinary proceedings are based, i.e., the complaint, the judgment of conviction, or the disciplinary order or judgment of another court, as the case may be.~~

~~2. The respondent attorney shall file a written response within the prescribed time, either admitting or denying the alleged misconduct, conviction, order of disbarment, or suspension or other discipline imposed by another court, together with whatever matters he/she wishes to assert in defense.~~

~~3. If any issue of fact is raised by the respondent attorney's response or if he/she wishes to be heard in mitigation, the matter shall be set for hearing before the allotted judge.~~

~~4. For respondent attorney's failure to file a timely response, the allotted judge may enter an order disbarring or suspending him/her from practice for such failure.~~

#### ~~D. FINAL DETERMINATION~~

~~1. The allotted judge shall conduct the hearings and all other necessary proceedings in disciplinary actions and shall make written findings and recommendations to be submitted to the court *en banc* for its consideration and determination of the final discipline, if any, to be taken.~~

~~2. The court's decision shall be evidenced by an order signed for the court by the allotted judge or other such judge of the court as may be designated by the Chief Judge.~~

~~3. Whenever suspension from practice is ordered as final discipline, the order shall fix the time when an application for reinstatement may be filed.~~

#### ~~E. DISCIPLINARY PROCEEDINGS AGAINST ATTORNEYS CONVICTED OF "SERIOUS" CRIMES~~

~~1. Upon the filing with this court of a certified copy of the judgment of conviction of an attorney convicted of a "serious crime," as defined above, the court shall enter an order suspending the convicted attorney, whether such conviction resulted from a plea of guilty or *nolo contendere* or from a verdict after trial or otherwise, regardless of any pending appeals.~~

~~2. Once all appeals from the conviction are concluded, a majority of the active judges will determine, *en banc*, the final discipline to be imposed in the disciplinary proceeding based on the conviction.~~

#### ~~F. REINSTATEMENT UPON REVERSAL OF CONVICTION~~

~~An attorney suspended under these Rules shall be reinstated immediately upon the filing of evidence that the underlying conviction has been reversed. However, lifting of the suspension will not terminate any disciplinary proceedings then pending against the attorney, the disposition of which shall be determined on the basis of all available evidence pertaining to the conduct which was the basis of the criminal prosecution, all in accordance with these Rules. In the event of such reversal, the court may appoint counsel to assimilate and report to the court the evidence pertaining to the conduct which was the basis of the criminal prosecution. The investigation and disposition of the alleged misconduct will proceed in accordance with Sections (B), (C), and (D) of this Rule.~~

#### ~~G. DISCIPLINARY ACTION BY OTHER COURTS~~

~~1. Any attorney admitted to practice before this court shall, upon being subjected to public discipline by any other court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth, or possession of the United States, promptly inform the clerk of this court of such action.~~

~~2. Upon the filing of a certified or exemplified copy of a judgment or order evidencing the fact that the said attorney has been disciplined by another court, a disciplinary proceeding shall be commenced and shall proceed to finality as provided in Sections (A) through (E) of this Rule.~~

~~3. In the event the discipline imposed in the other jurisdiction has been stayed there, any reciprocal discipline imposed in this court shall be deferred until such stay expires.~~

~~4. After due proceedings had, this court shall impose such discipline as the circumstances warrant, unless the respondent attorney demonstrates, and this court finds, that upon the face of the record upon which the discipline in another jurisdiction is predicated, it clearly appears that:~~

~~a. The attorney was deprived of due process by the lack of proper notice or the opportunity to be heard; or~~

~~\_\_\_\_\_ b. There was such an infirmity of truth establishing the misconduct as to give rise to the clear conviction that this court could not, consistent with its duty, accept as final the conclusion on that subject.~~

~~\_\_\_\_\_ 5. In all other respects, a final adjudication in another court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in this court.~~

#### ~~\_\_\_\_\_ **H. PAYMENT OF FEES AND COSTS**~~

~~\_\_\_\_\_ 1. On completion of his/her services in any disciplinary or other matter under these Rules, court-appointed counsel may make application to this court for an order awarding reasonable fees and reimbursing reasonable and necessary costs and expenses. The court, in fixing the compensation to be awarded, shall apply the in-court and out-of-court hourly rates prescribed in 18 U.S.C. § 3006A(d)(1) for determining the compensation of counsel appointed pursuant to the Criminal Justice Act (18 U.S.C. § 3006A) to represent indigent defendants.~~

~~\_\_\_\_\_ 2. The cost and expense of any disciplinary proceeding, including counsel's fees as determined by the court, may be assessed to and shall be paid by the respondent attorney.~~

#### ~~\_\_\_\_\_ **I. NOTIFICATION TO CLIENTS AND CLERK**~~

~~\_\_\_\_\_ 1. Within 21 days from the date on which an order or judgment of suspension or disbarment has become final and within a like period from the date of a notice given to assume inactive status pursuant to the provisions of Rule VII(G), the attorney so suspended or disbarred or assuming inactive status shall notify by registered or certified mail, return receipt requested, all clients to whom he/she is responsible for pending matters before this court of the fact that he/she cannot continue to represent them.~~

~~\_\_\_\_\_ 2. Within 45 days from the date on which any such order or judgment of suspension or disbarment has become final and within a like period from the date of a notice given to assume inactive status, the attorney shall file with the clerk of this court an affidavit stating that he/she has fully complied with the provisions of Rule III(I)(1) above. The affidavit shall also indicate his/her residence or other address to which subsequent communications may be addressed. It shall further be the responsibility of the attorney to keep and maintain records evidencing his/her compliance with this Rule so that proof of compliance will be available if needed for any subsequent proceeding instituted by or against him/her.~~

#### ~~\_\_\_\_\_ **J. SERVICE BY MAIL**~~

~~\_\_\_\_\_ 1. Whenever service of any pleading, order, notice, or other paper upon any respondent attorney is directed or authorized by these Rules to be made by registered or certified mail, return receipt requested, such service shall be deemed to have been made if the~~

~~mail is addressed to the respondent attorney at his/her most recent address appearing in the Roll of Attorneys.~~

~~2. Service of any pleading, order, notice, or other paper not required to be served by registered or certified mail may be deemed to have been made when same is addressed and mailed, via ordinary mail, to the respondent attorney at his/her most recent address appearing in the Roll of Attorneys or in the most recent pleading or other document filed in the disciplinary proceedings by a respondent attorney appearing pro se.~~

~~3. Service of any pleading, order, notice, or other paper may be made upon counsel or respondent's attorney by mailing same to him/her at his/her address appearing in the most recent pleading or other document filed by either in the disciplinary proceedings.~~

~~4. Whenever used in these Rules, "Roll of Attorneys" refers to the Roll of Attorneys admitted or otherwise authorized to practice in this court.~~

#### ~~**K. CONFIDENTIALITY**~~

~~1. Complaints of misconduct, disciplinary proceedings, and the records therein, except orders of disbarment, suspension, reprimand, or other disciplinary sanctions, shall not be made public except on order of the court.~~

~~2. To preserve confidentiality, all proceedings shall be heard in chambers, unless respondent attorney requests a hearing in open court.~~

#### ~~**RULE IV**~~

##### ~~**DUTIES OF THE CLERK**~~

~~A. Upon being informed that an attorney admitted to practice before this court has been convicted of any crime, the clerk of this court shall promptly obtain and file with this court a certified copy of the judgment of such conviction.~~

~~B. Upon being informed that an attorney admitted to practice before this court has been subjected to discipline by another court, the clerk of this court shall promptly obtain and file with this court a certified copy of such disciplinary judgment or order.~~

~~C. Whenever it appears that any person convicted of any crime, disbarred, suspended, censured, or disbarred on consent by this court is also admitted to practice law in any other jurisdiction or before any other court, the clerk of this court shall, within 10 days of that conviction, disbarment, suspension, censure, or disbarment on consent, transmit to the disciplinary authority in such other jurisdiction, or for such other court, a certified copy of the judgment of such conviction or order of disbarment, suspension, censure, or disbarment on consent, as well as the last office and residence addresses of the defendant or respondent.~~

attorney shown on the Roll of Attorneys.

~~\_\_\_\_\_ D. The clerk of court shall, likewise, promptly notify the National Discipline Data Bank operated by the American Bar Association of any order imposing public discipline upon any attorney admitted to practice before this court.~~

~~\_\_\_\_\_ **RULE V**~~

~~\_\_\_\_\_ **DISBARMENT ON CONSENT**~~

~~\_\_\_\_\_ **A. DISBARMENT ON CONSENT WHILE UNDER DISCIPLINARY INVESTIGATION OR PROSECUTION IN THIS COURT**~~

~~\_\_\_\_\_ 1. Any attorney admitted to practice before this court who is the subject of a disciplinary investigation pursuant to these Rules or a disciplinary proceeding pending in this court may consent to disbarment, but only by delivering to this court an affidavit stating that the attorney desires to consent to disbarment and that:~~

~~\_\_\_\_\_ a. The attorney's consent is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress; and the attorney is fully aware of the implications of so consenting;~~

~~\_\_\_\_\_ b. The attorney is aware that there is presently pending an investigation or proceeding involving allegations that there exist grounds for the attorney's discipline, the nature of which the attorney shall specifically set forth;~~

~~\_\_\_\_\_ c. The attorney acknowledges that the material facts so alleged are true; and~~

~~\_\_\_\_\_ d. The attorney so consents because the attorney knows that if charges were predicated upon the matters under investigation, or if a disciplinary proceeding so based was prosecuted, the attorney could not successfully defend himself/herself.~~

~~\_\_\_\_\_ 2. Upon receipt of the required affidavit, this court shall enter an order disbarring the attorney. The affidavit required under the provisions of this Rule shall not be publicly disclosed or made available for use in any other proceeding except upon court order.~~

~~\_\_\_\_\_ **B. DISBARMENT ON CONSENT OR RESIGNATION IN OTHER COURTS**~~

~~\_\_\_\_\_ Any attorney admitted to practice before this court who has been disbarred on consent or resigned from the bar of any other court of the United States or the District of Columbia, or from the bar of any state, territory, commonwealth, or possession of the United States while an investigation into allegations of misconduct is pending shall promptly inform the clerk of this~~

court of such disbarment, and the clerk shall obtain a certified copy of the judgment or order of disbarment on consent or resignation to be filed in this court. Upon filing, such attorney shall cease to be permitted to practice before this court and shall be stricken from the Roll of Attorneys.

~~————~~ **RULE VI** ~~————~~

~~————~~ **REINSTATEMENT** ~~————~~

~~————~~ **A. REINSTATEMENT REQUIRED BEFORE RESUMING PRACTICE** ~~————~~

~~————~~ No attorney who, by reason of final discipline imposed by the court, has been suspended or disbarred, or who has been disbarred by consent pursuant to the provisions of Rule V, may resume practice before the court until he/she has made written application for reinstatement and has been ordered reinstated by the court.

~~————~~ **B. TIME FOR FILING APPLICATION FOR REINSTATEMENT** ~~————~~

~~————~~ After expiration of the period of suspension fixed in the order of suspension, the suspended attorney may file his/her application for reinstatement. An attorney who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment, unless the disbarment was based upon a disbarment by the Louisiana Supreme Court or a court of another jurisdiction, in which event, an application for reinstatement may be filed at any time after readmission of the applicant by the Louisiana Supreme Court or such other court.

~~————~~ **C. HEARING ON APPLICATION** ~~————~~

~~————~~ 1. An application for reinstatement shall be filed with the clerk of this court, who shall refer same to the judge to whom the disciplinary proceeding or consent to disbarment had been allotted. In the event such judge is unavailable or unable to act, the application shall be randomly reallocated. A hearing on the application shall be held promptly.

~~————~~ 2. The applicant shall have the burden of demonstrating by clear and convincing evidence that he/she has the moral qualifications, competency, and learning in the law required for readmission to practice law before this court and that his/her resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice or subversive of the public interest. Final determination of the application for reinstatement shall be made by a majority of the active judges *en banc* after receipt of the written findings and recommendation of the hearing judge.

~~————~~ **D. APPOINTMENT OF COUNSEL** ~~————~~

~~\_\_\_\_\_ The court, in its discretion, may appoint counsel to oppose or otherwise respond to any application for reinstatement.~~

~~\_\_\_\_\_ **E. ASSESSMENT OF COSTS**~~

~~\_\_\_\_\_ A non-refundable advance deposit in an amount to be set from time to time by the court shall accompany the filing of any petition for reinstatement, said advance to be applied to the final costs, including any counsel fees, of the reinstatement proceeding as may be determined by the court. Said costs shall be assessed to and paid by the applicant upon conclusion of such proceeding, whether favorable or unfavorable to him/her.~~

~~\_\_\_\_\_ **F. CONDITIONS OF REINSTATEMENT**~~

~~\_\_\_\_\_ If the applicant is found unfit to resume the practice of law, the application shall be dismissed at the applicant's cost. If the applicant is found fit to resume the practice of law, the judgment shall reinstate the applicant and may make reinstatement conditional upon the payment of all or part of the costs of the proceedings and upon the making of partial or complete restitution to parties harmed by the applicant whose conduct led to the suspension or disbarment, as well as such other conditions deemed proper by the court, provided that if the applicant has been suspended or disbarred or has voluntarily assumed inactive status for five years or more, in the discretion of a majority of the active judges, reinstatement may be further conditioned upon the furnishing of proof of competency and learning in the law, which proof may include certification by the Bar Examiners of the State or other admitting jurisdiction of the attorney's successful completion of an examination for admission to practice subsequent to the date of suspension or disbarment. The judgment shall require appropriate evidence of satisfaction of any conditions of reinstatement imposed and shall fix the time at which the reinstatement shall be effective.~~

~~\_\_\_\_\_ **G. SUCCESSIVE APPLICATIONS**~~

~~\_\_\_\_\_ No application for reinstatement under this Rule shall be filed within one year following an adverse judgment upon an application for reinstatement filed by or on behalf of the same person.~~

~~\_\_\_\_\_ **RULE VII**~~

~~\_\_\_\_\_ **REGISTRATION STATEMENTS AND FEES**~~

~~\_\_\_\_\_ A. For the year 1987 and for every calendar year thereafter, every attorney admitted to practice before this court shall pay to the clerk of this court an annual fee of \$5.00 to be made part of a fund to be used to defray the expense of administration and enforcement under these Rules and for such other uses and purposes which the court may determine to be in furtherance and in aid of the court's functions and operations and the practice of law before the~~

~~court. Such fee shall be due and payable triennially in the amount of \$15.00 not later than March 1 of the calendar year in which such payment is required to be made, the first of such payments to be made not later than March 1, 1987.~~

~~1. All persons first becoming subject to these Rules by admission to practice before this court after December 31, 1986, shall make the aforesaid \$15.00 triennial payment at the time of admission. Such fee shall not be prorated within any calendar year, but an attorney first admitted in the second or third year of any triennial period shall be required to make proportionate payment only for those years of such period in which the attorney's membership in the bar is effective.~~

~~2. Payment of a fee of \$5.00 shall be a condition precedent to each admission *pro hac vice* by any attorney not otherwise admitted to the bar of this court, unless a similar fee has been paid to another court of the United States and satisfactory evidence thereof has been submitted to the clerk.~~

~~B. Any attorney who fails to timely pay the fee required under (A) above shall be summarily suspended, provided a notice of delinquency has been sent to the attorney by first class mail to his/her last address appearing in the Roll of Attorneys of the bar of this court at least 30 days prior to such suspension.~~

~~C. Any attorney suspended under the provisions of (B) above shall be reinstated without further order upon payment of all arrears.~~

~~D. To facilitate the keeping of an accurate Roll of Attorneys, every attorney subject to these Rules shall, on or before March 1, 1987, and triennially thereafter on or before the first day of March, file with the clerk of this court a registration statement on a form prescribed and supplied by the clerk setting forth the attorney's current residence and office addresses; his/her Bar Roll number; and the bars of all states, territories, districts, commonwealths, or possessions or other courts of the United States to which the attorney is admitted and the dates of such admissions. In addition, every attorney subject to these Rules shall file a supplemental statement of any change in the aforesaid information previously submitted within 30 days of such change. All persons first becoming subject to these Rules by admission to practice before this court after December 31, 1986, shall file the registration statement required by this Rule at the time of such admission. Upon request, the clerk will provide a certificate of compliance.~~

~~E. Within 30 days of receipt of a statement or supplemental statement and of payment of the aforesaid fee in accordance with the provisions of (A) and (D) above, the clerk shall acknowledge receipt thereof in appropriate form so as to enable the attorney, on request, to demonstrate compliance with the requirements of (A) and (D) above.~~

~~F. Any attorney who fails to file the attorney registration statement or supplemental~~

~~statement as required above shall be summarily suspended, provided a notice of delinquency has been sent to the attorney by first class mail addressed to the attorney's current address as appearing in the Roll of Attorneys of the bar of this court at least 30 days prior to such suspension. The attorney shall remain suspended until he/she has complied with these Rules, whereupon the attorney shall be reinstated without further order.~~

~~\_\_\_\_\_~~  
~~\_\_\_\_\_ G. An attorney who has retired or is not engaged in the practice of law before this court may advise the clerk in writing that he/she desires to assume inactive status and discontinue the practice of law before this court. Upon the filing of such a notice, the attorney shall no longer be eligible to practice law in this court and shall not be obligated for further payment of the fee prescribed herein or for filing the attorney registration statement every three years as required by this Rule for active practitioners.~~

~~\_\_\_\_\_ H. Upon the filing of a notice to assume inactive status, the attorney shall be removed from the roll of those classified as active until and unless he/she requests and is granted reinstatement to the active rolls. Reinstatement shall be granted (unless the attorney is then subject to an outstanding order of suspension or disbarment or has been on inactive status for five years or more) upon the payment of any fees due as prescribed by this Rule and the submission of a current registration statement. Reinstatement to active status of an attorney who has been on voluntary inactive status for five years or more shall be governed by the provisions of Rule VI relating to reinstatement to practice before the court.~~

~~\_\_\_\_\_ I. The fees and costs paid pursuant to these Rules shall be received and maintained by the clerk as trustee thereof in separate interest bearing, federally insured accounts with such depositories as the court may from time to time approve or said fees and costs may be invested in obligations of the United States. Funds so held shall be disbursed only pursuant to the orders of the court and at no time shall they be deposited into the Treasury of the United States.~~

## APPENDIX

### **NOTICE REGARDING COMPLAINTS OF JUDICIAL MISCONDUCT OR DISABILITY**

To improve the administration of justice in the federal courts, Congress passed the Judicial Conduct and Disability Act of 1980, codified at 28 U.S.C. § 372(c). The law authorizes complaints against United States Circuit, District, Bankruptcy, and Magistrate Judges who have "engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts" or who are "unable to discharge all the duties of office by reason of mental or physical disability." The conduct to which the law is addressed does not include making wrong judicial decisions, for the law provides that a complaint may be dismissed if it

is "directly related to the merits of a decision or procedural ruling."

The Judicial Council of the Fifth Circuit has adopted *Rules Governing Complaints of Judicial Misconduct or Disability*. These rules apply to judges of the United States Court of Appeals for the Fifth Circuit and to the district, bankruptcy, and magistrate judges of federal courts within the Fifth Circuit. The Fifth Circuit includes the states of Texas, Louisiana, and Mississippi.

These Rules may be obtained from, and written complaints filed at, the following office:

Clerk  
United States Court of Appeals  
for the Fifth Circuit  
600 Camp Street, Room 102  
New Orleans, LA 70130

December 1, 1993

## LOCAL CRIMINAL RULES

### **LCrR 5.1 - Allotment of Cases (new 1st paragraph, formerly Local Civil Rule 73.5), and Additional Duties (formerly Local Civil Rule 73.4)**

Unless the court orders otherwise, ~~in a particular case, civil and~~ criminal cases will be allotted to the magistrate judges in the same manner as cases are allotted to the judges.

\* \* \*

**BF.** Conduct extradition proceedings pursuant to 18 USC 3184;

**EG.** ~~Upon referral by a district judge, conduct pre-trial and scheduling conferences, and scheduling conferences in civil and criminal cases~~ and enter scheduling orders. ~~pursuant to Rule 16(b) of the FRCvP;~~

**H.** Hear motions, enter orders, conduct hearings, and make findings of fact and recommendations to the court on ~~mental competency~~ matters ~~related to mental competency~~ as provided in 18 USC 4244.

### **LCrR 6.1 - Unauthorized Presence When Grand Jury Is in Session (formerly Local Civil Rules 83.3.8 and 83.3.10)**

No person shall introduce ~~or possess~~ any type of camera, recording equipment or other type of electric or electronic device ~~into the premises in the grand jury room or in the hall adjacent to the grand jury space~~ while, or immediately before or after, the grand jury is in session.

No person, except grand jurors, witnesses, government attorneys, agents or employees, court personnel concerned with any grand jury proceeding, private attorneys whose clients have been called to appear as witnesses at a ~~session of the grand jury session~~ then in progress or about to commence, and others specifically authorized, shall ~~be allowed to~~ remain in the hall adjacent to the grand jury space beyond the entrance door.

## **LCrR 6.2 - Interviewing Witnesses Before Grand Jury (formerly Local Civil Rule 83.3.11)**

~~No person shall attempt to~~ Questioning, interviewing or interfering with any person who may testify or who has testified before any grand jury within the premises ~~is prohibited.~~

## **LCrR 17 - Absence of Material Witness (formerly Local Civil Rule 16.8)**

Every motion for a continuance based upon absence of a material witness must be accompanied by the affidavit of the moving party or attorney, setting forth the efforts made to procure attendance and the facts expected to be proved by the witness. If the opposite party admits that the witness, if called, would testify as set forth in the affidavit, the court may, in its discretion, deny the motion. ~~In a criminal case, the court may require, or in its discretion, [T]he court may dispense with,~~ a statement of the facts to be proved. If the proposed testimony is ~~not set forth, or in any other case, and it is admitted by the opposite party that the witness, if called, would testify as set forth in the affidavit,~~ the court may, ~~in its discretion, deny the motion. In a criminal case if the proposed testimony is not set forth, or in any other case, the court may~~ hold a hearing on the matter and take such action with respect to the motion as justice requires.

## **LCrR 43 - Search of Persons (formerly Local Civil Rule 83.3.4)**

Security personnel may search the person of anyone entering the premises or any space in it. Anyone who refuses to permit such a search shall be denied entry.

~~Should a~~ Any defendant in a criminal case whose appearance is required who refuses to permit such a search, ~~security personnel shall will be denied the person~~ entry, and ~~security personnel must shall~~ immediately notify the judge before whom the appearance is required. The judge may take the appropriate action, including, but not limited to, detention and search, and ordering revocation of bond, if the defendant is on bond.

**LCrR 44 - Appearances by Law Students (formerly Local Civil Rule 83.2.13)**

Subject to the rules for appearances by law students in LR 83, Limited appearances by law students, if the person on whose behalf he or she is appearing has consented to that appearance in writing and the supervising lawyer has also approved the appearance in writing, are allowed in any ~~civil matter in which a fee is not provided for or could not reasonably be anticipated; and in a~~ criminal matter on behalf of an indigent defendant.

An eligible law student may also appear in any criminal matter on behalf of the United States with the written approval of both the prosecuting attorney or his or her authorized representative and the supervising lawyer. Insofar as practicable, the legal services of law students in criminal practice shall be divided equally between prosecution and defense.

**LCrR 58.2 - Jurisdiction (formerly Local Civil Rule 73.1)**

**BD.** Each U.S. Magistrate Judge is specifically designated to ~~conduct trial try persons accused of and sentencing persons convicted of in a~~ misdemeanors case as defined in 18 USC 3401, ~~upon referral when such matter is assigned to them by a district judge. in this district or by these rules.~~