

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FILED

NOV - 4 1980

IN RE:)
)
ORDER AMENDING)
LOCAL RULE 9(e)(3))
_____)

CLERK, U. S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ 99 DEPUTY CLERK
GENERAL ORDER NO. _____

Good Cause Appearing:

IT IS ORDERED that Local Rule 9(e)(3) is hereby amended to read as follows:

"(3) Original Disciplinary Investigations and Proceedings Initiated in this Court. The Standing Committee on Discipline shall, upon its own initiative, investigate any charge or information, referred by one of the judges or otherwise coming to the attention of the committee, that any member of the bar of this court or that any attorney permitted to practice in the court pursuant to paragraph (b) hereof, has been guilty of unprofessional conduct. At the request of the committee, the Chief Judge shall direct the issuance of subpoenas and subpoenas duces tecum as may be required by the investigation.

In any case where the committee, after completing its investigation of any such charges, determines that the prosecution of a disciplinary proceeding is not warranted, the committee shall render to the court a written "no formal charge" decision. Such decision by the committee shall operate as an exoneration of the alleged charges, and it shall thereafter be deemed that the particular attorney has not been "charged" or "accused" of any such unprofessional conduct.

In the cases where a majority of the members shall deem it advisable, the committee shall institute and prosecute an appropriate disciplinary proceeding by lodging with the clerk an appropriate petition on behalf of the committee addressed to the judges of this court. Upon the filing of the Petition, the proceeding shall be assigned to one of the judges in the same manner as any other civil action or proceeding.

The judge to whom the proceeding is assigned shall forthwith issue an order to show cause, addressed to the

respondent, requiring him to appear and show cause, within not less than ten nor more than twenty days from the date of the order, why he should not be disbarred, suspended, or otherwise disciplined as prayed for in the petition. The order shall further require that a copy thereof, together with a copy of the petition, be served on the respondent in a manner permitted by Rule 5(b) of FR Civ P not less than ten days in advance of the date specified for showing cause. Except as otherwise provided by local rule, the proceeding shall be governed by the FR Civ P. Written findings of fact and an order based thereon shall be filed by the judge when dismissing the proceeding or when imposing discipline. An investigation or proceeding in accordance with this subparagraph (3) shall not be public unless otherwise ordered by the court or unless and until a disbarment, suspension or public reproof has been administered.

DATED: *Oct 22, 1980*

Philip C. Wilkins

PHILIP C. WILKINS
CHIEF, U.S. DISTRICT JUDGE

M. D. Crocker

M.D. CROCKER
U.S. DISTRICT JUDGE

Lawrence K. Karlton

LAWRENCE K. KARLTON
U.S. DISTRICT JUDGE

Edward Dean Price

EDWARD DEAN PRICE
U.S. DISTRICT JUDGE

Milton L. Schwartz

MILTON L. SCHWARTZ
U.S. DISTRICT JUDGE

Raul A. Ramirez

RAUL A. RAMIREZ
U.S. DISTRICT JUDGE