


**FILED**

OCT 28 1996

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY   
DEPUTY CLERK

RE: )  
 )  
ADOPTION OF AMENDMENT )  
TO LOCAL RULE 180 )  
\_\_\_\_\_ )  
 )

GENERAL ORDER NO. 327

Good cause appearing,

IT IS HEREBY ORDERED that the Judges of the Eastern District of California hereby adopt the attached amendment to Local Rules 180, effective October 28, 1996.

DATED: October 28, 1996.

FOR THE COURT:



WILLIAM B. SHUBB, Chief Judge  
Eastern District of California

## RULE 180

### ATTORNEYS

(a) **Admission to the Bar of this Court.** Admission to and continuing membership in the Bar of this Court are limited to attorneys who are active members in good standing of the State Bar of California.

Each applicant for admission shall present to the Clerk an affidavit petitioning for admission, stating both residence and office addresses, the Courts in which the applicant has been admitted to practice, the respective dates of admissions to those Courts, whether the applicant is active and in good standing in each, and whether the applicant has been or is being subjected to any disciplinary proceedings. Forms will be furnished by the Clerk.

The petition shall be accompanied by satisfactory proof that the applicant is an active member of the State Bar in California and shall include the State Bar number.

Upon qualification the applicant may be admitted, upon oral motion or without appearing, by signing the prescribed oath and paying the prescribed fee, together with any required assessment, which the Clerk shall place to the credit of the Court's Nonappropriated Fund.

(b) **Practice in this Court.** Except as herein otherwise provided, only members of the Bar of this Court shall practice in this Court.

(1) **Attorneys for the United States.** An attorney who is not eligible for admission under subsection (a), but who is a member in good standing of and eligible to practice before, the Bar of any United States Court or of the highest Court of any State, or of any Territory or Insular Possession of the United States, may practice in this Court in any matter in which the attorney is employed or retained by the United States or its agencies. Attorneys so permitted to practice in this Court are subject to the jurisdiction of this Court with respect to their conduct to the same extent as members of the Bar of this Court.

(2) **Pro Hac Vice.** An attorney who is a member in good standing of, and eligible to practice before, the Bar of any United States Court or of the highest Court of any State, or of any Territory or Insular Possession of the United States, and who has been retained to appear in this Court may, upon written application and in the discretion of the Court, be permitted to appear and participate in a particular case. Unless authorized by the Constitution of the United States or an Act of Congress, an attorney is not eligible to practice pursuant to this subsection (b)(2) if any one or more of the following apply: (i) the attorney resides in California, (ii) the attorney is regularly employed in California, or (iii) the attorney is regularly engaged in professional activities in California.

The pro hac vice application shall be presented to the Clerk and shall state under penalty of perjury (i) the attorney's residence and office address, (ii) by what Courts the attorney has been admitted to practice and the dates of admissions, (iii) that the attorney is in good standing and eligible to practice in those Courts, (iv) that the attorney is not currently suspended or disbarred in any Court, and (v) if the attorney has concurrently or within the year preceding the current application made any other pro hac vice applications to this Court, the title and number of each action in which such application was made, the date of each application, and whether each application was granted. The attorney shall also designate in the application a member of the Bar of this Court with whom the Court and opposing counsel may readily communicate regarding that attorney's conduct of the action and upon whom papers shall also be served. The attorney shall submit with such application the name, address, telephone number and written consent of such designee.

The pro hac vice application shall also be accompanied by payment to the Clerk of any prescribed fee, together with any required assessment which the Clerk shall place to the credit of the Court's Nonappropriated Fund. If the pro hac vice application is denied, the Court may refund any or all of the fee or assessment paid by the attorney. If the application is granted, the attorney is subject to the jurisdiction of the Court with respect to conduct to the same extent as a member of the Bar of this Court.

**(3) Certified Students.** See L.R. 181.

**(4) Designated Officers, Agents or Employees.**

(A) An officer, agent or employee of a federal agency or department may practice before the Magistrate Judges on criminal matters in this Court, whether or not that officer, agent or employee is an attorney, if that officer, agent or employee:

(i) has been assigned by the employing federal agency or department to appear as a prosecutor on its behalf,

(ii) has received four or more hours training from the United States Attorney's Office in the preceding twelve months,

(iii) has filed a designation in accordance with subdivision (B) of this Rule,  
and

(iv) is supervised by the United States Attorney's Office. Supervision by the United States Attorney's Office means that employees of that office are available to answer questions of any such designated officer, agent, or employee.

(B) Designations shall be filed on a form provided by the Clerk of the Court which shall include a verification that the officer, agent, or employee has satisfied the

requirements of this Rule. A designation is effective for twelve months. The officer, agent, or employee shall file the designation either with the Clerk of the Court in Fresno, if the officer, agent, or employee anticipates appearing only before Magistrate Judges whose principal courts are in the counties specifically enumerated in L.R. 120(b), or with the Clerk of the Court in Sacramento in all other circumstances. After filing the designation with the Clerk of the Court in any calendar year, the officer, agent, or employee shall not appear before any particular Magistrate Judge without providing a copy of the designation to that Magistrate Judge.

(C) Officers, agents and employees so permitted to practice in this Court are subject to the jurisdiction of this Court with respect to their conduct to the same extent as members of the Bar of this Court.

(c) **Notice of Change in Status.** An attorney who is a member of the Bar of this Court or who has been permitted to practice in this Court under subsection (b) shall promptly notify the Court of any change in status in any other jurisdiction which would make the attorney ineligible for membership in the Bar of this Court or ineligible to practice in this Court. In the event an attorney appearing in this Court under subsection (b) is no longer eligible to practice in all other jurisdictions by reason of suspension for nonpayment of fees or enrollment as an inactive member, the attorney shall forthwith be suspended from practice before this Court without any order of Court until becoming eligible to practice in another jurisdiction.

(d) **Penalty for Unauthorized Practice.** The Court may order any person who practices before it in violation of this Rule to pay an appropriate penalty that the Clerk shall credit to the Court's Nonappropriated Fund. Payment of such sum shall be an additional condition of admission or reinstatement to the Bar of this Court or to practice in this Court.

(e) **Standards of Professional Conduct.** Every member of the Bar of this Court, and any attorney permitted to practice in this Court under subsection (b) shall become familiar with and comply with the standards of professional conduct required of members of the State Bar of California and contained in the State Bar Act, the Rules of Professional Conduct of the State Bar of California and decisions of any Court applicable thereto, which are hereby adopted as standards of professional conduct in this Court. In the absence of an applicable standard therein, the Model Code of Professional Responsibility of the American Bar Association may be considered guidance. No attorney admitted to practice before this Court shall engage in any conduct which degrades or impugns the integrity of the Court or in any manner interferes with the administration of justice.