

FILED

UNITED STATES DISTRICT COURT

NOV 15 1972

EASTERN DISTRICT OF CALIFORNIA

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

RE: ADOPTION OF RULE NO. 9 CONCERNING)
ADMISSION AND DISCIPLINE OF) GENERAL ORDER NO. 45
ATTORNEYS)

RULE 9. ATTORNEYS

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

Each applicant for admission shall present to the Clerk a written petition for his admission, stating his residence and office addresses and by what courts he has been admitted to practice and the respective dates of admission to those courts.

The petition shall be accompanied by (i) a certificate from the State Bar of California evidencing the fact that the applicant is an active member of the State Bar, and (ii) a certificate of a member of the bar of this Court, stating that he knows the applicant and can affirm that he is of good moral character.

Upon qualification, the applicant may be admitted, upon oral motion or without appearing, as determined by the Court, 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 Attorneys Admission Account or appropriate Court Library 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 paragraph (a) hereof, 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, and who is of good moral character, may practice in this Court in any matter in which he is employed or retained by the United States or its agencies and is representing the United States or any of its officers or agencies, provided he shall apply for and take the next succeeding Bar Examination for admission to the State Bar of California for which he may be eligible after his permission to practice before this Court. Attorneys so permitted to practice in this Court are subject to the jurisdiction of the 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 not eligible for admission under paragraph (a) hereof, 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, who is of good moral character, 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 Acts of Congress, an attorney is not eligible to practice pursuant to this paragraph (b) if any one or more of the following apply to him: (i) he resides in California, (ii) he is regularly employed in California, or (iii) he is regularly engaged in business, professional, or other 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 addresses, (ii) by what court he has been admitted to practice and the date of admission, (iii) that he is in good standing and eligible to practice in said court, (iv) that he is not currently suspended or disbarred in any other court, and (v) if he has concurrently or within the year preceding his current application made any pro hac vice application to this Court, the title and the number of each matter wherein he made application, the date of application, and whether or not his application was granted. He shall also designate in his application a member of the bar of this Court with whom the Court and opposing counsel may readily communicate regarding the conduct of the case and upon whom papers shall be served. He shall file with such application the

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 Attorneys' Admission Fund or appropriate Court Library 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 his conduct to the same extent as a member of the bar of this Court.

(3) A Judge to whom a case is assigned may in that case, in his discretion and upon notice, require an attorney appearing in this Court pursuant to the provisions of this rule and who maintains his office outside of this District to designate a member of the bar of this Court who does maintain an office within this District as co-counsel with the authority to act as attorney of record for all purposes. He shall file with such designation the address, telephone number and written consent of such designee.

(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 paragraph (b) hereof shall promptly notify the Court of any change in his status in the other jurisdiction which would make him ineligible for membership in the bar of this Court under paragraph (a) hereof or ineligible to practice in this Court

under paragraph (b) hereof. In the event the attorney is no longer eligible to practice in the other jurisdiction by reason of his suspension for nonpayment of fees or enrollment as an inactive member, he shall forthwith be suspended from practice before this Court without any order of Court and until he becomes eligible to practice in the other jurisdiction.

(d) Standards of Professional Conduct. Every member of the bar of this Court and any attorney permitted to practice in this Court under paragraph (b) hereof shall familiarize himself 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 of this Court. This specification shall not be interpreted to be exhaustive of the standards of professional conduct. In that connection, the Code of Professional Responsibility of the American Bar Association should be noted. 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 therein.

(e) Discipline.

(1) The Standing Committee on Discipline. The Court will appoint from time to time, by an order entered in its minutes, a "Standing Committee on Discipline" consisting of five members of

the bar and will designate one of the members to serve as chairman of the committee. The members of the committee shall continue in office for a period of two years or until further order of the judges.

(2) Discipline Following Disciplinary Proceedings in Other Courts. Upon receipt of information that an attorney admitted or permitted to practice in this Court has been suspended or disbarred from practice before any court of competent jurisdiction, this Court shall immediately impose a like order of suspension or disbarment.

The "Standing Committee on Discipline" or the respondent attorney may make a motion in this Court within 60 days after this court's order imposing suspension or disbarment for an order for such modification of the suspension or disbarment as justice may require.

(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 the cases where a majority of the members shall deem it advisable, the committee shall institute and prosecute an appropriate disciplinary proceeding by filing 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 F.R.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 F.R.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.

(4) Notice to United States Attorney and to the State Bar. The Clerk shall give prompt notice of any motion, petition, or order made pursuant to this paragraph (e) to the United States Attorney and to the disciplinary body of the Court to which the attorney has been admitted to practice.

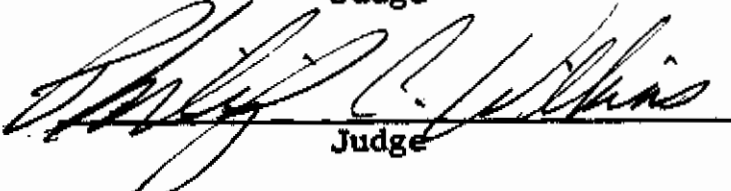
(5) Contempt. Disciplinary matters, proceedings and investigations under this paragraph (e) shall not affect, or be affected by, any proceedings for contempt under Title 18 of the United States Code or under Rule 42 of the F.R.Civ.P.

(f) Penalty for Unauthorized Practice. The Court may order any person who practices before it in violation of this Rule 9 to pay an appropriate penalty which upon payment the Clerk shall credit to the Attorneys' Admission Account or appropriate Court Library 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.

DATED: November 1, 1972.


Chief Judge


Judge


Judge