

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF MICHIGAN
814 THEODORE LEVIN UNITED STATES COURTHOUSE
231 W. LAFAYETTE BOULEVARD
DETROIT, MICHIGAN 48226

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NOTICE OF PROPOSED AMENDMENTS TO LOCAL RULES

At its regular meetings on January 9, 2012 and February 6, 2012, the Court approved for publication and comment proposed amendments to the following Local Rules:

- LR 83.20, Attorney Admission
- LR 83.25, Appearance by Attorney (NEW)
- LR 83.30, Courtroom Decorum

In order to be assured consideration, comments in writing, which may include recommended changes to the proposed amendments, should be received by the Court not later than Friday, March 23, 2012. Comments may be sent to Local_Rules@mied.uscourts.gov or to Local Rules, 814 Theodore Levin United States Courthouse, 231 W. Lafayette Boulevard, Detroit, Michigan 48226.

[Additions are indicated by underline, and deletions by strikethrough.]

LR 83.20 Attorney Admission

(d) Procedure for Admission.

~~(3) If the court grants the application, the applicant must take the oath of office. A judicial officer, the clerk, or a deputy clerk may administer the oath. The clerk shall issue a certificate of admission. A sponsor is not required for an applicant under (c)(1), unless directed by the chief judge. A sponsor is required for an applicant under (c)(2) and (d)(5). A sponsor is a member of the bar of this court who must sign a declaration supporting the application for admission. The sponsor must declare that the applicant is of good character and reputation and is qualified to practice as a member of the bar of this court. A sponsor who knowingly and willfully provides a false or fraudulent declaration will be subject to sanctions under 18 U.S.C. § 1001.~~

(4) If the court grants the application of an in-district attorney, the applicant must take the oath of office by personally appearing before a judicial officer. Only a judicial officer may administer the oath, except that a judicial officer may designate the

clerk or a deputy clerk to administer the oath. The clerk then shall issue a certificate of admission to practice in this court.

(5) If the court grants the application of an out-of-district attorney, the applicant may take the oath of office by telephone or by video conference before a judicial officer, if the applicant files a sponsor declaration required by (d)(3) with the clerk. The clerk then shall issue a certificate of admission to practice in this court.

~~(e) **Limited Pre-Admission Practice.** An attorney may appear of record and file papers in a case or proceeding before actual admission to practice in this court if--~~

- ~~(1) the attorney pays the fee established by the court;~~
- ~~(2) the attorney files the application required by (d)(1) with the clerk; and~~
- ~~(3) the attorney is admitted before a personal appearance in court.~~

~~(f) **Local Counsel.** Any member of the bar of this court who is not an active member of the State Bar of Michigan must not appear as attorney of record in any case without specifying on the record, as local counsel, a member of the bar of this court having an office within the district upon whom service of all papers may be made. Such local counsel must enter an appearance in the case and must have both the authority and responsibility for the conduct of the case should out-of-town counsel not respond to any order of the court for appearance or otherwise. On application, the court may relieve an attorney who is not an active member of the State Bar of Michigan of the obligation to specify local counsel.~~

(1) **General Requirement.** A member of the bar of this court who appears as attorney of record and is not an active member of the State Bar of Michigan must specify as local counsel a member of the bar of this court with an office in the district. Local counsel must enter an appearance and have the authority and responsibility to conduct the case if non-local counsel does not do so.

(2) **Appearances of Local Counsel.** Local counsel must attend each scheduled appearance on the case unless the court, on its own motion or on motion or request of a party, dispenses with the requirement.

COMMENT: ***

Under (d)(4), an applicant taking the oath of office in

person will be referred to the presiding judge, a volunteer judge, or a judge with whom the applicant has made a previous arrangement.

LR 83.25 Appearance by Attorney

(a) Appearance by Attorney. Before an attorney may represent a person or a party in a case, the attorney must formally appear in the action.

(b) Manner of Appearance. An attorney formally appears in the action by filing a pleading on behalf of a person or party or filing a notice of appearance. The attorney's office address, e-mail address, and telephone number must be included in the appearance.

(c) Obligation of Attorney. An attorney's appearance continues until the entry of a final order or a judgment is entered disposing of all claims by or against the party whom the attorney represents, or until an order of withdrawal or substitution is entered.

(d) Withdrawal or Substitution of Appearance. An attorney who has entered an appearance may withdraw from the action or be substituted only on order of the court.

LR 83.30 Courtroom Decorum

~~**(a) Withdrawal of Appearances.** Withdrawal of appearances may be accomplished only by leave of Court on motion of counsel.~~

~~**(b)(a) Attorney as a Witness.** No attorney shall, without leave of the Court secured in advance of trial when feasible, conduct the trial of an action in which he or she is to be a witness.~~

~~**(c)(b) Presence During In-Court Proceedings.** Unless other arrangements have been made with the Court, it is the duty of attorneys to be present in Court at all times the Court may be in session in their case. In civil cases, any attorney who absents himself or herself during such times or during the deliberation of the jury waives his or her right to be present and consents to such proceedings as may occur in the courtroom during his or her absence.~~