

UNITED STATES DISTRICT COURT

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

DAVID J. WEAVER
COURT ADMINISTRATOR
313-234-5051
Fax 313-234-5399

DIVISIONAL OFFICES
ANN ARBOR
BAY CITY
FLINT
PORT HURON

NOTICE OF AMENDED LOCAL RULES

On June 4, 2012, the Judges of the United States District Court for the Eastern District of Michigan approved amendments to the following local rules, effective July 1, 2012:

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

Pursuant to Fed. R. Civ. P. 83, proposed amendments to these local rules were previously published for comment.

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

LR 83.20, Attorney Admission

(a) Definitions.

(1) As used in this rule, except as provided in LR 83.20(i)(1)~~(E)(D)~~, "practice in this court" means . . . [No change to remaining text]

(d) Procedure for Admission.

(3) 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 for an applicant taking the oath of office by telephone or video conference in (d)(4). 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.

~~(3)(4)~~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. An applicant with an office in the district must personally appear to take the oath before

a judicial officer. A judicial officer may designate the clerk or a deputy clerk to administer the oath. An applicant without an office in the district may take the oath by telephone or video conference before a judicial officer. The clerk shall then will issue a certificate of admission.

(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.~~

Maintaining Eligibility for Admission. An attorney immediately must report to the chief judge a change of the status of his or her permission to practice law in any other jurisdiction if:

- (1) the attorney's license to practice law becomes inactive in any jurisdiction for any reason other than under an order of discipline as defined in LR 83.22(a)(1);
- (2) the change to inactive status leaves the attorney unlicensed to practice law in all other states and the District of Columbia; and
- (3) the attorney has a case pending in this court or seeks to appear in a case.

The chief judge then will make an independent determination whether the attorney may continue to practice in this court. The chief judge may issue a show cause order to assist in making the determination. The failure to make a timely report may itself be grounds for discipline. The obligation to report orders of discipline from other jurisdictions is governed by LR 83.22(g)(3).

(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 in the district court 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. 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.

(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.

(i) Unauthorized Practice.

(1) A person must be a member in good standing of the bar of this court to practice in this court or to hold himself or herself out as being authorized to practice in this court, except that--

(A) a party may proceed *in pro per*.

~~(B) limited pre-admission practice is permitted under LR 83.20(e).~~

~~(C)~~(B) government attorneys may practice under LR 83.20(g).

~~(D)~~(C) law students may practice under LR 83.21.

~~(E)~~(D) an actively-licensed attorney who is not under suspension or disbarment in this or another federal or state court may --

[No change to subprovision text]

~~(F)~~(E) an attorney may issue a subpoena under Fed.R.Civ.P. 45(a)(3)(B).

(2) [No change in text]

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. 06/04/2012

Local counsel appearances under (f) do not apply to bankruptcy cases, which are governed by the bankruptcy court's orders, rules, and policies, or to criminal cases, which are governed by LCrR 57.1. 06/04/2012

LR 83.25 Attorney's Appearance

(a) Appearance. An attorney must appear before representing a person or a party, except for practice permitted under LR 83.20(i)(1)(D) or (E). An attorney appears and becomes an attorney of record by filing a pleading or other paper or a notice of

appearance. The attorney's office address, e-mail address, and telephone number must be included in the appearance.

(b) Duration of Appearance.

- (1) An attorney's appearance continues until entry of—
 - (A) a final order or judgment disposing of all claims by or against the party the attorney represents, or
 - (B) a withdrawal or substitution order.
- (2) An attorney may withdraw or be substituted for 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.

June 12, 2012