**U.S. District Court Attorney Discipline Rules**

**Focused on: Discipline Systems and Adoption of Professional Conduct Rules**

**Paula Schaefer**

**Research last updated July 2016**

1. **Alabama**
	1. **Middle District of Alabama**
		1. (g) Standards for Professional Conduct; Obligations. Attorneys admitted to practice before this Court shall adhere to this Court's Local Rules, the Alabama Rules of Professional Conduct, the Alabama Standards for Imposing Lawyer Discipline, and, to the extent not inconsistent with the preceding, the American Bar Association Model Rules of Professional Conduct. Attorney misconduct, whether or not occurring in the course of an attorney/client relationship, may be disciplined by disbarment, suspension, reprimand, monetary sanctions, removal from this Court's roster of attorneys eligible for practice before this Court, or such other sanction as the Court may deem appropriate.
		2. Local Rules: <https://www.almd.uscourts.gov/forms/almd-local-rules>
			1. **LR 1.2**: Sanctions.

**Local Rule 1.2 Sanctions.**

Sanctions. The Court may impose a sanction for the violation of any local rule. Imposition of sanctions will lie within the sound discretion of the judge whose case is affected.

* + - 1. **LR 83.1(g)**-(n): Admission to Practice and Disciplinary Proceedings

**Local Rule 83.1** Attorneys: Admission to Practice and Disciplinary Proceedings.

 (g) Standards for Professional Conduct; Obligations. Attorneys admitted to practice before this Court shall adhere to this Court's Local Rules, the Alabama Rules of Professional Conduct, the Alabama Standards for Imposing Lawyer Discipline, and, to the extent not inconsistent with the preceding, the American Bar Association Model Rules of Professional Conduct. Attorney misconduct, whether or not occurring in the course of an attorney/client relationship, may be disciplined by disbarment, suspension, reprimand, monetary sanctions, removal from this Court's roster of attorneys eligible for practice before this Court, or such other sanction as the Court may deem appropriate.

(h) Discipline. When alleged attorney misconduct is brought to the attention of the Court, whether by a Judge of the Court, any lawyer admitted to practice before the Court, any officer or employee of the Court, or otherwise, the Court may, in its discretion, dispose of the matter through the use of its inherent, statutory, or other powers; refer the matter to an appropriate state bar agency for investigation and disposition; refer the matter to the local grievance committee as hereinafter defined; or take any other action the Court deems appropriate. These procedures are not mutually exclusive.

(i) Grievance Committee. The Judges of this Court may, at the request of any Judge thereof, appoint a committee of not less than five persons to address alleged attorney misconduct. A majority of the Committee shall constitute a quorum. The Committee shall serve until its assigned task is completed.

(1) Purpose and Function. The purpose and function of such appointed Committee shall be to conduct, upon referral by the Court, investigations, inquiries, and hearings, where appropriate, of alleged misconduct of any member of the Bar of this Court; and, to submit written findings and recommendations to the Court thereafter. Members of a Grievance Committee, while serving in their official capacities, shall be considered to be representatives of and acting under the powers and immunities of the Court, and shall enjoy such immunities while acting in good faith in such capacity.

(2) Powers of Committee. The Committee shall be vested with such powers as are necessary to conduct the proper and expeditious disposition of any matter referred by the Court, including the power to compel the attendance of witnesses, to take or cause to be taken the deposition of any witnesses, to secure the production of documentary evidence, to administer oaths, and those powers described elsewhere in these rules.

(j) Disciplinary Proceedings.

(1) Preliminary Investigation. Upon referral of a disciplinary matter, the Committee shall conduct a preliminary investigation to determine whether a formal disciplinary proceeding should be initiated. If no such finding is made, the Committee shall file with the Court its written recommendations for disposition of the matter whether by dismissal, admonition, deferral or any other action. In cases of dismissal, the attorney who is the subject of the investigation need not be notified of the proceeding. All investigative reports, records, and recommendations generated by or on behalf of the Committee under such circumstances shall remain strictly confidential. Such reports, records, and recommendations shall be kept with the clerk of the Court in a sealed envelope or box labeled "confidential: to be opened only upon written order of the Court" and shall be destroyed five years after final disposition of the matter.

(2) Probable Cause, Show Cause Order. Upon a finding that probable cause exists, the Committee shall file with the Court a written report of its investigation, stating with specificity the facts supporting its conclusions, and, shall apply to the Court for issuance of an order requiring the attorney to show cause within 35 days after service of that order why the attorney should not be disciplined. The Court may, upon concurrence by a majority of its members, issue an appropriate show cause order. Such issued show cause order shall be accompanied by a copy of the Committee's written report for service upon the attorney. Such written report shall otherwise remain confidential.

(3) Rescission of Show Cause Order, Hearing. The Committee shall act on the attorney's response either by recommending the Court rescind its Order To Show Cause, or by conducting a confidential hearing on the matter affording the attorney an opportunity to be represented by counsel, to present witnesses and other evidence, and to confront and cross-examine witnesses in a proceeding guided by the spirit of the Federal Rules of Evidence. A record shall be made of all proceedings. Unless he or she asserts a privilege or right properly available under applicable federal or state law, the attorney may be called as a witness by the Committee to make specific and complete disclosure of all matters material to the charge of misconduct.

(4) Recommendations. Upon completion of the proceeding, the Committee shall make its confidential written report and recommendation to the Court. The Committee shall include findings of fact as to the charges and recommendations regarding whether or not the accused attorney should be found guilty of misconduct justifying disciplinary actions by the Court, and recommendations as to the disciplinary measures to be applied by the Court. The report shall be accompanied by a record of the proceedings including an appropriate index which record shall include a transcript of the proceedings, all pleadings, and all evidentiary exhibits. A copy of the report and recommendation shall also be furnished to the attorney.

(5) Actions by Court. The Court, by majority vote of its judges, shall take such further action as it deems appropriate.

(k) Conviction of Crime.

(1) Suspension. Upon the filing with this Court of a certified copy of a judgment of conviction demonstrating an attorney has been convicted in a Court of competent jurisdiction of a felony, or a misdemeanor involving moral turpitude, the Court shall enter its order suspending the attorney, unless a majority of the judges of the Court deem such a suspension contrary to the interests of justice. The suspension shall remain in effect until further order of the Court.

(2) Proceedings. The Court may also institute such proceedings, to include grievance committee proceedings, to determine the extent of final discipline to be imposed upon the attorney, provided the final proceedings shall not occur until all appeals from the conviction are concluded.

(3) Reinstatement, Proceedings then Pending. A suspension hereunder shall be terminated immediately upon the filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed. However, reinstatement shall not terminate any disciplinary proceedings then pending against the attorney, the disposition of which shall be determined by the Court utilizing the procedures hereunder.

(l) Discipline Imposed by Other Courts.

(1) Notification to Clerk. An attorney admitted to practice before this Court shall, upon being suspended, disbarred, or subjected to any form of public discipline by any other Court, promptly inform the Clerk of this Court of such action. This Court, acting by a majority of its judges, may refer this matter to a grievance committee or issue its order to the attorney to show cause, within 35 days, why he or she should not be disciplined by this Court.

(2) Conclusiveness of Final Adjudication. A final adjudication in another Court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purpose of a disciplinary proceeding in this Court, unless the attorney demonstrates, and the Court is satisfied that, upon the face of the record upon which the discipline in another jurisdiction is predicated, it clearly appears that:

(A) The procedure in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process or

(B) There was such infirmity of proof establishing misconduct as to give rise to the clear conviction that this Court could not, consistent with its duty, accept as final the conclusion on that subject.

(3) Actions by Court. The Court, acting upon the attorney's response to the Show Cause Order or upon the report and recommendation of a grievance committee if appointed, may take such further disciplinary action as a majority of the judges deem appropriate under the circumstances.

(m) Disbarment on Consent or Resignation in Other Courts.

(1) Notification to Clerk. Any attorney admitted to practice before the Court shall, upon being disbarred on consent or resigning from any other Bar while an investigation into allegations of misconduct is pending, promptly inform the Clerk of this Court of such disbarment on consent or resignation.

(2) Removal from Roll of Attorneys. An attorney admitted to practice before this Court who shall be disbarred on consent or resign from the Bar of any other Court of the United States or the District of Columbia, or from the Bar of any state, territory, commonwealth or possession of the United States while an investigation into allegations of misconduct is pending shall, upon filing with this Court of a certified copy of the judgment or order accepting such disbarment on consent or resignation, cease to be permitted to practice before this Court and be stricken from the roll of attorneys admitted to practice before this Court.

(n) Disbarment on Consent While under Disciplinary Investigation or Prosecution, or Otherwise.

(1) Consent. Any attorney who desires to consent to disbarment by this Court for any reason, to include those related to allegations of misconduct, may consent to disbarment but only upon delivery of an affidavit to this Court, in such form and content as may be required to satisfy the Court that the consent to disbarment is:

(A) Freely and voluntarily rendered without coercion or duress and, that the attorney is fully aware of the implications of so consenting;

(B) For reasons recited within the affidavit, which the attorney acknowledges are true, which form the basis for disbarment.

(2) Entry of Order of Disbarment. Upon receipt of the required affidavit, this Court shall enter its order of disbarment. However, the affidavit required pursuant to the provisions of this Rule shall not be publicly disclosed or made available for use in any other proceeding except upon order of this Court.

* 1. **Northern District of Alabama**
		1. **(f) Standards for Professional Conduct**; Obligations. Each attorney who is admitted to the bar of this court or who appears in this court pursuant to subsection (b) or (c) of this Rule is required to be familiar with, and shall be governed by, the Local Rules of this court; and, to the extent not inconsistent with the preceding, the Alabama Rules of Professional Conduct adopted by the Alabama Supreme Court; and, to the extent not inconsistent with the preceding, the American Bar Association Model Rules of Professional Conduct, except Rule 3.8(f) thereof. Acts and omissions by any such attorney which violate such standards, individually or in concert with any other persons, shall constitute misconduct, whether or not occurring in the course of an attorney-client relationship, and shall be grounds for discipline, as shall the commission by an attorney of any serious crime. Discipline under this Rule may consist of disbarment, suspension, censure, reprimand, removal from a particular case, ineligibility for appointment as court-appointed counsel, ineligibility to appear under subsections (b) and (c), monetary sanctions, or any other sanction the court may deem appropriate. An attorney admitted to the bar of this court, or who appears in this court pursuant to subsection (b) or (c) of this Rule, shall promptly notify the Clerk of this court upon (i) being disbarred, suspended, or publicly disciplined by another court or disciplinary authority; (ii) resigning from another bar while an investigation into allegations of misconduct is pending; or (iii) being convicted by any court of any serious crime.
		2. Local Rules: <http://www.alnd.uscourts.gov/local-rules>
			1. LR 83.1: Attorney Discipline

(g) Grievance Committee. The court shall from time to time appoint members of the bar of the court to its “Grievance Committee.” The court shall designate one of the members to serve as Chairman. Any three or more members of the committee may act on behalf of the committee when so designated by the Chairman.

(1) Purpose and Function. The purpose and function of the Grievance Committee is to conduct, upon referral by the court or a judge thereof, inquiries and investigations with respect to alleged misconduct or commission of a serious crime by an attorney or with respect to reinstatement of an attorney; to conduct and preside over disciplinary hearings; to consider, upon referral by the court or a judge thereof, matters relating to possible incompetency, incapacity, or impairment of an attorney; and to submit written findings and recommendations to the court or referring judge for appropriate action. The Committee shall not initiate an investigation or conduct hearings without prior referral by the court or a judge thereof. (2) Powers of Committee. In addition to powers described elsewhere in this Rule, the Grievance Committee shall be vested with such powers as are necessary to conduct the proper and expeditious disposition of any matter referred to it, including the power to compel the attendance of witnesses, to take or cause to be taken the deposition of any witnesses, and to order the production of books, records, or other documentary evidence. The Chairman or, in the Chairman's absence, any member of the Committee has the power to administer oaths and affirmations to witnesses, which oath or affirmation shall include the obligation not to disclose the existence of the proceedings or the identity of the attorney involved unless and until such proceedings are authorized by the court to be made public.

(3) Special Counsel. The Grievance Committee may request the court to appoint special counsel to investigate or assist in any investigation or in the conduct of any hearing authorized under this Rule.

(4) Immunities. The members of the Grievance Committee and any person acting as special counsel for the Committee under paragraph (3) shall, with respect to their actions in such capacities, be considered as representatives of, and acting under the powers and immunities of, the court and shall enjoy all such immunities while acting in good faith and in their official capacities.

(5) Confidentiality. All complaints, referrals, orders, and proceedings before, and reports, of the Grievance Committee shall be confidential except as provided in this Rule or until otherwise directed by the court.

(h) Discipline.

(1) Misconduct. The court or a judge thereof may refer to the Grievance Committee any accusation or evidence of misconduct by a member of the bar of this court for such investigation, hearing, and report as may be appropriate.

(A) Any matter referred to the Committee may, in its discretion, be further referred by it to an appropriate committee or official of the Alabama State Bar either for preliminary investigation or for conduct of such proceedings as may be appropriate.

(B) If after its preliminary investigation and review the Committee concludes that a formal disciplinary proceeding should not be initiated against an attorney because of the insufficiency of evidence, because of the insubstantial nature of the conduct involved, because of the pendency of another proceeding against the attorney the disposition of which should be awaited before further action is considered, because of other disciplinary or corrective action already taken, or for any other valid reason, the Committee shall file with the court a recommendation for disposition of the matter, whether by dismissal, deferral, or other action, setting forth the reasons therefor. If the matter is dismissed or deferred, the attorney who is the subject of the investigation need not be notified that a complaint has been submitted or of its ultimate disposition.

(C) If from its preliminary investigation the Committee concludes that a formal proceeding should be initiated, the Committee shall file with the court a written report of its investigation, together with a proposed order for entry by a judge of the court setting forth the particular conduct on the basis of which the attorney is believed to be subject to discipline and requiring the attorney to show cause to the Committee in writing within 20 days after service of that order why he or she should not be disciplined. A copy of the report shall be served on the attorney along with the show cause order. If requested by the attorney in a timely response, the matter shall, upon at least 10 days’ notice, be set for hearing before the Committee, at which time the attorney shall have the right to be present at the taking of testimony, to present witnesses and other evidence, to cross examine witnesses, and to be represented by counsel. All testimony presented before the Committee shall be transcribed, and the accused attorney shall be entitled to a copy thereof at his or her own cost. Proceedings before the Committee shall be guided by the spirit of the Federal Rules of Evidence, but the Committee may receive and consider hearsay evidence that it finds to be reliable and trustworthy. Unless the attorney asserts a privilege or right properly available under applicable federal or state law, the attorney may be called as a witness by the Committee to make specific and complete disclosure of all matters material to the charge of misconduct. If the attorney does not respond to the show cause order, does not timely request a hearing, or agrees to the matters asserted, the Committee may take summary action, reporting its recommendations forthwith to the court.

(D) Upon completion of a disciplinary proceeding the Committee shall make a full written report to the court, containing its findings of fact as to the charges, its recommendations as to whether or not the attorney should 8 be found guilty of misconduct justifying disciplinary action, and its recommendations as to any disciplinary measures that should be imposed by the court. The report shall be accompanied by a transcript of any proceedings before the Committee, all pleadings, and all evidentiary exhibits. A copy of the report shall also be furnished to the attorney.

(E) Upon receiving a report by the Committee finding that misconduct occurred and recommending disciplinary action, the court shall issue an order requiring the attorney to show cause in writing why the Committee’s recommendation should not be adopted by the court. After considering the attorney’s response, the court, by a majority vote of the active judges thereof, may adopt, modify, or reject the Committee’s findings with respect to misconduct, and may impose the sanctions recommended by the Committee or other penalties deemed appropriate under the circumstances.

(F) In lieu of, or in addition to, referring a matter involving possible misconduct to the Grievance Committee, the court or a judge thereof may refer such matter to any other court or to any professional disciplinary agency for such investigation and action as that court or agency may deem appropriate.

(2) Commission of Serious Crime.

(A) If a member of the bar of this court is convicted in any court of any serious crime, whether resulting from a plea of guilty, nolo contendere, verdict after trial, or otherwise, and regardless of the pendency of any appeal, the court shall enter an order directing that within 20 days after service of the order (or, if longer, the resolution of any appeal from such conviction) the attorney show cause to the court in writing why he or she should not be disbarred. As part of the order the attorney shall be immediately suspended pending the resolution of the show cause order; provided that the court may vacate such suspension when it appears in the interest of justice to do so.

(B) In lieu of proceeding under subparagraph (A), the court, or a judge thereof, may refer an accusation or evidence that a member of the bar has committed a serious crime to the Grievance Committee for investigation, hearing, and report as under paragraph (1). If a final judgment of conviction has been entered, the referral shall be made by issuance of a show cause order as under paragraph (1)(c), in which the sole issue to be determined by the Committee is the extent of discipline that should be recommended.

(C) The term “serious crime” means any felony, as well as any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction in which it was 9 entered, involves false swearing, misrepresentation, fraud, deceit, bribery, extortion, misappropriation, theft, or an attempt, conspiracy, or solicitation of another to commit a “serious crime.”

(D) A certified copy of a final judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime for purposes of discipline under this Rule. If a conviction is reversed, any suspension imposed under subparagraph (A) shall be vacated, but disciplinary proceedings may be commenced or proceed under subparagraph (B), in which event the Committee shall also determine and report its findings as to whether the attorney committed the crime.

(3) Discipline Imposed By Other Courts and Disciplinary Authorities.

(A) If a member of the bar of this court is suspended, disbarred, transferred to inactive status, or otherwise publicly disciplined by another court or disciplinary authority, this court may enter an order directing that within 20 days after service of that order the attorney show cause to this court in writing why, for any of the grounds set forth in subparagraph (c) hereof, the imposition of appropriate disciplinary action as stated therein (which, except for monetary sanctions, shall ordinarily be substantially identical to that imposed by such other court or disciplinary authority) would be unwarranted. As part of the order the court may direct that the attorney be suspended pending the resolution of such inquiry. Sanctions under Federal Rule of Civil Procedure 11 and similar rules do not constitute, for purposes of this paragraph and subsection (f), public discipline unless the sanction is disbarment or suspension.

(B) If the discipline imposed in the other jurisdiction has been stayed, any reciprocal disciplinary proceedings instituted or discipline imposed in this court shall be deferred until such stay expires.

(C) This court shall impose the disciplinary action stated in the order unless in the response the attorney clearly demonstrates to the court: (i) the procedure in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; (ii) there was such an infirmity of proof establishing misconduct that the court should not accept as final the conclusions of the other jurisdiction; (iii) the imposition of the disciplinary action stated in the order would result in grave injustice; or (iv) the misconduct is deemed by this court to warrant substantially different discipline from that stated in the order. 10 Unless this court determines that element (i) or (ii) exists--in which event it shall enter such order as it deems appropriate--a final determination by another court or disciplinary authority that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purpose of proceedings in this court.

(D) If an attorney has consented to disbarment by another bar, or has resigned from another bar while an investigation into allegations of misconduct was pending, the court may, in lieu of the other procedures of this paragraph (3), order that the attorney be forthwith disbarred and removed from the bar of this court.

(E) In lieu of the procedures set forth in this paragraph (3), this court may at any stage ask the Grievance Committee to conduct disciplinary proceedings under paragraph (1) or to make recommendations to the court for appropriate action in light of the discipline imposed by another court or disciplinary authority.

(4) Disbarment on Consent While Under Disciplinary Investigation or Prosecution. A member of the bar of this court who is the subject of an investigation or a pending proceeding involving allegations of misconduct may consent to disbarment or removal from the bar of this court, but only by delivering to this court an affidavit stating that the attorney desires to consent to disbarment or removal and:

(A) the consent is knowingly, freely, and voluntarily rendered, without coercion or duress; and

(B) the attorney is aware that there is a presently pending investigation or proceeding involving allegations of misconduct and acknowledges either that the material facts so alleged are true or that, upon prosecution of the charges relating to the matters under investigation, the attorney could not successfully defend himself or herself. Upon receipt of the required affidavit, this court shall enter an order disbarring or removing the attorney from the bar of this court. The order shall be a matter of public record. However, the affidavit required pursuant to this paragraph shall not be publicly disclosed or made available for use in any other proceeding except upon order of this court.

(5) Service of Papers and Other Notices. Service of an order to show cause instituting, or in furtherance of, formal disciplinary proceeding shall be made by personal service or by registered or certified mail addressed to the affected attorney at the last address provided by such person to the court. Service of any other papers or notices required by this Rule shall be deemed to have been made if such paper or notice is mailed to the attorney at such address or to the person's attorney at the address indicated in the most recent pleading or document filed by them in the course of any proceeding under this Rule.

* 1. **Southern District of Alabama**
		1. **83.3:**
			1. (i) Standards for Professional Conduct; Obligations. Attorneys appearing before this Court shall adhere to this Court’s Local Rules, the Alabama Rules of Professional Conduct, and the Alabama Standards for Imposing Lawyer Discipline. Attorney misconduct, whether or not occurring in the course of an attorney/client relationship, may be disciplined by disbarment, suspension, reprimand, monetary sanctions, removal from this Court's roster of attorneys eligible for practice before it, or such other sanction as the Court may deem appropriate.
		2. Local Rules: <http://www.alsd.uscourts.gov/rules-and-orders>
			1. LR 83.4: Attorney Discipline

(a) Discipline. When alleged attorney misconduct is brought to the attention of the Court, whether by a Judge, any lawyer admitted to practice before the Court, any officer or employee of the Court, or otherwise, the Court may, in its discretion, dispose of the matter through the use of its inherent, statutory, or other powers; refer the matter to an appropriate State Bar agency for investigation and disposition; refer the matter to the Local Grievance Committee as hereinafter defined; or take any other action the Court deems appropriate. These procedures are not mutually exclusive.

(b) Grievance Committee. The Judges of this Court may appoint a standing Committee of not less than five (5) members of the Bar to address alleged attorney misconduct. A majority of the Committee shall constitute a quorum.

(1) Purpose and Function. The purpose and function of such appointed Committee shall be to conduct, upon referral by the Court, investigations, inquiries, and hearings, where appropriate, of alleged misconduct of any member of the Bar of this Court; and to submit written findings and recommendations to the Court thereafter. Members of a Grievance Committee, while serving in their official capacities, shall be considered to be representatives of and acting under the powers and immunities of the Court, and shall enjoy such immunities while acting in good faith in such capacity.

(2) Powers of Committee. The Committee shall be vested with such powers as are necessary to conduct the proper and expeditious disposition of any matter referred by the Court, including the power to compel the attendance of witnesses, to take or cause to be taken the deposition of any witnesses, to secure the production of documentary evidence, and to administer oaths and those powers described elsewhere in these Rules.

(c) Disciplinary Proceedings.

(1) Preliminary Investigation. Upon referral of a disciplinary matter, the Committee shall conduct a preliminary investigation to determine whether a formal disciplinary proceeding should be initiated. If no such finding is made, the Committee shall file with the Court its written recommendations for disposition of the matter, whether by dismissal, admonition, deferral, or any other action. In cases of dismissal, the attorney who is the subject of the investigation need not be notified of the proceeding. All investigative reports, records, and recommendations generated by or on behalf of the Committee under such circumstances shall remain strictly confidential. Such reports, records, and recommendations shall be kept with the Clerk in a sealed 23 electronic file to be opened only upon written order of the Court and shall be destroyed five (5) years after final disposition of the matter.

(2) Probable Cause, Show Cause Order. Upon a finding that probable cause exists, the Committee shall file with the Court a written report of its investigation, stating with specificity the facts supporting its conclusions, and shall apply to the Court for issuance of an order requiring the attorney to show cause within 30 days after service of that order why the attorney should not be disciplined. The Court may, upon concurrence by a majority of its members, issue an appropriate show cause order. Such issued show cause order shall be accompanied by a copy of the Committee’s written report for service upon the attorney. Such written report shall otherwise remain confidential.

(3) Rescission of Show Cause Order, Hearing. The Committee shall act on the attorney’s response either by recommending the Court rescind its Order To Show Cause or by conducting a confidential hearing on the matter, affording the attorney an opportunity to be represented by counsel, to present witnesses and other evidence, and to confront and cross-examine witnesses in a proceeding guided by the spirit of the Federal Rules of Evidence. A record shall be made of all proceedings. Unless he or she asserts a privilege or right properly available under applicable Federal or State law, the attorney may be called as a witness by the Committee to make specific and complete disclosure of all matters material to the charge of misconduct.

(4) Recommendations. Upon completion of the proceeding, the Committee shall make its confidential written report and recommendation to the Court. The Committee shall include findings of fact as to the charges and recommendations regarding whether or not the accused attorney should be found guilty of misconduct justifying disciplinary actions by the Court, and recommendations as to the disciplinary measures to be applied by the Court. A record of the proceedings, which shall include an appropriate index, a transcript of the proceedings, all pleadings, and all evidentiary exhibits, shall accompany the report. A copy of the report and recommendation shall also be furnished to the attorney.

(5) Actions by Court. The Court, by majority vote of its Judges, shall take such further action as it deems appropriate.

(d) Conviction of Crime.

(1) Suspension. Upon the filing with this Court of a certified copy of a judgment of conviction demonstrating an attorney has been convicted in a Court of competent jurisdiction of a felony or a misdemeanor involving moral turpitude, the Court shall enter an order suspending the attorney, unless a majority of the Judges of the Court deem such a suspension contrary to the interests of justice. The suspension shall remain in effect until further order of the Court.

(2) Proceedings. The Court may also institute such proceedings, to include Grievance Committee proceedings, to determine the extent of final discipline to be imposed upon the attorney, provided the final proceedings shall not occur until all appeals from the conviction are concluded.

(3) Reinstatement, Proceedings Then Pending. A suspension hereunder shall be terminated immediately upon the filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed. However, reinstatement shall not terminate any disciplinary proceedings then pending against the attorney, the disposition of which shall be determined by the Court utilizing the procedures herein.

1. **Alaska (**Alaska didn’t have a specific “discipline section”)
	1. **District Court of Alaska**

(i) Professional Conduct. Every member of the bar of this court and any attorney admitted to practice or appear in this court must: (1) be familiar with and comply with the Standards of Professional Conduct required of the members of the State Bar of Alaska and contained in the Alaska Rules of Professional Conduct and decisions of any court applicable thereto, except insofar as those rules and decisions are otherwise inconsistent with federal law; (2) maintain the respect due courts of justice and judicial officers; and (3) perform with the honesty, care, and decorum required for the fair and efficient administration of justice.

* + - 1. <http://www.akd.uscourts.gov/court-info/local-rules-and-orders/local-rules>
			2. **LR 1.3: Sanctions**

Rule 1.3 Sanctions (a) Imposition. The court may impose sanctions for violations of local rules after notice and a reasonable opportunity to respond on the part of the person accused of a violation. (b) Sanctions. (1) Sanctions may include: [A] fines, costs, and attorney's fees awards; [B] establishment and preclusion orders;

[C] default; [D] dismissal; and [E] other appropriate sanctions. (2) For matters of form not affecting substance or prejudicing parties or the court, sanctions will generally be limited to fines, costs, or attorney's fees awards. (3) For possible violations of ethical standards, the court may refer the matter for appropriate action to the relevant bar association(s).

* + - 1. **LR 83.1: Attorneys**

(g) Disbarment and Suspension.

(1) [A] Whenever it appears to the court that any member of the bar of this court or any non-resident attorney permitted to appear or who has applied to appear before this court has been disbarred, suspended from practice, or convicted of a serious crime as defined by the Alaska Bar Rules, or similar authority in a state other than Alaska, the attorney will be immediately suspended from practice before this court. [B] Unless good cause to the contrary is shown within twenty-one (21) days after notice has been mailed to the attorney's last known place of business or residence, an order of suspension or disbarment will be entered for such time as the court fixes.

(2) If a suspended attorney requests, in writing, reinstatement to practice before the court, and the court has received notification that the attorney has been reinstated to practice before the courts of the State of Alaska or such other courts where the suspended attorney practices, an order of reinstatement may be entered.

(h) Contact with Trial Jurors.

(1) No attorney admitted to practice or appear before this court may: [A] seek out, contact, or interview at any time any juror of the jury venire of this court; or [B] without prior approval of the court, allow, cause, permit, authorize or in any way participate in any contact or interview with any juror relating to any case in which the attorney has entered an appearance. (2) This subsection will be posted in the jury rooms of this District and jurors will be instructed fully as to this matter.

1. **Arizona**
	1. **District Court of Arizona**

(e) Arizona Rules of Professional Conduct. The "Rules of Professional Conduct," in the Rules of the Supreme Court of the State of Arizona, shall apply to attorneys admitted or otherwise authorized to practice before the United States District Court for the District of Arizona

* + - 1. <http://www.azd.uscourts.gov/local-rules>
			2. LR 83.1: Attorneys

(e) Disbarment or Suspension. An attorney who, before admission or permission to practice pro hac vice has been granted, unless specially authorized by one of the judges, or during disbarment or suspension exercises any of the privileges of a member of this bar, or who pretends to be entitled to do so, is subject to appropriate sanctions after notice and opportunity to be heard. (f) Sanctions for Noncompliance with Rules or Failure to Appear. (1) When Appropriate. After notice and a reasonable opportunity to be heard, the Court upon its own initiative may impose appropriate sanctions upon the party, attorney, supervising attorney or law firm who without just cause: (A) violates, or fails to conform to, the Federal Rules of Civil or Criminal Procedure, the Local Rules of Practice for the District, the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules and/or any order of the Court; or 122 (B) fails to appear at, or be prepared for, a hearing, pretrial conference or trial where proper notice has been given. The Court may impose sanctions against a supervising attorney or law firm only if the Court finds that such supervising attorney or law firm had actual knowledge, or reason to know, of the offending behavior and failed to take corrective action. (2) Sanctions; Generally. The Court may make such orders as are just under the circumstances of the case, and among others the following: (A) An order imposing fines; (B) An order imposing costs, including attorneys' fees; (C) An order that designated matters or facts shall be taken to be established for the purposes of the action; (D) An order refusing to allow the failing party to support or oppose designated claims or defenses, or prohibiting that party from introducing designated matters or facts in evidence; (E) An order striking, in whole or in part, pleadings, motions or memoranda filed in support or opposition thereto; and (F) An order imposing sanctions as permitted by

**Rule 83.2, Local Rules of Civil Procedure**, Disbarment, for violations of the applicable ethical rules, incorporated into these Local Rules by Rule 83.2(d), Local Rules of Civil Procedure. The Court may also refer the matter to the relevant bar association(s) for appropriate action. For violations of form, sanctions will be limited generally to fines, costs or attorneys' fees awards. Local rules governing the form of pleadings and other papers filed with the Court include, but are not limited to, the provision of Rule 7.1, Local Rules of Civil Procedure. Attorneys' fees may only be assessed for a violation of a Local Rule when the Court finds that the party, attorney, supervising attorney or law firm has acted in bad faith or has willfully disobeyed Court orders or rules. (3) Sanctions; Repeated Violations in Civil Cases. If, in a civil case, the Court finds that an attorney, party, supervising attorney or law firm has committed repeated serious violations without just cause, such finding may result in the imposition 123 of more serious sanctions, including but not limited to, increased fines, fines plus attorneys' fees and costs, contempt, or the entry of judgment against the offending party on the entire case. Judgment against the offending party will not be entered unless the Court also finds there are no other adequate sanctions available. (4) Scope; Enforcement. Nothing in this Local Rule is intended to modify, or take the place of, the Court's inherent powers, contempt powers or the sanctions provisions contained in any applicable federal rule or statute. Further, nothing in this Local Rule is intended to confer upon any attorney or party the right to file a motion to enforce the provisions of this Local Rule. The initiation of enforcement proceedings under this Local Rule is within the sole discretion of the Court.

* + - 1. LR 83.2: Attorney Discipline

Authority. Any attorney admitted or otherwise authorized to practice before this Court may be disbarred, disciplined, or have the order of appointment revoked after such hearing as the Court may in each particular instance direct. (b) Report of Action in Any Other Jurisdiction. Any attorney admitted or otherwise authorized to practice before this Court who is disbarred or subjected to other disciplinary action in any other jurisdiction shall promptly report the matter to this Court. (c) Discipline in Another Jurisdiction. If an attorney admitted or otherwise authorized to practice before this Court has been suspended or disbarred from practice by any court of competent jurisdiction, the Court (by the Chief Judge, or his or her designee) may enter an order directing the attorney to show cause as to why the attorney should not be suspended or disbarred from practice before this Court. Unless otherwise ordered by the Court, the attorney must respond in writing to the order within fourteen (14) days after the date on which a notice of the order is sent to the attorney. After considering any response the attorney may submit and undertaking any other inquiry the Court deems appropriate, the Court will decide whether any further action should be taken. If the facts warrant such action, the Court may disbar the attorney from practice in this Court or impose other appropriate limitations or conditions on the attorney, including the suspension of the attorney for a fixed period of time. Notice of such action, and all other notices required under this Rule, will be sent to the attorney at the address shown in the Clerk's records. (d) Notice to Clients. Within seven (7) days of the date of the sending of a notice of suspension or a notice of other action by the Court, the attorney must file in each action pending before this Court in which the attorney currently is counsel of record a notice (1) setting forth the client's full name and last known mailing address and telephone number and (2) certifying that: (1) the attorney has notified the attorney's client involved in the action in writing of (A) the specific limitations or conditions the Court has imposed upon the 125 attorney, including suspension or disbarment; (B) the status of the action, including the dates and times of any hearings or trial settings, existing deadlines set forth in Court Orders and the possibility of sanctions for failure to comply with those deadlines; and (C) if applicable, the attorney's inability to provide continuing representation in the action because the attorney has been suspended or disbarred; or (2) the attorney's client cannot be located or for whatever other reason cannot be provided notice as required by this Local Rule.

1. **Arkansas**
	1. **Eastern District of Arkansas**
		1. (Couldn’t find anything explicity labeled “professional conduct rules” for either Arkansas Court): Bar of the Court. The Bar of the Arkansas district court shall consist of those persons admitted to practice in either district.
			1. <http://www.are.uscourts.gov/court-info/local-rules-and-orders/local-rules>
			2. LR 83.5: Attorneys

Bar of the Court. The Bar of the Arkansas district court shall consist of those persons admitted to practice in either district.

(b) Eligibility.

1. All persons who are on the roll of attorneys for either district of Arkansas upon the effective date of these Rules shall continue to be enrolled.

2. Any person is eligible for enrollment who is licensed to practice in the jurisdiction where that person’s principal law office is located and where that person principally practices law. In the case of a nonresident of Arkansas, an applicant also must previously have been authorized to practice in another United States District Court.

3. Any attorney who is enrolled in the United States District Court for either district of Arkansas is automatically enrolled in the other district.

(c) Procedure for Admission.

1. Each applicant for admission to the Bar of this Court shall file with the Clerk a written petition setting forth his residence and office address and telephone numbers, his legal education, any criminal record other than traffic offenses the applicant may have, and the courts to which he has been admitted to practice. The petition shall be accompanied by a current certificate of good standing from the clerk of the highest court in the state where the applicant principally practices law.

2. The Clerk shall examine the petition and accompanying certificates and, if these comply with this Rule, the petition shall be presented to a judge of these courts who shall determine its sufficiency. If approved, the applicant shall make suitable arrangements thereafter with the Clerk for his appearance and admission.

(d) Special or Limited Appearance (Pro Hac Vice). Any attorney who is a member in good standing of the Bar of any United States District Court, or of the highest court of any state or territory or insular possession of the United States, but is not admitted to practice in the District Courts in Arkansas, may, upon oral or written application, be permitted to appear and participate in a particular case. The application shall designate a member of the Bar of these Courts who maintains an office in Arkansas for the practice of law with whom the court and opposing counsel may readily communicate regarding the conduct of the case. There shall also be filed with such application the address and telephone number of the named designee. Local Rules of the United States District Court for the Eastern and Western Districts of Arkansas Notwithstanding these provisions, the Court, upon written motion, may waive these requirements of this designation and permit the non-enrolled attorney to proceed without designating local counsel, for the limited purposes of the pending litigation. In support of the motion, non-enrolled counsel must affirm to these Local Rules and to the jurisdiction of the Court in matters of discipline. Appearances under this provision are limited and may be withdrawn by the presiding judge. Pleadings tendered to the Clerk for filing by an attorney who is not admitted to practice shall be accepted and filed by the Clerk and the Clerk shall call this Rule to the attention of the attorney. After the rule has been called to the attention of an attorney and a period of 30 days has elapsed, any additional pleadings tendered by the attorney shall not be accepted and filed by the Clerk until the requirements of this Rule are met. The Rule shall not apply to any attorney for the United States appearing in his official capacity.

(e) Disbarment and Discipline. All persons enrolled as attorneys in either of these courts or appearing pro hac vice under the provisions of Rule 83.5(d), shall be subject to the Uniform Federal Rules of Disciplinary Enforcement, which are hereby adopted and included in the Appendix to these rules.

(f) Withdrawal. No attorney shall withdraw from an action or proceeding except by leave of Court after reasonable notice has been given to the client and opposing counsel.

* 1. **Western of Arkansas**
		1. (Couldn’t find anything explicity labeled “professional conduct rules for either Arkansas Court): Bar of the Court. The Bar of the Arkansas district court shall consist of those persons admitted to practice in either district.
			1. <http://www.arwd.uscourts.gov/local-rules>
			2. LR 83.5: Attorneys

(e) Disbarment and Discipline. All persons enrolled as attorneys in either of these courts or appearing pro hac vice under the provisions of Rule 83.5(d), shall be subject to the Uniform Federal Rules of Disciplinary Enforcement, which are hereby adopted and included in the Appendix to these rules.

1. **California**
	1. **Central District of California**

L.R. 83-3.1.2 Standards of Professional Conduct - Basis for Disciplinary Action. In order to maintain the effective administration of justice and the integrity of the Court, each attorney shall be 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 the decisions of any court applicable thereto. These statutes, rules and decisions are hereby adopted as the standards of professional conduct, and any breach or violation thereof may be the basis for the imposition of discipline. The Model Rules of Professional Conduct of the American Bar Association may be considered as guidance.

* + - 1. <https://www.cacd.uscourts.gov/court-procedures/local-rules>
			2. LR 83.3: Attorney Disciplinary Rules of the Court

L.R. 83-3 Attorney Disciplinary Rules of the Court L.R. 83-3.1 Discipline. Nothing contained in these Rules shall be construed to deny the Court its inherent power to maintain control over the proceedings conducted before it or to deny the Court those powers derived from statute, rule or procedure, or other rules of court. When alleged attorney misconduct is brought to the attention of the Court, whether by a Judge of the Court, any lawyer admitted to practice before the Court, any officer or employee of the Court, or otherwise, the Court may, in its discretion, dispose of the matter through the use of its inherent, statutory, or other powers; refer the matter to an appropriate state bar agency for investigation and disposition; refer the matter to the Standing Committee on Discipline; or take any other action the Court deems appropriate. These procedures are not mutually exclusive.

L.R. 83-3.1.1 The Standing Committee on Discipline. At all times the Court will maintain a Standing Committee on Discipline (hereinafter “Committee”). The Committee shall consist of 13 attorneys who are members of the Bar of the Court. However, in the event of any vacancy or vacancies, the Committee may continue to perform any of the functions herein authorized so long as there are nine members in office. Committee members shall be appointed by the Chief Judge with the concurrence of the Executive Committee. The Chief Judge shall designate one member to serve as the chair. A Committee member shall serve for a term of one to three years but may continue in office, upon order of the Chief Judge, beyond said three-year term until the completion of any disciplinary proceeding (which includes the initial investigation to presentation of disciplinary recommendations to the Court) in which the member is participating. Each committee member’s term shall commence on January 1 of the year specified in the appointment, and appointments shall be staggered so that each year the terms of four members, not including the Chair, shall end. Should any Committee member not complete a three-year term, that member’s replacement shall complete the length of term remaining. The Chair of the Committee shall serve a term of three years as Chair, regardless of previous time served as a Committee member. The Chair of the Committee shall organize the Committee into four sections of three members each. Each section shall consist of one member who has one year remaining on his term, one member who has two years remaining on his term, and one member who has three years remaining on his term. The Chair of the Committee may assign any matter before the Committee to one of the sections for initial investigation and further proceedings described in these rules. Except for the requirement of seven affirmative votes for the imposition of discipline as specified in Rule 83-3.1.5, the Committee may perform or decide any matter arising under these rules by a majority vote. For any Committee meeting, a quorum of seven is required. The Clerk of the Court shall be advised of, and keep a current list of, all matters referred to the Committee and each section, to assist the Court, the Committee, and the affected attorney or complaining person, in recording the status of each matter.

L.R. 83-3.1.3 Possible Disciplinary Penalties. An order imposing discipline under this Rule may consist of any of the following: (a) disbarment, (b) suspension not to exceed three years, (c) public or private reproval, (d) monetary penalties (which may include an order to pay the costs of the proceedings), and/or (e) acceptance of resignation. In lieu of any of the foregoing disciplinary steps, the Court’s Standing Committee on Discipline may issue an admonition as defined by California State Bar Rules, to wit, where the offense is not serious, or not intentional, or involved mitigating circumstances, or no significant harm resulted. Any suspension or reproval imposed, or acceptance of resignation, may be subject to specified conditions, which may include, but are not limited to, continuing legal education LOCAL RULES - CENTRAL DISTRICT OF CALIFORNIA 12/1/15 Chapter I - 109 requirements, counseling and/or supervision of practice and periods of probation. Any disbarment, suspension or acceptance of resignation from this Court will result in the deactivation of the attorney’s CM/ECF login and password. The CM/ECF login and password will be reactivated upon application of the practitioner showing proof of an order of reinstatement. L.R. 83-3.1.4 Who May Originate Complaints - Initial and Further Investigation - Hearing and Opportunity for Attorney Involved to Appear and Present Evidence. A complaint that an attorney has violated any of the standards of conduct specified in Rule 83-3.1.2, may come to the Committee from any District, Bankruptcy or Magistrate Judge of the Court or from any other person. The complaint shall be in writing addressed to the Committee in care of the Clerk of Court. Within 10 days of receipt, the Clerk shall serve a copy of the complaint on the Chair of the Committee, the attorney affected and the Clerk of the Bankruptcy Court. Within 10 days of receipt of any such complaint, the Committee chair shall assign the matter of possible disciplinary action based on the complaint to one of the sections of the Committee for initial investigation and possible disciplinary proceedings. Any attorney of the assigned section who cannot participate shall so notify the Chair within 10 days of assignment so that a replacement can be assigned. Within 60 days of receipt, the section to which such a complaint is referred shall conduct and complete an initial investigation. If the section determines that the complaint should not be the subject of further disciplinary action, and the Committee concurs in that determination, the matter will thereupon be closed. Notice of closing shall be promptly sent to the complainant, the attorney affected and the Chief Judge. If the Committee determines that the complaint should be further investigated as being one that may result in disciplinary action, the section shall thereupon within 60 days conduct and complete such further investigation and inquiries as it deems necessary. The section, in so doing, may take the testimony of witnesses and may seek from the Chief Judge, or his or her designee, any subpoena necessary for its investigation and the Clerk shall promptly issue any such requested subpoena. The affected attorney may also apply to the Chief Judge, or his or her designee, for any necessary subpoenas. All final disciplinary actions will be distributed to the judicial officers of the Court. Final disciplinary action, including the name of the attorney, will be posted on the Court’s website when it consists of (a) disbarment; (b) suspension; (c) public reproval; or (d) resignation with charges pending. It may be ordered posted if the disciplinary action consists of monetary penalties. Other final disciplinary actions may be posted, without the name of the attorney, to promote understanding of the level of practice expected in this district. The deadlines in this paragraph may be extended by the Committee Chair for a period of up to six months, for good cause at the request of the section or the affected attorney. The deadlines may be extended for a longer time in consultation with the Chief Judge.

L.R. 83-3.1.4.1 Appointment of Prosecutor. At the request of the investigating section, concurred in by the Chair of the Committee, the Chief Judge may appoint a member of the Bar of the Court who is not a Committee member to (1) supervise and conduct such further investigation as may be appropriate; (2) prosecute the matter at any hearing conducted by the section or the Committee or any other proceeding the Court may require before entering an order of discipline; and (3) defend any order of discipline on appeal. By order of the Chief Judge, with the concurrence of the Executive Committee, the prosecutor shall be compensated for services out of the Attorneys’ Admission Fund

L.R. 83-3.1.4.2 Duties of the Chief Judge. If the Chief Judge is recused or otherwise is unavailable to perform the duties as outlined in this rule, the duties shall be referred to the next available district judge in regular active service who is senior in commission of all the active judges.

L.R. 83-3.1.4.3 Indemnification of Prosecutor, Section, and Committee. Any expenses incurred in the prosecution of a disciplinary proceeding and any award of court costs against the Section, the Committee or the prosecutor shall likewise be paid out of the Attorneys’ Admission Fund.

L.R. 83-3.1.5 Right of Attorney Involved to a Hearing and to Present Evidence. Before recommending the imposition of any discipline, the investigating Section shall provide to the attorney involved a statement of the charges and a description of the discipline which the Section is considering recommending. The Section, upon request of the attorney involved, shall conduct a hearing on the charges, which hearing shall be recorded electronically or by a court reporter. The attorney involved shall have the right to be represented by counsel and to be personally heard under oath at said hearing. The attorney involved may also present sworn testimony of relevant witnesses and may submit briefing and evidentiary exhibits at said hearing. Following the said hearing, the section shall formulate its findings of fact and conclusions of law in writing together with a statement of the discipline, if any, which it recommends. Where the imposition of discipline is recommended, the Section shall, within 30 days of the hearing or of the completion of the investigation, transmit to the Committee, along with its recommendation, copies of its proposed findings of fact and conclusions of law, the exhibits which it received in evidence and the record of testimony which was presented to it. The Committee shall thereafter promptly adopt, modify or reject the section’s recommended action. The Committee may, but need not, hear any further statement by the attorney affected or his or her counsel, or receive any further evidence or briefing. If the Committee determines to recommend the imposition of discipline, it must do so at a meeting, which may be held telephonically, with at least seven members voting in favor of the recommendation.

L.R. 83-3.1.6 Confidentiality of Proceedings. The record in a disciplinary proceeding shall not be public (unless otherwise ordered by the Court) but shall become public if and when a final order imposing discipline is entered. If the final order imposing discipline consists of private reproval, the record shall only be made public upon an order of the Court.

L.R. 83-3.1.7 Presentation of Disciplinary Recommendations to the Court. When the Committee has determined that discipline should not be imposed, the matter will thereupon be closed. Notice of the closing shall be promptly sent to the complainant, the attorney affected, the Chief Judge, and the Clerk of the Court. When the Committee has determined that discipline should be imposed, it shall promptly transmit to the Chief Judge and the Clerk of the Court its recommendation (in court document format) and the complete record, including the section’s proposed findings of fact and conclusions of law, and shall request an order of the Court imposing the recommended discipline. A copy of the Committee’s recommendation shall also be sent to the attorney affected and his or her counsel. Within 15 days of the Chief Judge receiving a Committee recommendation, the matter of whether the Court should impose discipline shall be assigned to three judges of the Court selected at random in the same manner as civil cases are distributed, but not to include any judge who originated the complaint. The judges to whom the matter is assigned are not required to conduct any further hearing, to hear the attorney involved or his or her counsel, or to receive any further evidence or briefing before determining to issue an appropriate order. The assigned judges shall adopt, modify or reject the Committee’s recommendation for the imposition of discipline. The decision of said judges shall be final. If the judges assigned determine to impose discipline, they shall sign and file an appropriate order imposing it. Appeals from such orders shall be in accordance with the F.R.A.P.

L.R. 83-3.1.8 Application For Reinstatement. Any attorney who has been suspended or disbarred under the Local Rules may make an application for reinstatement. The application for reinstatement shall be by written motion filed in paper format addressed to the Committee. The Committee shall consider the application and make a recommendation to the Chief Judge. The Chief Judge may, with the concurrence of the Executive Committee, adopt, modify or reject the recommendation of the Committee concerning the application. Before making its recommendation, the Committee is not required to hear the attorney affected or his or her counsel and is not required to hear any testimony or receive any other evidence or briefing. Nor shall the Chief Judge or the Executive Committee be required to do so before deciding on the application.

L.R. 83-3.2 Enforcement of Attorney Discipline L.R. 83-3.2.1 Disbarment or Suspension by Other Courts or Conviction of a Crime. Upon receipt of reliable information that a member of the Bar of this Court or any attorney appearing pro hac vice (1) has been suspended or disbarred from the practice of law by the order of any United States Court, or by the Bar, Supreme Court, or other governing authority of any State, territory or possession, or the District of Columbia, or (2) has resigned from the Bar of any United States Court or of any State, territory or possession, or the District of Columbia while an investigation or proceedings for suspension or disbarment was pending, or (3) has been convicted of a crime, other than in this Court, the elements or underlying facts of which may affect the attorney’s fitness to practice law, this Court shall issue an Order to Show Cause why an order of suspension or disbarment should not be imposed by this Court.

Upon the filing of a judgment or conviction demonstrating that any attorney admitted to practice before this Court has been convicted in this Court of any serious crime as herein defined, the Chief Judge or his or her designee shall enter an order immediately suspending that attorney, whether the conviction resulted from a plea of guilty, nolo contendere, verdict after trial, or otherwise, and regardless of the pendency of any appeal. The suspension so ordered shall remain in effect until final disposition of the disciplinary proceedings to be commenced upon such conviction. A copy of such order shall be immediately served upon the attorney. Upon good cause shown, the Chief Judge or his or her designee may set aside such order when it appears in the interest of justice to do so. The term “serious crime” shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction in which it was entered, involves false swearing, misrepresentation, fraud, deceit, bribery, extortion, misappropriation, theft, or the use of dishonesty, or an attempt, conspiracy, or solicitation of another to commit a “serious crime.” If the attorney files a response stating that imposition of an order of suspension or disbarment from this Court is not contested, or if the attorney does not respond to the Order to Show Cause within the time specified, then the Court shall issue an order of suspension or disbarment. The order shall be filed by the Chief Judge or his or her designee.

L.R. 83-3.2.2 Alternatives. As an alternative to suspension or disbarment, the Committee may consider, and the Court may accept, the attorney’s resignation, if the attorney both: (a) Files a written response setting forth his or her status for the practice of law in all other jurisdictions where the attorney was or is admitted; and (b) Tenders his or her resignation from the Bar of this Court. A resignation with charges pending is not effective until accepted by the Court. An attorney will be on inactive status while the Court considers whether to accept the resignation. The acceptance of a resignation may be subject to additional conditions including but not limited to those under L.R. 83- 3.1.3 and referral to, or resignation from, the Bar of another jurisdiction.

L.R. 83-3.2.3 Contested Matters. If the attorney files a written response to the Order to Show Cause within the time specified stating that the entry of an order of suspension or disbarment is contested, then the Chief Judge or other district judge who may be assigned shall determine whether an order of suspension or disbarment or other appropriate order shall be entered. Where an attorney has been suspended or disbarred by another Bar, or has resigned from another Bar while disciplinary proceedings were pending, the attorney in the response to the Order to Show Cause, must set forth facts establishing one or more of the following: (a) the procedure in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; (b) there was such an infirmity of proof establishing the misconduct as to give rise to a clear conviction that the Court should not accept as final the other jurisdiction’s conclusion(s) on that subject; (c) imposition of like discipline would result in a grave injustice; or (d)other substantial reasons exist so as to justify not accepting the other jurisdiction’s conclusion(s). In addition, at the time the response is filed, the attorney must produce a certified copy of the entire record from the other jurisdiction or bear the burden of persuading the Court that less than the entire record will suffice.

L.R. 83-3.2.4 Reinstatement. Unless stated otherwise by order of the Court, an attorney who has been suspended or disbarred from the Bar of this Court because of his resignation, suspension or disbarment from the Bar of another court will be reinstated upon proof of reinstatement as an active member in good standing in such other Bar.

L.R. 83-3.2.5 Discipline by Agencies. Information that a member of the Bar of this Court has been suspended or disbarred from practice by the order of any federal or state administrative agency, shall be treated as a complaint which can be the basis of disciplinary action by this Court. The matter shall be referred to the Committee for investigation, hearing and recommendation as provided hereinabove in the case of other complaints. All parties in interest are advised of the United States Bankruptcy Court for the Central District of California’s Fourth Amended General Order No. 96-05 or any successor General Order governing attorney discipline proceedings in the Bankruptcy Court.

L.R. 83-3.2.6 Notice of Disciplinary Action to State Bar and Other Courts. The Clerk shall give prompt notice of any conviction of any attorney admitted to this bar of a serious crime as herein defined or imposing discipline under this Rule 83-3 to the Circuit Court of Appeals, to the Bankruptcy Court, to the California State Bar, and to the Bar or disciplinary body of those courts to which the attorney involved has been admitted to practice and of which the Clerk is aware.

L.R. 83-3.2.7 Powers of an Individual Judge to Deal with Contempt or Other Misconduct Not Affected. Disciplinary proceedings under Rule 83-3 shall not affect, or be affected by, any proceedings for criminal contempt under the U.S. Criminal Code, nor shall anything contained in this Rule 83-3 be construed to deny any judge of this Court said judge’s inherent power to maintain control over the proceedings conducted before said judge, nor to deny the judge those powers derived from any statute or rule of court. Misconduct of any attorney in the presence of a court or in any manner in respect to any matter pending in a court may be dealt with directly by the judge in charge of the matter or at said judge’s option, referred to the Committee, or both.

L.R. 83-3.3 Practice Prohibited While on Inactive Status. Any attorney previously admitted to the Bar of this Court who no longer is enrolled as an active member of the Bar, Supreme Court, or other governing authority of any State, territory or possession, or the District of Columbia, shall not practice before this Court. Upon receipt of reliable information that such attorney is practicing before the Bar of this Court, this Court shall issue an Order to Show Cause why the attorney should not be disbarred from this Court, and shall proceed with the Order to Show Cause in the manner set forth in L.R. 83-3.2.1.

L.R. 83-3.4 Obligation to Notify Court of Felony Conviction or Change of Status. Any attorney admitted to the Bar of this Court or admitted pro hac vice shall promptly notify the Clerk of this Court of (1) the attorney’s conviction of any felony, or (2) the imposition of discipline in any other jurisdiction, or (3) the attorney’s resignation from the Bar while disciplinary investigation or proceedings were pending in any other jurisdiction.

* + 1. **Eastern District of California**

Standards of Professional Conduct. Every member of the Bar of this Court, and any attorney permitted to practice in this Court under (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 court decisions 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 that degrades or impugns the integrity of the Court or in any manner interferes with the administration of justice.

* + - 1. <http://www.caed.uscourts.gov/caednew/index.cfm/rules/local-rules/>
			2. LR 184: Disciplinary Proceedings Against Attorneys

Discipline. In the event any attorney subject to these Rules engages in conduct that may warrant discipline or other sanctions, any Judge or Magistrate Judge may initiate proceedings for contempt under 18 U.S.C. § 401 or Fed. R. Crim. P. 42, or may, after reasonable notice and opportunity to show cause to the contrary, take any other appropriate disciplinary action against the attorney. In addition to or in lieu of the foregoing, the Judge or Magistrate Judge may refer the matter to the disciplinary body of any Court before which the attorney has been admitted to practice.

(b) 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 shall promptly notify the Court of any disciplinary action or any change in status in any jurisdiction that would make the attorney ineligible for membership in the Bar of this Court or ineligible to practice in this Court. If an attorney’s status so changes with respect to eligibility, the attorney shall forthwith be suspended from practice before this Court without any order of Court until becoming eligible to practice. Upon written motion to the Chief Judge, an attorney shall be afforded an opportunity to show cause why the attorney should not be suspended or disbarred from practice in this Court.

(c) 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 Non-appropriated 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.

* 1. **Northern District of California**

Standards of Professional Conduct

(a) Duties and Responsibilities. Every member of the bar of this Court and any attorney permitted to practice in this Court under Civil L.R. 11 must: ((1) Be familiar and comply with the standards of professional conduct required of members of the State Bar of California; (2) Comply with the Local Rules of this Court; (3) Maintain respect due to courts of justice and judicial officers; (4) Practice with the honesty, care, and decorum required for the fair and efficient administration of justice; (5) Discharge his or her obligations to his or her client and the Court; and (6) Assist those in need of counsel when requested by the Court. Commentary The California Standards of Professional Conduct are contained in the State Bar Act, the Rules of Professional Conduct of the State Bar of California, and decisions of any court applicable thereto. USDC Local Civil Rules – Effective September 15, 2015 CIV-34

(b) Prohibition Against Bias. The practice of law before this Court must be free from prejudice and bias. Treatment free of bias must be accorded all other attorneys, litigants, judicial officers, jurors and support personnel. Any violation of this policy should be brought to the attention of the Clerk or any Judge for action under Civ. L.R. 11-6.

(c) Prohibition against Ex Parte Communication. Except as otherwise provided by law or these Local Rules or otherwise ordered by the Court, an attorney or party to an action must refrain from making telephone calls or writing letters or sending copies of communications between counsel to the assigned Judge or the Judge’s law clerks or otherwise communicating with a Judge or the Judge’s staff regarding a pending matter, without prior notice to opposing counsel. Commentary This rule is not intended to prohibit communications with a Courtroom Deputy Clerk regarding scheduling

* + - 1. <http://www.cand.uscourts.gov/rules>
			2. LR 11.6&11.7: Attorney Discipline

Discipline

General. In the event that a Judge has cause to believe that an attorney has engaged in unprofessional conduct, the Judge may, in addition to any action authorized by applicable law, do either or both of the following: (1) Refer the matter to the Court’s Standing Committee on Professional Conduct; or (2) Refer the matter to the Chief District Judge. If the alleged unprofessional conduct arises in the Bankruptcy Court the Judge shall first refer the matter to the Chief Bankruptcy Judge, who may in turn refer it to the Chief District Judge.

(b) “Attorney” Defined. For purposes of Civil L.R. 11-6, the term “attorney” refers to any attorney admitted to membership in the bar of this Court or admitted to practice in this Court pro hac vice pursuant to Civil L.R. 11-3. The term “attorney” may include law corporations and partnerships, when the alleged conduct occurs in the course and scope of employment by the corporation or partnership.

(c) Standing Committee on Professional Conduct. The Court will appoint, as special counsel for disciplinary proceedings pending before the Court, a Standing Committee on Professional Conduct consisting of a minimum of 7 and a maximum of 11 members, depending on the number of disciplinary matters referred to or active before the committee, and the Chief District Judge will designate one of the members to serve as Chair. All members of the Standing Committee must be members in good standing of the bar who practice regularly in this court. Members shall serve staggered 4-year terms in 2 approximately equal groups, such that the members of one group are replaced or reappointed every 2 years. The Standing Committee may organize itself and conduct its affairs by subcommittees of one or more members as it deems advisable. All final actions of the Standing Committee require a majority vote. The Standing Committee will submit a confidential report of its activities annually to the Clerk, the Chief District Judge, the Clerk of the Bankruptcy Court and Chief Bankruptcy Judge and the Professional Conduct Liaison Judge.

(d) Professional Conduct Liaison Judge. The Chief District Judge shall appoint a District Judge to oversee the administration of this Local Rule and to serve as liaison to the Standing Committee. The Chief District Judge may delegate some or all of the powers of the Chief District Judge under this rule to the Professional Conduct Liaison Judge.

(e) Matters Referred To The Standing Committee. Any Judge may enter an order of referral to the Standing Committee on Professional Conduct to initiate an investigation into a charge or information that a member of the bar of this Court, an attorney appearing pro hac vice or an attorney employed or retained by the United States (see Civil L.R. 11-2) has engaged in unprofessional conduct in the practice of law before this Court. The Alternative Dispute Resolution Magistrate Judge may enter an order of referral based upon information provided by, and at the request of, the Alternative Dispute Resolution Department. An order of referral to the Standing Committee on Professional Conduct may be made on the public docket of an active case or may be directed to the Clerk confidentially without a case number. Upon receipt of an order of referral, the Clerk will open a new miscellaneous case under seal, file the original order of referral and any accompanying exhibits thereto, and transmit a copy to the chair of the Standing Committee. Unless otherwise directed by the Court, the Standing Committee shall investigate the alleged or suspected unprofessional conduct in accordance with the following procedures:

(1) Investigations shall be conducted formally or informally as the Standing Committee deems appropriate to the circumstances of the case. Investigations shall be confidential unless the Professional Conduct Liaison Judge, upon application by the Standing Committee or the attorney who is subject to the investigation, determines that there is a compelling reason to make the matter public.

(2) At the written request of the Standing Committee, the Chief District Judge may direct the issuance of subpoenas and subpoenas duces tecum.

(3) At the conclusion of its investigation, the Standing Committee may, if it deems appropriate, finally resolve any referred matter informally or by consent; if the attorney who was the subject of the investigation has admitted unprofessional conduct, however, the Standing Committee should obtain a written consent specifying a remedial plan. The Standing Committee shall prepare a final report summarizing its proceedings, its findings, any informal or stipulated resolution and its recommendation, if any, to the Court. If the Standing Committee’s determination is to file a petition for formal discipline, it shall so state in the final report. The final report shall be marked “CONFIDENTIAL: ATTORNEY DISCIPLINE MATTER” and shall include a proposed order directing the Clerk to close the file. The Standing Committee shall direct the original final report to the Chief District Judge and a copy to the referring Judge. Upon filing the final report and closing the file, the Clerk shall serve the final report on the attorney under investigation.

(4) If a majority of the members determine that public reprimand, suspension, disbarment, monetary sanctions or other formal discipline is warranted, and the respondent attorney does not consent, the Standing Committee shall institute a disciplinary proceeding by filing with the Clerk a sealed petition that specifies the alleged misconduct. Upon the filing of the petition, the Clerk shall assign a new civil case number to the matter and shall randomly assign it to a District Judge other than the referring Judge or the Professional Conduct Liaison Judge in the same manner as any other sealed civil action or proceeding. Unless otherwise directed by the assigned Judge, the proceeding shall then be presented by one or more members of the Standing Committee. For a matter arising in the Bankruptcy Court of this District, the assigned Judge may, sua sponte or upon motion by the respondent attorney, refer the matter to the Clerk of the Bankruptcy Court for assignment to a Bankruptcy Judge other than the referring Judge for hearing and a report and recommendation.

(5) The Judge to whom a civil case under this rule is assigned shall issue an order to show cause setting a date for hearing, addressed to the respondent attorney, requiring the attorney to appear and show cause why he or she should not be disciplined as stated in the Judge’s order. The order shall direct that a copy thereof, together with a copy of the petition, be served on the respondent in a manner permitted by Fed. R. Civ. P. 5(b) not less than 35 days in advance of the date specified for hearing. Any response must be filed no more than 14 days later. In the event the matter cannot be resolved solely based on the petition, the response and the hearing thereon, the Judge may order such additional proceedings as the circumstances of the particular case may warrant. Written findings of fact and an order based thereon shall be filed by the Judge when dismissing the proceeding or when imposing discipline. Documents presented for manual filing in the case shall be marked “CONFIDENTIAL: ATTORNEY DISCIPLINE MATTER.” The entire case shall be maintained under seal and court proceedings shall be closed to the public unless, upon written motion from either the Standing Committee or the respondent attorney, the Judge determines that the interests of justice would be best be served by opening all or part of the proceedings to the public. The Judge’s final order, if imposing discipline, together with portions of the file deemed by the Judge to be appropriate for public disclosure, will be unsealed and made accessible to the public on the Court’s website and any other means ordered by the Judge and will be disseminated to the Judges of the Northern District of California by the Clerk 7 days after the final order is filed, absent an extension by the Court. An order imposing discipline under this Rule may be appealed to the Court of Appeals.

(6) Records other than court files, such as the confidential reports of the Standing Committee, shall be maintained as directed by the Chief District Judge.

(7) After an order imposing discipline is filed, the Standing Committee may provide the Clerk with a list of other courts before which the Standing Committee knows the respondent attorney to have been admitted to practice. The list shall be compiled from information obtained in the course of the Standing Committee’s work on the case and shall not require a separate investigation. The Clerk shall give prompt notice of the order of discipline to the disciplinary body of each such court.

(f) Costs. Out-of-pocket expenses necessarily incurred by the Standing Committee in carrying out its responsibilities under these rules, if presented for reimbursement within 90 days of the conclusion of the proceeding will be paid by the Court.

11-7. Reciprocal Discipline and Discipline Following Felony Conviction

(a) Required Notice of Change in Status. Any attorney admitted to practice in this Court or any attorney appearing pro hac vice who is convicted of a felony, suspended, disbarred or placed on disciplinary probation by any court, or who resigns from the bar of any court with an investigation into allegations of unprofessional conduct pending, must give notice to the Clerk and the Clerk of the Bankruptcy Court in writing within 14 days of such event.

(b) Order to Show Cause. Unless referred to the Standing Committee on Professional Conduct, matters subject to reciprocal discipline on the grounds listed in paragraph (a) above shall be handled as follows:

(1) Whenever a member of the bar of this Court or any attorney appearing pro hac vice who is convicted of a felony, disbarred, suspended for reasons other than those noted in Civil L.R. 11-1(g) or who resigns from the bar of any court with an investigation into allegations of unprofessional conduct pending, the Chief District Judge will enter an order suspending that member on an interim basis from practice before this Court and affording the member an opportunity to show cause, within 28 days, why a suspension or disbarment order should not be entered. If the attorney files a response stating that imposition of an order of suspension or disbarment from this Court is not contested, or if the attorney does not respond to the Order to Show Cause within the time specified, then the Court shall enter an order of suspension or disbarment.

(2) An attorney who wishes to contest reciprocal discipline must file with the Court a timely response to the order to show cause. The Chief District Judge may then act on the matter, order it randomly assigned to another Judge or refer it to the Standing Committee on Professional Conduct for report and recommendation. The response to the Order to Show Cause must set forth facts establishing one or more of the following: (a) the procedure in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; (b) there was such an infirmity of proof establishing the misconduct as to give rise to a clear conviction that the Court should not accept as final the other jurisdiction’s conclusion(s) on that subject; (c) imposition of like discipline would result in a grave injustice; or (d) other substantial reasons exist so as to justify not accepting the other jurisdiction’s conclusion(s). In addition, together with the response to the Order to Show Cause, the attorney must lodge with the Court a certified copy of the entire record from the other jurisdiction or bear the burden of persuading the Court that less than the entire record will suffice. This procedure may not be used to re-litigate a felony conviction.

(3) An attorney disbarred, suspended or placed on disciplinary probation under the reciprocal discipline provisions of this rule may seek reinstatement upon completion of the period of suspension, disbarment or disciplinary probation by filing a petition for admission with the Clerk as provided in Civil L.R. 11- 1(c) and paying the admission fee in accordance with 11-1(d). An attorney disbarred by reason of a felony conviction may not petition for reinstatement until at least one year after entry of the disbarment order. Cross Reference See Fed. R. Civ. P. 11(c), 16(f), 37.

* 1. **Southern District of California**

Standards of Professional Conduct. Every member of the bar of this court and any attorney permitted to practice in this court must be familiar with and comply with the standards of professional conduct required of members of the State Bar of California, which are now adopted as standards of professional conduct of this court. No attorney permitted to practice before this court will engage in any conduct which degrades or impugns the integrity of the court or in any manner interferes with the administration of justice within the Court.

* + - 1. <https://www.casd.uscourts.gov/Rules/SitePages/LocalRules.aspx>
			2. LR 83.5

(a) General. In the event any attorney engages in conduct which may warrant discipline or other sanctions, the court or any judge may, in addition to initiating proceedings for contempt under Title 18 U.S.C. and Rule 42, Fed. R. Crim.P., or imposing other appropriate sanctions, refer the matter to the disciplinary body of any court before which the attorney has been admitted to practice.

b. Charge of or Conviction of Felony. 1. Any attorney charged with or convicted of a felony must report the charge or conviction within fourteen (14) days to the Clerk of the Court. 2. An attorney on the court=s CJA panel or one appointed by the court who is charged with a felony will not be assigned any further cases and will be relieved on cases on which he or she is appointed until further order of the court. His or her cases will be reassigned as directed by the judge supervising those cases on which he or she is relieved. 3. A non-court appointed attorney charged with a felony must show cause why he or she should not be removed from any pending civil or criminal case due to a conflict of interest. It will be the attorney=s burden to demonstrate to each judge assigned a case on which the charged attorney wishes to appear that there is no conflict and the attorney can appropriately discharge his or her duties to the client. 59 4. Any attorney admitted to practice in this court who enters a plea of guilty to a felony, or is found guilty of a felony, must immediately be suspended from practice before this court. Upon the felony conviction becoming final, the attorney must be disbarred. The disbarred attorney may make a motion in this court within sixty days of disbarment for an order of modification of the disbarment order, as justice may require.

c. 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 at least five members of the bar and will designate one of the members to serve as chairperson of the committee. The members of the committee will continue in office for a period of two years or until further order of the court.

d. 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 will issue an Order to Show Cause why an order of suspension or disbarment should not be imposed by this Court. If an attorney opposes the imposition of prospective discipline, in the response to the Order to Show Cause, the attorney must set forth facts establishing one or more of the following: (i) The procedure in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; (ii) There was such infirmity of proof establishing the misconduct as to give rise to a clear conviction that the Court should not accept as final the other jurisdiction’s conclusion(s) on that subject; (iii) Imposition of like discipline would result in a grave injustice; or (iv) Other substantial reasons exist so as to justify not accepting the other jurisdiction’s conclusion(s). In addition, at the time the response is filed, the attorney must produce a certified copy of the entire record from the other jurisdiction of bear the burden of persuading the Court that less than the entire record will suffice. If the attorney files a response stating that imposition of an order of suspension or disbarment from this court is not contested, or if the attorney does not respond to the Order to Show Cause within the time specified, then the Chief Judge will issue an order of suspension or disbarment. If the attorney files a written response to the Order to Show Cause within the time specified stating that they entry of an order of suspension or disbarment is contested, then the Chief Judge will determine whether an order of suspension or disbarment should issue.

e. Original Disciplinary Investigations and Proceedings Initiated in This Court. The “Standing Committee on Discipline” will investigate any charge or information, referred by one of the judges, that any member of the bar of this court or that any attorney permitted to practice in the court has been guilty of unprofessional conduct. At the request of the committee, the chief judge 60 will direct the issuance of subpoenas and subpoenas duces tecum as may be required by the investigation. In cases where a majority of the members deem it advisable, the committee will institute and prosecute a 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 will 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 will issue an order to show cause why the respondent should not be disbarred, suspended or otherwise disciplined as prayed in the petition. The order to show cause will be served upon the respondent, not less than fourteen (14) days nor more than twenty-one (21) days from the date of the order. The order will further require that a copy of the order and a copy of the petition, be served on the respondent in a manner permitted by Fed. R. Civ. P. 5(b) not less than fourteen (14) days in advance of the date specified for showing cause. Except as otherwise provided by local rule, the proceeding must be governed by the Fed. R. Civ. P. Written findings of fact and an order based thereon must be filed by the judge when dismissing the proceeding or when imposing discipline. Any investigation or proceeding in accordance with this local rule must not be public unless otherwise ordered by the court or unless and until a disbarment, suspension or public reproval has been administered.

f. Notice to United States Attorney and to the State Bar. The clerk must give prompt notice of any motion, petition, or order made pursuant to this local rule to the United States Attorney and to the disciplinary body of the court(s) to which the attorney has been admitted to practice.

g. Contempt. Disciplinary matters, proceedings and investigators under Civil Local Rule 79.2.c must not affect, or be affected by, any proceeding for contempt under Title 18 U.S.C. or Fed. R. Crim. P. 42.

1. **Colorado**
	* 1. **District of Colorado**

**D.C.COLO.LAttyR 2

STANDARDS OF PROFESSIONAL CONDUCT**

1. **(a) Standards of Professional Conduct.**Except as provided by Subdivision (b) or order or rule of the United States Bankruptcy Court for the District of Colorado, the Colorado Rules of Professional Conduct (Colo. RPC) are adopted as standards of professional responsibility for the United States District Court and the United States Bankruptcy Court for the District of Colorado.
2. **(b) Exceptions.**The following provisions of the Colorado Rules of Professional Conduct (Colo. RPC) are excluded from the standards of professional responsibility for the United States District Court and the United States Bankruptcy Court for the District of Colorado:
3. (1) Colo. RPC 1.2(c) (limiting scope of representation), except that, if ordered, an attorney may provide limited representation to an unrepresented prisoner in a civil action;
4. (2) Colo. RPC 1.2(d), Comment [14] (counseling and assisting client regarding Colorado Constitution art. XVIII, §§ 14 and 16 and related statutes, regulations, or orders, and other state or local provisions implementing them), except that a lawyer may advise a client regarding the validity, scope, and meaning of Colorado Constitution art. XVIII, §§ 14 and 16 and the statutes, regulations, orders, and other state or local provisions implementing them, and, in these circumstances, the lawyer shall also advise the client regarding related federal law and policy;
5. (3) Colo. RPC 4.2, Comment [9A] (communicating with person to whom counsel is providing limited representation);
6. (4) Colo. RPC 4.3, Comment [2A] (dealing with person to whom counsel is providing limited representation);
7. (5) Colo. RPC 4.4(b) (notifying sender of inadvertently disclosed document); and
8. (6) Colo. RPC 6.5 (limiting scope of representation).
	* + 1. <http://www.cod.uscourts.gov/CourtOperations/RulesProcedures/LocalRules/AttorneyRules.aspx>
			2. Local Attorney Rules: Attorney Discipline 6-8

**D.C.COLO.LAttyR 6

DISCIPLINARY PANEL AND COMMITTEE ON CONDUCT**

**(a) Disciplinary Panel.**The Chief Judge shall appoint a panel of three judicial officers to constitute the Disciplinary Panel (the Panel). The Panel shall have jurisdiction over all judicial proceedings involving disbarment, suspension, censure, or other attorney discipline. The Chief Judge may designate additional judicial officers to serve as alternates on the Panel.

**(b) Committee on Conduct.**The court has established a standing Committee on Conduct (the Committee) consisting of 12 members of the bar of this court. Each member shall be appointed for three years and until a successor is appointed. No member of the Committee shall serve more than two consecutive terms. Additional members may be appointed by the court. Any member appointed to fill a vacancy shall serve the unexpired term of his or her predecessor. If a member serves beyond expiration of the appointed term, the additional time served shall be chargeable to the successor member. The court shall designate a chairperson and vice-chairperson of the Committee. The vice-chairperson shall act during the absence or disability of the chairperson. Members of the Committee shall serve without compensation, but when practicable their necessary expenses shall be paid by the clerk from the fund in which admission and annual registration fees paid by members of the bar are deposited.

**(c) Duties of the Committee.**The Committee shall receive, investigate, consider, and act on complaints against members of the bar of this court, applications for reinstatement or readmission, applications for relief from the rule of good standing, and allegations that a member of the bar of this court is incapable of practicing law due to a disability, including, but not limited to, physical or mental disability or substance abuse. The chairperson shall appoint one or more members to present and prosecute charges and to prepare orders and judgments as directed by the Panel. The Committee is authorized to report any information consistent with the objectives of this rule to the authorized disciplinary body of any bar or court where the applicant or respondent attorney is admitted. The Committee may perform any additional duties implied by these rules or assigned by order of the Panel.

**(d) Abstention and Disqualification of Current and Former Committee Member**. A Committee member shall refrain from participating in any disciplinary proceedings in which a judge, similarly situated, would be required to recuse. A Committee member shall not represent an attorney in any matter before the Committee. A former Committee member shall not represent any attorney investigated or prosecuted during the former Committee member’s term on the Committee.

**D.C.COLO.LAttyR 7

COMPLAINTS AND GROUNDS FOR DISCIPLINE**

**(a) Complaints.**A complaint against a member of the bar of this court for any conduct which may justify any disciplinary action (not limited to suspension or disbarment) shall be filed in writing under oath, except that a complaint filed by a judicial officer need not be under oath. A complaint shall be filed with or referred to the Committee.

**(b) Grounds for Discipline.**Grounds for discipline include:

(1) a violation or attempted violation of the Standards of Professional Responsibility of this court;

(2) a willful failure to comply with a subpoena validly issued by the Committee or the Panel, or the knowing failure to respond to a lawful demand from the Committee or the Panel, except that this rule does not require disclosure of information otherwise protected by privilege or applicable rules relating to confidentiality.

**(c) Types of Sanctions.**Misconduct shall be grounds for imposition of one or more of the following sanctions:

**(1) Disbarment.**Disbarment means the removal of the attorney from the bar of this court.

**(2) Suspension.**Suspension means the revocation for an appropriately fixed period of time of the authorization and good standing of the attorney to practice in this court. Suspension may be stayed in whole or in part.

**(3) Public censure.**Public censure means a reproach made in public.

**(4) Letter of admonition.**A letter of admonition means an unpublished reproach.

**(d) Investigation of Complaints.**When the Committee receives information by complaint or otherwise alleging attorney misconduct or incapacity, the matter shall be referred by the chairperson of the Committee to a Subcommittee consisting of three Committee members designated by the chairperson who shall appoint one of them as Subcommittee chairperson. The chairperson or vice-chairperson of the Committee may be designated as a member of a Subcommittee.

**(1) Service of Complaint and Answer.**The Subcommittee shall investigate a complaint referred to it by the chairperson of the Committee. A copy of the complaint shall be served on the member of the bar against whom the complaint has been made (the respondent) by certified mail, return receipt requested, addressed to the most current address of the respondent on file with the clerk. No answer shall be accepted or considered, unless specifically requested of the respondent by the Subcommittee investigating the complaint. If an answer is requested by the Subcommittee, the respondent shall file an answer under oath with the Subcommittee no later than 21 days of the date of the request or such other deadline as specified by the Subcommittee.

**(2) Hearings, Witnesses, and Documents.**The Subcommittee shall have the authority to request documents, interview or depose witnesses, and consult experts. On request of the Subcommittee, the clerk shall issue subpoenas, returnable to the Committee, commanding the presence of witnesses and/or production of designated books, papers, documents, or other tangibles at the times and places stated in the subpoena. The Subcommittee chairperson, as master, is authorized to administer oaths. Any witness who fails or refuses to comply with a subpoena shall be subject to contempt proceedings before the Panel.

**(e) Resolution of the Complaint by the Committee on Conduct.**On completion of its investigation, the Subcommittee shall report its recommendations to the full Committee. The Subcommittee shall not recommend a disposition other than dismissal without first notifying the respondent in writing of the substance of the matter and affording the respondent an opportunity to respond in writing. Notice at the last known address of the respondent is sufficient. The Committee may, by a majority of the Committee members in attendance, instruct the Subcommittee in any one of the following ways:

**(1) Dismissal of the Complaint.**If the Committee concludes that the complaint is without merit or that other grounds justify its dismissal, the Committee shall send a letter signed by the chairperson or vice- chairperson of the Committee advising the complainant and the respondent.

**(2) Letter of Admonition.**If the Committee concludes that the misconduct is sufficiently significant that the complaint should not be dismissed, but may not warrant submitting charges to the Panel, the Committee may issue a private letter of admonition to the respondent. The complainant shall be notified that the letter of admonition was issued, but shall not be provided with a copy of the letter of admonition. Neither the fact that the letter of admonition was issued nor its content shall be made available to the public. The respondent receiving a letter of admonition may file a written request no later than 21 days for review of the letter. The admonition shall be reviewed by the Panel for clear error.

**(3) Submission of Charges.**The Committee may instruct the Subcommittee to prepare charges and submit them to the Panel or, with or without preparing charges, may refer the matter to the Colorado Supreme Court - Attorney Regulation Counsel or another court-authorized grievance body. If charges are prepared and submitted to the Panel, and thereafter the Panel orders the charges filed, the clerk shall file them and issue forthwith a summons commanding the respondent to answer. Except as hereinafter provided, the summons and a copy of the charges shall be served by a United States marshal or his or her designee. A respondent who cannot be served in Colorado may be served by filing a copy of the summons and charges with the clerk, who shall send a copy of the summons and charges by certified mail, return receipt requested, to the last office address the respondent filed with the clerk. The respondent shall answer the charges no later than 30 days from the date of service. Absent a timely answer, the charges may be taken as confessed, and the Panel may

conduct further proceedings which may be held on an ex parte basis as the Panel deems appropriate, and may enter judgment against the respondent without hearing or further notice to the respondent.

**(f) Disciplinary Panel Hearings and Orders.**After the respondent has filed an answer, an evidentiary hearing may be scheduled by the Panel. The Panel or a judicial officer appointed by the Panel may issue orders regarding discovery and other pre-hearing matters. A respondent against whom charges have been filed shall be entitled to representation by counsel at the expense of the respondent. The chairperson of the Committee shall appoint one or more of its members to prosecute the charges. If the charges are sustained by clear and convincing evidence, the Panel may censure, suspend, disbar, or otherwise discipline the respondent. A respondent who is suspended or disbarred shall be enjoined from practicing law before this court, and the judgment shall so recite. Any violation of the judgment shall be deemed a contempt of court.

**(g) Conditional Admission.**A respondent against whom formal charges have been made may tender to the Committee a conditional admission to the charges or to a particular charge in exchange for a stated form of discipline. A conditional admission shall be approved or rejected by the Panel. If the stated form of discipline is rejected by the Panel, the admission shall be withdrawn and may not be used against the respondent in any subsequent proceedings.

**(h) Complaint against Sitting Member of the Committee on Conduct**. If a complaint is lodged against a sitting member of the Committee, in lieu of investigation by any other sitting member of the Committee, the court shall appoint a Special Subcommittee consisting of three members of the bar of the court who in the past have served on the Committee, but not as co-members with the member against whom the complaint is lodged, or such other members of the bar of the court as the court may choose. The court shall designate one of the three as chairperson of the Special Subcommittee. The Special Subcommittee shall follow the procedures of this rule, except that the Special Subcommittee shall work directly with the Panel rather than the full Committee.

**D.C.COLO.LAttyR 8

CONVICTION OF CRIME**

**(a) Crime.**As used in these rules, a crime for which discipline may be imposed is any crime punishable by a term of imprisonment of more than one year; any lesser crime that reflects adversely on the honesty, trustworthiness or fitness of the attorney in other respects; or any crime a necessary element of which, as determined by the statutory or common law definition of the crime, involves interference with the administration of justice, false swearing, misrepresentation, fraud, deceit, bribery, extortion, misappropriation, theft, or an attempt, conspiracy or solicitation to commit a crime.

**(b) Conviction.**As used in these rules, a conviction shall include a verdict of guilty, a plea of guilty, or a plea of nolo contendere, regardless of whether entry of judgment of conviction or imposition of sentence is suspended or deferred by the court.

**(c) Duty of the Clerk.**After receiving notice of a conviction of a member of the bar of this court for a crime as defined in Subdivision (a), the clerk shall immediately notify the Panel and the attorney.

**(d) Interim Suspension.**

**(1) General Procedure.**The Panel may place an attorney on interim suspension immediately on proof of a conviction of the attorney for a crime as defined in Subdivision (a), regardless of the pendency of any appeal. Alternatively, the Panel may refer the attorney to the Committee for investigation and recommendation.

**(2) Opportunity to Object.**The attorney may submit in writing any objection that establishes that the suspension may not properly be ordered, such as proof that the crime did not constitute a crime as defined in Subdivision (a) or that the attorney is not the individual convicted.

**(3) Termination.**On a written showing by the attorney of extraordinary circumstances, the Panel may vacate an order of suspension.

**(4) Effect of Reversal or Vacatur of Conviction.**With the exception of a guilty plea resulting in a deferred judgment or sentence, if an attorney suspended under this rule demonstrates that the underlying conviction has been reversed or vacated, the order of interim suspension shall be vacated and the attorney reinstated. The vacatur of the interim suspension shall not automatically terminate any disciplinary proceeding then pending against the attorney.

**(e) Formal Charges.** The conviction for a crime as defined in Subdivision (a) is final when there has been a plea of guilty or a plea of nolo contendere, or, in the event of a guilty verdict, on the conclusion of any direct appeals. When the conviction for a crime as defined in Subdivision (a) is final, the Committee shall consider the facts and shall determine whether to submit formal charges to the Panel pursuant to D.C.COLO.LAttyR 7(e)(3). If the Committee submits formal charges to the Panel, the Committee shall recommend the nature and extent of the discipline to be imposed.

**(f) Other Grounds for Discipline.**Notwithstanding the disposition of criminal charges, the Committee may consider the underlying facts to determine if disciplinary proceedings are warranted.

1. **Connecticut**
	1. **District of Connecticut**

(a) Professional Ethics 1. Other than the specific Rules enumerated in Rule 83.2(a)2 of these Local Rules, this Court recognizes the authority of the “Rules of Professional Conduct,” as approved by the Judges of the Connecticut Superior Court as expressing the standards of professional conduct expected of lawyers practicing in the District of Connecticut. Any changes made by the Judges of the Connecticut Superior Court to the Rules of Professional Conduct shall not be binding in the District of Connecticut, unless such changes are expressly adopted by order of the District Judges. The Clerk shall report to the Judges any such changes. The interpretation of said Rules of Professional Responsibility by any authority other than the United States Supreme Court, the United States Court of Appeals for the Second Circuit and the United States District Court for the District of Connecticut shall not be binding on disciplinary proceedings initiated in the United States District Court for the District of Connecticut. 2. Rule 3.6 and 3.7(b) of the Rules of Professional Conduct are not adopted as rules governing professional conduct in the District of Connecticut. The ethical standards governing public statements by counsel in a criminal case are set forth in Local Criminal Rule 57. The ethical standards governing participation as counsel in a case where either the attorney or another attorney in his or her firm may be a witness for both civil and criminal cases are set forth in Local Civil Rule 83.13. 3. The following Local Civil Rules shall apply in Grievance Proceedings: Rule 83.1 Admission of Attorneys), Rule 1 (Definitions), Rule 10 (Preparation of Pleadings), Rule 5(b) (Appearance), Rule 5(c) (Proof of Service), Rule 5(g) (Service by Facsimile Copy), Rule 7(a) (Motion Practice Procedures), and Rule 7(b) (Motions for Extensions of Time.)

* + - 1. <http://www.ctd.uscourts.gov/court-info/local-rules-and-orders>
			2. LR 83.2: Discipline of Attorneys

 (b) Grievance Committee

1. The Judges of this Court shall appoint a Grievance Committee of the United States District Court for the District of Connecticut consisting of twelve (12) members of the bar of this Court. One member shall be appointed by the judges as the chairperson of the committee for a term of three years.

2. Members shall be appointed for a term of three (3) years, renewable once, for an additional term of three (3) years. If a member is appointed chairperson during the second term of three years, that member may serve the full three-year term of chairperson, even if his or her total tenure on the committee would thereby exceed six years. In the event that a vacancy arises before the end of a term, a member of the bar of this Court shall be appointed by the Judges of this Court to fill the vacancy for the balance of the term. Anyone filling such a 71 vacancy is eligible for reappointment to a full three-year term. Five (5) members of the Grievance Committee shall constitute a quorum and any action taken by the Grievance Committee shall be by a majority vote of those members present and voting.

3. The judges shall appoint three (3) members of the bar of this court to serve as Counsel to the Grievance Committee. Assignment of cases to each counsel shall be made on the basis of the assigned seat of court, according to administrative procedures approved by the Clerk.

4. The Grievance Committee and Counsel to the Grievance Committee shall have the use of the staff of the Clerk for clerical and record-keeping assistance, shall have the power to issue subpoenas to compel witnesses to testify and produce documents at proceedings, and may incur such expenses as shall be approved by the Chief Judge of this Court. Compulsory process shall be available to the attorney who is the subject of the complaint.

(c) Proceedings Upon Complaint

1. Any person may file with the Clerk of the Court a written verified complaint alleging attorney misconduct relating to any matter relevant to an attorney’s qualification to practice before the court. Each person filing a complaint shall file sufficient copies of the complaint to supply an original for the Court, one copy for each attorney who is the subject of the complaint, and one copy for each member of the Grievance Committee. The Clerk shall assign a docket number, consisting of the initials “GP,” the last two digits of the year of filing, the number of the case (with the first case of each year being designated as number 1), and the initials of the Judge to whom the case has been assigned. Each complaint shall be assigned to a Judge on a random District-wide basis. Any complaint which arises out of conduct witnessed by a particular Judge of this Court shall not be assigned to that Judge. The personnel of the Clerk’s office shall not reveal to any person other than a Judge or the Clerk of this Court the order of assignment of such complaints. The Clerk shall forward a copy of the complaint to the Grievance Committee and counsel assigned to the matter. The complaint, and the fact of filing the complaint, shall be considered sealed and shall not be a record open to the public.

2. The Grievance Committee, upon appropriate notice, shall conduct such hearings as it deems appropriate under rules for fair procedure. Such hearings shall be private unless the attorney complained against requests a public proceeding. The Grievance Committee shall decide whether to recommend that the complaint be dismissed or that the attorney complained against be disciplined (1) by private or public censure, (2) by suspension from the practice of law for a fixed period of time, (3) by indefinite suspension, or (4) by disbarment.

3. When any misconduct or allegation of misconduct which would warrant discipline of any attorney admitted to practice before this Court comes to the attention of any Judge of this Court, the Judge may refer the matter to the Grievance Committee for the initiation of a presentment or the formulation of such other recommendation as may be appropriate. Nothing in this Rule 83.2 shall be interpreted to limit the inherent authority of the Judge to enforce the standards of professional conduct by way of appropriate proceedings other than by referral to the Grievance Committee. 72

(d) Recommendation of Grievance Committee

1. The Grievance Committee shall make its recommendation to the court within 180 days of receipt of the complaint or referral for action. If additional time is needed, Counsel to the Committee shall notify the Clerk and up to an additional 180 days shall be allowed.

2. If the recommendation of the Committee is to dismiss the complaint, the recommendation shall be filed with the court. The Judge to whom the complaint has been assigned may hold further hearings on the recommendation to dismiss or may dismiss the complaint on the written record presented by the Committee.

3. If the Judge decides not to dismiss the complaint, an Order to Show Cause shall be issued by the court directing the attorney complained against to show cause why disciplinary action should not be taken.

4. If the Grievance Committee’s recommendation is for discipline, the Grievance Committee shall file its recommendation in the form of a presentment, seeking an order to show cause why the attorney complained against should not have disciplinary action taken against him or her as prayed for in the presentment

5. Within thirty (30) days of service of the order to show cause issued pursuant to Rule 83.2(d)3 or a presentment issued pursuant to Rule 83.2(d)4, the attorney complained against shall file a written answer. Thereafter, a hearing on the issue shall be held before the assigned Judge. At the hearing, the attorney complained against shall have a right to be represented by counsel, shall have the right to confront and cross-examine witnesses, and shall have the right to offer the testimony of witnesses on his or her behalf. Discipline shall not be imposed unless the Court finds, by clear and convincing evidence, that the attorney complained against should be disciplined. Unless requested to be a public proceeding by the attorney complained against, all proceedings shall be in private and maintained under seal unless and until discipline is ordered. Absent the filing of an answer as provided above, a hearing shall be held on the limited question of appropriate discipline. 6. The attorney complained against may choose to waive presentment and hearing and to agree upon a disposition with the Grievance Committee. In such event, the proposed, stipulated disposition shall be presented to the Court, with a motion seeking the Court’s approval. Should the Court deny the motion, an Order to Show Cause shall be issued by the Court directing the attorney complained against to show cause why disciplinary action should not be taken.

7. Upon the imposition of discipline, other than a private reprimand, the court file shall be unsealed and made a matter of public record. In that event, a notation shall be made on the attorney’s admission record indicating the date and nature of the discipline imposed.

(e) Attorneys Convicted of Crimes

1. The Grievance Committee shall take such action as is necessary to keep informed of convictions of “serious crimes,” as defined in subparagraph 4, of attorneys admitted to practice before this Court and cause certified copies of such convictions to be filed with this Court. 73

2. Upon the filing with this Court of a certified copy of a judgment of conviction or proof of change of plea or jury verdict of guilty prior to sentencing, demonstrating that any attorney admitted to practice before the Court has been convicted in any Court of the United States, or the District of Columbia, or of any state, territory, commonwealth or possession of the United States or any foreign country, of a serious crime, the Court shall enter an order immediately suspending that attorney from practice before this Court, whether the conviction resulted from a plea of guilty or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of any appeal. A copy of such order shall immediately be served upon the attorney. Upon good cause shown, the Court may set aside such order when it is in the interest of justice to do so. An attorney suspended under the provisions of this subparagraph 2 shall be reinstated immediately upon filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed, but reinstatement will not terminate any disciplinary proceedings against the attorney brought pursuant to this Rule 83.2.

3. Upon the filing of a certified copy of a judgment of conviction or proof of change of plea or jury verdict of guilty prior to sentencing, demonstrating that any attorney admitted to practice before the Court has been convicted of a serious crime, the matter shall automatically be referred to counsel for the Grievance Committee for the institution of a presentment before this Court, in the manner specified in Rule 83.2(d), in which the sole issue to be determined shall be the extent of the final discipline to be imposed as the result of the conduct resulting in the conviction, provided that a disciplinary proceeding so instituted shall not be brought to final hearing until all direct appeals from the conviction are concluded.

4. The term “serious crime” shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, moral turpitude, willful failure to file tax returns or currency transaction reports, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit, or the aiding and abetting the commission of any of the foregoing crimes.

5. A certified copy of a judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.

1. **Delaware**
	1. **District of Delaware**

Standards for Professional Conduct. Subject to such modifications as may be required or permitted by federal statute, court rule, or decision, all attorneys admitted or authorized to practice before this Court, including attorneys admitted on motion or otherwise, shall be governed by the Model Rules of Professional Conduct of the American Bar Association (“Model Rules”), as amended from time to time.

* + - 1. <http://www.ded.uscourts.gov/court-info/local-rules-and-orders/local-rules>
			2. LR 1.3: Sanctions

RULE 1.3. Sanctions. (a) In General. Sanctions may be imposed, at the discretion of the Court, for violations of the Rules, as well as for violations of the Fed. R. Civ. P. and any order of the Court. Such sanctions may include, but are not limited to, costs, fines and attorneys’ fees imposed on the offending party and that party’s attorney. 1 (b) Substantive Sanctions. In addition to financial penalties, failure of counsel to comply with the Rules relating to trial preparation may be considered an abandonment or a failure to prosecute or defend diligently, and judgment may be entered against the defaulting party either with respect to a specific issue or the entire case. Likewise, failure of counsel to comply with the Rules relating to motions may result in the determination of the motion against the offending party.

* + - 1. LR 83.6: Attorney Discipline

RULE 83.6. Attorney Discipline. (a) Attorneys Convicted of Crimes. (1) Upon the filing of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before the Court has been convicted of a serious crime in any Court of the United States or the District of Columbia, or of any state, territory , commonwealth or possession of the United States: (A) The Court shall enter an order immediately suspending that attorney from the practice of law before the Court. A copy of such order shall be served upon the attorney. (B) A certified copy of a judgment of conviction shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against the attorney based upon the conviction, whether the conviction resulted from a plea of guilty or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of any appeal. (C) The term “serious crime” shall include any felony and any lesser crime, a necessary element of which involves false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a “serious crime”. The elements of the crime of conviction shall be determined by the statutory or common law definition of such in the jurisdiction where the judgment was entered. (D) The Court shall, in addition to suspending that attorney, also refer the matter to counsel for the institution of a disciplinary proceeding before the Court. The sole issue to be determined shall be the extent of the final discipline to be imposed as a result of the conduct resulting in the conviction, provided that a disciplinary proceeding so instituted will not be brought to final hearing until all appeals from the conviction are concluded. (2) Upon the filing of a certified copy of a judgment of conviction of 34 an attorney for a crime not constituting a “serious crime”, the Court may refer the matter to counsel for whatever action counsel may deem warranted, including the institution of a disciplinary proceeding before the Court; provided, however, that the Court may, in its discretion, make no reference with respect to convictions for minor offenses. (3) An attorney suspended under the provisions of this Rule will be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction has been reversed. The reinstatement, however, will not terminate any disciplinary proceeding then pending against the attorney, the disposition of which shall be determined by the Court on the basis of all available evidence pertaining to both guilt and the extent of discipline to be imposed. (b) Discipline Imposed by Other Courts. (1) Any attorney admitted to practice before this Court shall, upon being subjected to public discipline by any other Court of the United States or the District of Columbia, or by a Court of any state, territory, commonwealth or possession of the United States, promptly inform the Clerk of such action. (2) Upon the filing of a certified or exemplified copy of a judgment or order demonstrating that any attorney admitted to practice before this Court has been disciplined by another Court, this Court shall forthwith issue a notice directed to the attorney containing: (A) A copy of the judgment or order from the other Court; and (B) An order to show cause directing that the attorney inform this Court within 30 days after service of that order upon the attorney, personally or by mail, of any claim by the attorney predicated upon the grounds set forth in (4) hereof that the imposition of the identical discipline by the Court would be unwarranted and the reasons therefor. (3) In the event the discipline imposed in the other jurisdiction has been stayed, any reciprocal discipline imposed in this Court shall be deferred until such stay expires. (4) Upon expiration of 30 days from service of the notice issued pursuant to the provisions of (2) above, this Court shall impose the identical discipline unless the Court finds that: (A) The procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or (B) There was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this Court could not, consistent 35 with its duty, accept as final the conclusion on that subject; or (C) The imposition of the same discipline by this Court would result in grave injustice; or (D) The misconduct established is deemed by this Court to warrant substantially different discipline. To the extent the Court finds any of the above, it shall enter such other order as it deems appropriate. (5) In all other respects, a final adjudication in another Court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in this Court. (6) This Court may at any stage appoint counsel to prosecute the disciplinary proceedings. (c) Disbarment on Consent or Resignation in Other Courts. Any attorney admitted to practice before the Court who has been disbarred on consent or who has resigned for disciplinary reasons from the bar of any other Court of the United States or the District of Columbia, or from the bar of any state, territory, commonwealth or possession of the United States, shall promptly inform the Clerk of such. Upon the filing of a certified copy of the judgment or order accepting such disbarment on consent or resignation, the attorney shall cease to be permitted to practice before the Court and shall be stricken from the roll of attorneys admitted to practice before the Court.

Disciplinary proceedings.

(1) Professional Misconduct Complaint. Where the Rules do not already provide a procedure, the Chief Judge of this Court shall evaluate information coming to the Court’s attention, by complaint or from other sources, alleging misconduct by, or in the incapacity of, a lawyer subject to the jurisdiction of this Court (herein, the “respondent”). The Chief Judge or another Judge of the Court shall determine as a threshold matter whether the information, if true, would constitute misconduct or incapacity such as to warrant investigation. If an investigation is warranted, the Chief Judge or another Judge of the Court shall appoint counsel from the Bar of this Court to conduct a confidential investigation of the matter. Complaints, and any files based on them, shall be treated as confidential unless otherwise ordered for good cause shown. 36

(2) Investigation and Recommendation. Counsel shall conduct an investigation as directed by the Court. As part of the investigation, at a time deemed appropriate by counsel, counsel shall notify the respondent in writing of the substance of the matter and afford the respondent an opportunity to be heard. At the conclusion of the investigation, counsel shall prepare a confidential report and recommendation for the Court. The report and recommendation shall set forth the results of counsel’s investigation and shall state whether cause exists to find that a violation of the Model Rules has occurred. If counsel recommends that cause does not exist to find a violation of the Model Rules, and the Court accepts counsel’s recommendation, the complaint shall be dismissed.

(3) Show Cause Hearing. If counsel recommends that cause exists to find a violation of the Model Rules, and the Court accepts counsel’s recommendation, then the Court shall issue a confidential order for the respondent to show cause within 30 days after service of that order upon respondent, personally or by mail, why the respondent should not be disciplined. For good cause shown, the time to show cause may be extended. The respondent shall be provided a copy of counsel’s recommendation and may submit a written response to counsel’s recommendation in advance of the show cause hearing. The show cause hearing shall be conducted by one or more Judges of the Court, as determined by the Chief Judge, and may include the Chief Judge. If the hearing results from an allegation of misconduct brought by a Judge of this Court, that Judge shall not participate in the show cause hearing. The show cause proceedings shall be confidential, unless the attorney subject to discipline requests that the proceedings be public.

(4) Sanctions. After a show cause hearing, the Court may impose such sanctions as the circumstances warrant, including private admonition, public reprimand, suspension, or disbarment. (f) Disbarment on Consent While under Disciplinary Investigation or Prosecution. (1) Any attorney admitted to practice before this Court who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may consent to disbarment, but only by delivering to this Court an affidavit stating that the attorney desires to consent to disbarment and that the attorney: (A) Is not being subjected to coercion or duress and is fully aware of the implications of so consenting, which consent is freely and voluntarily rendered; (B) Is aware that there is a presently pending investigation or proceeding involving specifically identified allegations of the misconduct; (C) Acknowledges that the material facts so alleged are true; 37 and so consents because the attorney knows that, if charges were predicated upon the matters under investigation or if the proceeding were prosecuted, the attorney could not successfully maintain a defense. (2) Upon receipt of the required affidavit, this Court shall enter an order disbarring the attorney. (3) The order disbarring the attorney on consent shall be a matter of public record. However, the affidavit required under the provisions of this Rule shall not be publicly disclosed or made available for use in any other proceeding except upon order of this Court.

1. **Florida**
	1. **Middle District of Florida**

(d) The professional conduct of all members of the bar of this Court, admitted generally under Rule 2.01 or specially under Rule 2.02, shall be governed by the Model Rules of Professional Conduct of the American Bar Association as modified and adopted by the Supreme Court of Florida to govern the professional behavior of the members of The Florida Bar.

* + - 1. <https://www.flmd.uscourts.gov/LocalRules.htm>
			2. LR 2.04: Attorney Discipline

(a)Any member of the bar of this Court, admitted generally under Rule 2.01 or specially under Rule 2.02, may, after hearing and for good cause shown, be disbarred, suspended, reprimanded or subjected to such other discipline as the Court may deem proper. (b) Whenever it appears to the Court that any member of its bar, admitted generally under Rule 2.01 or then appearing specially under Rule 2.02, has been disbarred or suspended from practice by the Supreme Court of Florida, or by any other court of competent jurisdiction, as the case might be, or has been disbarred on consent or resigned from the bar of any other court while an investigation into allegations of misconduct is pending, or has been convicted of a felony in any court, such disbarment, suspension, resignation, or conviction shall, twenty-one (21) days thereafter, operate as an automatic suspension of such attorney's right to practice in this Court; provided, however, the attorney may file, within such twenty-one (21) day period, a petition, with a copy served upon the United States Attorney, seeking relief from the operation of this rule, and if a timely petition is filed, suspension shall be stayed until the petition is determined. If such petition is filed by an attorney who has been admitted to practice generally under Rule 2.01 of these rules, it shall be heard and determined by the Chief Judge of the Court sitting with any two or more of other judges of the District as the Chief Judge shall designate. If such petition is filed by an attorney who has been admitted to practice specially under Rule 2.02 of these rules, it shall be heard and determined by the judge assigned to the case in which such special appearance has been made.

(c) Any attorney admitted to practice before this Court, upon being subjected to public discipline by any other Court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth, or possession of the United States, including any attorney who is disbarred on consent or resigns from any bar while an investigation into allegations of misconduct is pending, shall promptly inform the Clerk of this Court of such action.

(e)The Court may appoint a Grievance Committee in each Division of the Court to conduct investigations of alleged misconduct on the part of any member of its bar, whether admitted generally under Rule 2.01 or specially under Rule 2.02. Each Grievance Committee shall consist of not less than five members of the bar of this Court regularly practicing in that Division, three of whom shall constitute a quorum. Appointments shall be for three (3) years. The Court shall designate the Chairman of the Committee in each Division, but each Committee shall otherwise organize itself as it sees fit. All proceedings before the Committees may be conducted informally, but shall remain confidential unless otherwise ordered by the Court. Each Committee shall function as follows:

(1) Any matter or question touching upon the professional behavior of a member of the bar may be referred at any time to the Chairman of the appropriate Committee by any judge of the Court. The Chairman of the Committee will promptly designate himself, or some other member, to 12/1/09 2 - 5 investigate the matter and make a preliminary report to the Committee as a whole for the Committee's determination as to whether (I) the inquiry should be terminated because the question raised is unsupported or insubstantial; or (ii) the question raised justifies further inquiry but should be referred to the appropriate grievance committee of The Florida Bar; or (iii) the question raised justifies further inquiry and should be pursued by the Committee due to distinctly Federal features or other appropriate reason. The Chairman of the Committee shall then report the Committee's preliminary recommendation to the referring judge and shall follow his direction.

(2) If a Committee is directed by the referring judge to pursue its inquiry, it shall proceed with dispatch to make such further investigation as it deems necessary to make a final report to the Court as to whether there is, or is not, probable cause to believe that the subject member of the bar has been guilty of unprofessional or unethical conduct justifying disciplinary action by the Court. If the Committee makes a report of probable cause, such report shall then be transmitted to the United States Attorney (or, if the United States Attorney be disqualified by interest, to another member of the bar appointed by the Chief Judge for that purpose) who shall file and serve a petition for an order to show cause upon the accused attorney. Such petition, and all further proceedings thereon, shall be heard and determined by the Chief Judge of the District sitting together with any two or more judges of the District as the Chief Judge shall designate.

 (f) It shall be the duty of every member of the bar of the Court, admitted generally under Rule 2.01 or specially under Rule 2.02, to respond to and cooperate fully with any Grievance Committee of the Court during the course of any investigation being conducted pursuant to subsection (d) of this rule; provided, however, no attorney shall be entitled as of right to notice of the pendency of any such investigation unless and until he is named in a petition to show cause filed pursuant to subsection (e)(2) of this rule.

(g) Nothing in this rule shall be construed as providing an exclusive procedure for the discipline of members of the bar in appropriate cases, nor as a limitation upon the power of the Court to punish for contempt in appropriate cases.

(h) Attorneys and litigants should conduct themselves with civility and in a spirit of cooperation in order to reduce unnecessary cost and delay.

* 1. **Northern District of Florida**

Professional Conduct. An attorney must comply with the Rules of Professional Conduct that are part of the Rules Regulating The Florida Bar, as amended from time to time, or with any set of rules adopted by The Florida Bar in their place, unless federal law provides otherwise.

* + - 1. <http://www.flnd.uscourts.gov/>
			2. LR 11.1: Attorneys

(2) Notifying the District of Any Disbarment or Suspension. An attorney who is disbarred or suspended from any jurisdiction’s bar must immediately notify the district by letter to the Clerk or Chief Judge, enclosing a copy of the disbarment or suspension.

(3) Effect of Disbarment or Suspension by The Florida Bar. An attorney who is disbarred or suspended by The Florida Bar stands automatically disbarred or suspended from the district’s bar, without further action, effective at the same time as disbarment or suspension from The Florida Bar. Reinstatement to The Florida Bar after a suspension automatically reinstates the attorney to the district’s bar. An attorney who is readmitted to The Florida Bar after disbarment may become a member of the district’s bar only by reapplying.

(4) Disbarment or Suspension on Other Grounds. An attorney will be removed or suspended from the District’s bar on any other ground only after notice and an opportunity to be heard. At the District’s option, the opportunity to be heard may be limited to submitting argument or evidence in writing. The attorney may be prohibited from acting on a case in this District after notice is given and while the attorney’s removal or suspension is under consideration. Grounds for disbarment or suspension include:

(a) disbarment or suspension from any jurisdiction’s bar;

(b) conviction of, entry of a plea of guilty or nolo contendere to, or commission of a felony or misdemeanor;

(c) a finding of, or conduct constituting, contempt of this or any other court;

(d) a violation of the professional-conduct standards that apply under this rule’s paragraph (G)(1); or

(e) other conduct inconsistent with the high level of professionalism 19 expected in this District.

(5) Withdrawing from the District’s Bar. An attorney may withdraw from the District’s bar by giving notice to the Clerk.

(6) Reinstatement. The District may reinstate a removed or suspended attorney, or an attorney who has withdrawn, with or without conditions. A reinstated attorney must pay the admission fee unless the attorney is automatically reinstated under Local Rule 11.1(G)(3).

(7) Contempt. A person may be held in contempt of court if the person (a) acts as an attorney in this District in violation of this rule or (b) pretends to be entitled to act as an attorney in this District but is not.

(8) Other Restrictions or Discipline. For good cause, the District may limit an attorney’s activities in the District or impose other discipline, and the Court may limit an attorney’s activities or impose discipline in a case, after giving any appropriate notice and opportunity to be heard.

* 1. **Southern District of Florida**

(c) Professional Conduct. The standards of professional conduct of members of the Bar of this Court shall include the current Rules Regulating The Florida Bar. For a violation of any of these canons in connection with any matter pending before this Court, an attorney may be subjected to appropriate disciplinary action. RULE 1. STANDARDS FOR PROFESSIONAL CONDUCT (a) Acts and omissions by an attorney admitted to practice before this Court, individually or in concert with any other person or persons, which violate the Rules of Professional Conduct, Chapter 4 of the Rules Regulating The Florida Bar shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney/client relationship. Attorneys practicing before this Court shall be governed by this Court’s Local Rules, by the Rules of Professional Conduct, as amended from time to time, and, to the extent not inconsistent with the preceding, the American Bar Association Model Rules of Professional Conduct, except as otherwise provided by specific Rule of this Court. [Attorneys practicing before the Court of Appeals shall be governed by that Court’s Local Rules and the American Bar Association Model Rules of Professional Conduct, except as otherwise provided by Rule of the Court]. (b) Discipline for misconduct defined in these Rules may consist of (1) disbarment, (2) suspension, (3) reprimand, (4) monetary sanctions, (5) removal from this Court’s roster of attorneys eligible for practice before this Court, or (6) any other sanction the Court may deem appropriate.

* + - 1. <http://www.flsd.uscourts.gov/?page_id=211>
			2. Rules Governing Attorney Discipline pg. 115

RULE 3. DISCIPLINARY PROCEEDINGS (a) When misconduct or allegations of misconduct which, if substantiated, would warrant discipline on the part of an attorney admitted to practice before this Court shall come to the attention of a District Judge, Magistrate Judge or Bankruptcy Judge of this Court, whether by complaint or otherwise, the District Judge, Magistrate Judge or Bankruptcy Judge may, in his or her discretion, refer the matter to the Committee for investigation and, if warranted, the prosecution of formal disciplinary proceedings or the formulation of such other recommendation as may be appropriate. [The Court of Appeals may, in addition to or instead of referring a disciplinary matter to its own Grievance Committee, refer a complaint to the Chief Judge of a District Court for consideration.] (b) Should the Committee conclude, after investigation and review, that a formal disciplinary proceeding should not be initiated against an attorney because sufficient evidence is not present or for any other valid reason, the Committee shall file with the Court a recommendation for disposition of the matter, whether by dismissal, admonition, deferral, or any other action. In cases of dismissal, the attorney who is the subject of the investigation need not be notified that a complaint has been submitted or of its ultimate disposition. All investigative reports, records, and recommendations generated by or on behalf of the Committee under such circumstances shall remain strictly confidential. (c) If the Committee concludes from preliminary investigation, or otherwise, that probable cause exists, the Committee shall file with the Court a written report of its investigation, stating with specificity the facts supporting its conclusion, and shall apply to the Court for the issuance of an order requiring the attorney to show cause within thirty (30) days after service of that order why the attorney should not be disciplined. The order to show cause shall set forth the particular act or acts of conduct for which he or she is sought to be disciplined. A copy of the Committee’s written report should be provided to the attorney along with the show cause order. The accused attorney may file with the Committee within fourteen (14) days’ of service of the order a written response to the order to show cause. After receipt of the attorney’s response, if any, the Committee may request that the Court rescind its previously issued order to show cause. If the show cause order is not rescinded, and upon at least fourteen (14) days’ notice, the cause shall be set for hearing before the Committee. A record of all proceedings before the Committee shall be made, and shall be made available to the attorney. That record, and all other materials generated by or on behalf of the Committee or in relation to any disciplinary proceedings before the Committee, shall in all other respects remain strictly confidential unless and until otherwise ordered by the Court. In the event the attorney does not appear, the Committee may recommend summary action and shall report its recommendation forthwith to the Court. In the event that the attorney does appear, he or she shall be entitled to be represented by counsel, to present witnesses and other evidence on his or her behalf, and to confront and cross examine witnesses against him. Except as otherwise ordered by the Court or provided in these Rules, the disciplinary proceedings before the Committee shall be guided by the spirit of the Federal Rules of Evidence. Unless he or she asserts a privilege or right 117 properly available to him or her under applicable federal or state law, the accused attorney may be called as a witness by the Committee to make specific and complete disclosure of all matters material to the charge of misconduct. (d) Upon completion of a disciplinary proceeding, the Committee shall make a full written report to the Court. The Committee shall include its findings of fact as to the charges of misconduct, recommendations as to whether or not the accused attorney should be found guilty of misconduct justifying disciplinary actions by the Court, and recommendations as to the disciplinary measures to be applied by the Court. The report shall be accompanied by a transcript of the proceedings before the Committee, all pleadings, and all evidentiary exhibits. A copy of the report and recommendation shall also be furnished the attorney. The Committee’s written report, transcripts of the proceedings, and all related materials shall remain confidential unless and until otherwise ordered by the Court. (e) Upon receipt of the Committee’s finding that misconduct occurred, the Court shall issue an order requiring the attorney to show cause why the Committee’s recommendation should not be adopted by the Court. The Court may, after considering the attorney’s response, by majority vote of the active District Judges thereof, adopt, modify, or reject the Committee’s findings that misconduct occurred, and may either impose those sanctions recommended by the Committee or fashion whatever penalties provided by the rules which it deems appropriate. Effective December 1, 1994. Amended effective April 15, 2000; April 15, 2002; April 15, 2007; April 15, 2010; December 1, 2015.

RULE 4. ATTORNEYS CONVICTED OF CRIMES (a) Upon the filing with this Court of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before the Court has been convicted in any court of the United States, or the District of Columbia, or of any state, territory, commonwealth, or possession of the United States of any serious crime as herein defined, the Court shall enter an order immediately suspending that attorney, whether the conviction resulted from a plea of guilty, nolo contendere, verdict after trial, or otherwise, and regardless of the pendency of any appeal. The suspension so ordered shall remain in effect until final disposition of the disciplinary proceedings to be commenced upon such conviction. A copy of such order shall be immediately served upon the attorney. Upon good cause shown, the Court may set aside such order when it appears in the interest of justice to do so. (b) The term “serious” crime shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction in which it was entered, involves false swearing, misrepresentation, fraud, deceit, bribery, extortion, misappropriation, theft, or the use of dishonesty, or an attempt, conspiracy, or solicitation of another to commit a “serious crime.” 118 (c) A certified copy of a judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based on the conviction. (d) Upon the filing of a certified copy of a judgment of conviction of an attorney for a serious crime, the Court may, in addition to suspending that attorney in accordance with the provisions of this Rule, also refer the matter to the Committee for institution of disciplinary proceedings in which the sole issue to be determined shall be the extent of the final discipline to be imposed as a result of the conduct resulting in the conviction, provided that a disciplinary proceeding so instituted will not be brought to final hearing until all appeals from the conviction are concluded. (e) An attorney suspended under the provisions of this Rule will be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed, but the reinstatement will not terminate any disciplinary proceedings then pending against the attorney, the disposition of which shall be determined by the Committee on the basis of all available evidence pertaining to both guilt and the extent of the discipline to be imposed. Effective December 1, 1994. Amended effective April 15, 2002; April 15, 2007; April 15, 2010; December 1, 2015.

RULE 5. DISCIPLINE IMPOSED BY OTHER COURTS (a) An attorney admitted to practice before this Court shall, upon being subjected to suspension or disbarment by a court of any state, territory, commonwealth, or possession of the United States, or upon being subject to any form of public discipline, including but not limited to suspension or disbarment, by any other court of the United States or the District of Columbia, promptly inform the Clerk of the Court of such action. (b) Upon the filing of a certified copy of a judgment or order demonstrating that an attorney admitted to practice before this Court has been disciplined by another court as described above, this Court may refer the matter to the Committee for a recommendation for appropriate action, or may issue a notice directed to the attorney containing: (1) A copy of the judgment or order from the other court, and (2) An order to show cause directing that the attorney inform this Court, within thirty (30) days after service of that order upon the attorney, of any claim by the attorney predicated upon the grounds set forth in subsection E, supra, that the imposition of identical discipline by the Court would be unwarranted and the reasons therefor. (c) In the event that the discipline imposed in the other jurisdiction has been stayed there, any reciprocal disciplinary proceedings instituted or discipline imposed in this Court shall be deferred until such stay expires. 119 (d) After consideration of the response called for by the order issued pursuant to subsection B, supra, or after expiration of the time specified in that order, the Court may impose the identical discipline or may impose any other sanction the Court may deem appropriate. (e) A final adjudication in another court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purpose of a disciplinary proceeding in this Court, unless the attorney demonstrates and the Court is satisfied that upon the face of the record upon which the discipline in another jurisdiction is predicated it clearly appears that: (1) the procedure in that other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or (2) there was such an infirmity of proof establishing misconduct as to give rise to the clear conviction that this Court could not, consistent with its duty, accept as final the conclusion on that subject; or (3) the imposition of the same discipline by this Court would result in grave injustice; or (4) the misconduct established is deemed by this Court to warrant substantially different discipline. (f) This Court may at any stage ask the Committee to conduct disciplinary proceedings or to make recommendations to the Court for appropriate action in light of the imposition of professional discipline by another court. Effective December 1, 1994. Amended effective April 15, 2002; April 15, 2007; April 15, 2010; December 1, 2015.

RULE 6. DISCIPLINE ON CONSENT OR RESIGNATION IN OTHER COURTS (a) Any attorney admitted to practice before this Court shall, upon being suspended or disbarred on consent or resigning from any other bar while an investigation into allegations of misconduct is pending, promptly inform the Clerk of the Court of such suspension or disbarment on consent or resignation. (b) An attorney admitted to practice before this Court who shall be suspended or disbarred on consent or resign from the bar of any other court of the United States or the District of Columbia, or from the bar of any state, territory, commonwealth, or possession of the United States while an investigation into allegations of misconduct is pending shall, upon the filing with this Court of a certified copy of the judgment or order accepting such suspension or disbarment on consent or resignation, cease to be permitted to practice before this Court and be stricken from the roll of attorneys admitted to practice before this Court. Effective December 1, 1994. Amended effective April 15, 2007; April 15, 2010; April 15, 2011; December 1, 2015. 120

RULE 7. DISCIPLINE ON CONSENT WHILE UNDER DISCIPLINARY INVESTIGATION OR PROSECUTION (a) Any attorney admitted to practice before this Court who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may consent to suspension or disbarment, but only by delivering to this Court an affidavit stating that the attorney desires to consent to suspension or disbarment and that: (1) the attorney’s consent is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of so consenting; (2) the attorney is aware that there is a presently pending investigation or proceeding involving allegations that there exist grounds for the attorney’s discipline the nature of which the attorney shall specifically set forth; (3) the attorney acknowledges that the material facts so alleged are true; and (4) the attorney so consents because the attorney knows that if charges were predicated upon the matters under investigation, or if the proceeding were prosecuted, the attorney could not successfully defend himself. (b) Upon receipt of the required affidavit, this Court shall enter an order suspending or disbarring the attorney. (c) The order suspending or disbarring the attorney on consent shall be a matter of public record. However, the affidavit required pursuant to the provisions of this Rule shall not be publicly disclosed or made available for use in any other proceeding except upon order of this Court.

1. **Georgia**
	* 1. **Middle District of Georgia**
		2. Standards of Professional Conduct

A. Acts or omissions by an attorney admitted to practice before this Court, individually or in concert with any other person or persons, which violate the Code of Professional Responsibility or Rules of Professional Conduct adopted by this Court shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney/client relationship. Attorneys practicing before this Court shall be governed by this Court's Local Rules, by the Rules of Professional Conduct adopted by the highest court of the state in which this Court sits, as amended from time to time by that state court, and, to the extent not inconsistent with the preceding, the American Bar Association Model Rules of Professional Conduct, except as otherwise provided by specific Rule of this Court.

* + - 1. B. Discipline for misconduct defined in these rules may consist of (1) disbarment, (2) suspension, (3) reprimand, (4) monetary sanctions, (5) removal from this Court's roster of attorneys eligible for practice before this Court, or (6) any other sanction the Court may deem
			2. <http://www.gamd.uscourts.gov/local-rules>
			3. LR 83.2: Rules Governing Attorney Discipline

83.2.2 GRIEVANCE COMMITTEE. A. The Court, consisting of the active Judges thereof, may appoint a [at least one] standing committee consisting of at least five members of the bar to be known as the "Grievance Committee." One of those first appointed shall serve a term of one year; two for two years; and the remainder and all thereafter appointed for a term of three years. Each member shall serve until his or her successor has been appointed. The Court may vacate any such appointment at any time. The Court shall designate one of the members to serve as chairman. A majority of the committee shall constitute a quorum. B. Purpose and Function. The purpose and function of the Committee is to conduct, upon referral by the Court, investigations of alleged misconduct of any member of the Bar of this Court, or any attorney appearing and participating in any proceeding before the Court; to conduct, upon referral by the Court, inquiries and investigations into allegations of inadequate performance by an attorney practicing before the Court, as hereinafter provided; to conduct and preside over disciplinary hearings when appropriate and as hereinafter provided; and to submit written findings and recommendations to the Court for appropriate action by the Court, except as otherwise described herein. The members of the Grievance Committee, while serving in their official capacities, shall be considered to be representatives of and acting under the powers and immunities of the Court, and shall enjoy all such immunities while acting in good faith and in their official capacities. C. Jurisdiction and Powers (1) The Court may, in its discretion, refer to the Committee any accusation or evidence 35 of misconduct by way of violation of the disciplinary rules on the part of any member of the bar with respect to any professional matter before this Court for such an investigation, hearing, and report as the Court deems advisable. The Committee may, in its discretion, refer such matters to an appropriate State Bar for preliminary investigation, or may request the Court to appoint special counsel to assist in or exclusively conduct such proceedings, as hereinafter provided in these rules. (See Rule 83.2.11, infra.). The Court may also, in its discretion, refer to the Committee any matter concerning an attorney's failure to maintain an adequate level of competency in his or her practice before this Court, as hereinafter provided. (See Rule 83.2.8, infra.). The Committee may under no circumstances initiate and investigate such matters without prior referral by the Court. (2) The Committee shall be vested with such powers as are necessary to conduct the proper and expeditious disposition of any matter referred by the Court, including the power to compel the attendance of witnesses, to take or cause to be taken the deposition of any witnesses, and to order the production of books, records, or other documentary evidence, and those powers described elsewhere in these rules. The Chairman, or in his or her absence each member of the Committee, has the power to administer oaths and affirmations to witnesses.

83.2.3 DISCIPLINARY PROCEEDINGS. A. When misconduct or allegations of misconduct which, if substantiated, would warrant discipline on the part of an attorney admitted to practice before this Court shall come to the attention of a Judge of this Court, whether by complaint or otherwise, the Judge may, in his 36 or her discretion, refer the matter to the Grievance Committee for investigation and, if warranted, the prosecution of formal disciplinary proceedings or the formulation of such other recommendation as may be appropriate. B. Should the Grievance Committee conclude, after investigation and review, that a formal disciplinary proceeding should not be initiated against an attorney because sufficient evidence is not present or for any other valid reason, the Committee shall file with the Court a recommendation for disposition of the matter, whether by dismissal, admonition, deferral, or any other action. In cases of dismissal, the attorney who is the subject of the investigation need not be notified that a complaint has been submitted or of its ultimate disposition. All investigative reports, records and recommendations generated by or on behalf of the Committee under such circumstances shall remain strictly confidential. C. If the Committee concludes from preliminary investigation, or otherwise, that probable cause exists, the Committee shall file with the Court a written report of its investigation, stating with specificity the facts supporting its conclusion, and shall apply to the Court for the issuance of an order requiring the attorney to show cause within thirty (30) days after service of that order why the attorney should not be disciplined. The order to show cause shall set forth the particular act or acts of conduct for which he or she is sought to be disciplined. A copy of the Committee's written report should be provided to the attorney along with the show cause order. The accused attorney may file with the Committee within fourteen (14) days of service of the order a written response to the order to show cause. After receipt of the attorney's response, if any, the Committee may request that the Court rescind its previously issued order to show cause. If the show cause order is not rescinded, and upon at least fourteen (14) days notice, the cause shall be set for hearing before the Committee. A record 37 of all proceedings before the Committee shall be made, and shall be made available to the attorney. That record, and all other materials generated by or on behalf of the Committee or in relation to any disciplinary proceedings before the Committee, shall in all other respects remain strictly confidential unless and until otherwise ordered by the Court. In the event the attorney does not appear, the Committee may recommend summary action and shall report its recommendation forthwith to the Court. In the event that the attorney does appear, he or she shall be entitled to be represented by counsel, to present witnesses and other evidence on his or her behalf, and to confront and cross examine witnesses against him. Except as otherwise ordered by the Court or provided in these Rules, the disciplinary proceedings before the Committee shall be guided by the spirit of the Federal Rules of Evidence. Unless he or she asserts a privilege or right properly available to him under applicable federal or state law, the accused attorney may be called as a witness by the Committee to make specific and complete disclosure of all matters material to the charge of misconduct. D. Upon completion of a disciplinary proceeding, the Committee shall make a full written report to the Court. The Committee shall include its findings of fact as to the charges of misconduct, recommendations as to whether or not the accused attorney should be found guilty of misconduct justifying disciplinary actions by the Court, and recommendations as to the disciplinary measures to be applied by the Court. The report shall be accompanied by a transcript of the proceedings before the Committee, all pleadings, and all evidentiary exhibits. A copy of the report and recommendation shall also be furnished the attorney. The Committee's written report, transcripts of the proceedings, and all related materials shall remain confidential unless and until otherwise ordered by the Court. E. Upon receipt of the Committee's finding that misconduct occurred, the Court shall issue an 38 order requiring the attorney to show cause why the Committee's recommendation should not be adopted by the Court. The Court may, after considering the attorney's response, by majority vote of the active Judges thereof, adopt, modify, or reject the Committee's findings that misconduct occurred, and may either impose those sanctions recommended by the Committee or fashion whatever penalties provided by the rules which it deems appropriate.

83.2.4 ATTORNEYS CONVICTED OF CRIMES. A. Upon the filing with this Court of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before the Court has been convicted in any court of the United States, or the District of Columbia, or of any state, territory, commonwealth, or possession of the United States of any serious crime as herein defined, the Court shall enter an order immediately suspending that attorney, whether the conviction resulted from a plea of guilty, nolo contendere, verdict after trial, or otherwise, and regardless of the pendency of any appeal. The suspension so ordered shall remain in effect until final disposition of the disciplinary proceedings to be commenced upon such conviction. A copy of such order shall be immediately served upon the attorney. Upon good cause shown, the Court may set aside such order when it appears in the interest of justice to do so. B. The term "serious" crime shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction in which it was entered, involves false swearing, misrepresentation, fraud, deceit, bribery, extortion, misappropriation, theft, or the use of dishonesty, or an attempt, conspiracy, or solicitation of another to commit a "serious crime.” 39 C. A certified copy of a judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based on the conviction. D. Upon the filing of a certified copy of a judgment of conviction of any attorney for a serious crime, the Court may, in addition to suspending that attorney in accordance with the provisions of this rule, also refer the matter to the Grievance Committee for institution of disciplinary proceedings in which the sole issue to be determined shall be the extent of the final discipline to be imposed as a result of the conduct resulting in the conviction, provided that a disciplinary proceeding so instituted will not be brought to final hearing until all appeals from the conviction are concluded. E. An attorney suspended under the provisions of this rule will be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed, but the reinstatement will not terminate any disciplinary proceedings then pending against the attorney, the disposition of which shall be determined by the Committee on the basis of all available evidence pertaining to both guilt and the extent of the discipline to be imposed.

83.2.5 DISCIPLINE IMPOSED BY OTHER COURTS. A. An attorney admitted to practice before this Court shall, upon being subjected to suspension or disbarment by a court of any state, territory, commonwealth, or possession of the United States, or upon being subject to any form of public discipline, including but not limited to suspension or disbarment, by any other court of the United States or the District of Columbia, 40 promptly inform the Clerk of this Court of such action. B. Upon notification from any source that an attorney admitted to practice before this Court has been disciplined by another court as described above, the Clerk shall obtain a copy of any state or federal court orders regarding the discipline. This Court may then refer the matter to the Grievance Committee for a recommendation for appropriate action, or may issue a notice directed to the attorney containing: (1) A copy of the judgment or order from the other court, and (2) An order to show cause directing that the attorney inform this Court, within thirty (30) days after service of that order upon the attorney, of any claim by the attorney predicated upon the grounds set forth in subsection E, supra, that the imposition of identical discipline by the Court would be unwarranted and the reasons therefor. C. In the event that the discipline imposed in the other jurisdiction has been stayed there, any reciprocal disciplinary proceedings instituted or discipline imposed in this Court shall be deferred until such stay expires. D. After consideration of the response called for by the order issued pursuant to subsection B, supra, or after expiration of the time specified in that order, the Court may impose the identical discipline or may impose any other sanction the Court may deem appropriate. E. A final adjudication in another court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purpose of a disciplinary proceeding in this Court, unless the attorney demonstrates and the Court is satisfied that upon the face of the record upon which the discipline in another jurisdiction is predicated it clearly appears that: 41 (1) The procedure in that other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or (2) there was such an infirmity of proof establishing misconduct as to give rise to the clear conviction that this Court could not, consistent with its duty, accept as final the conclusion on that subject; or (3) the imposition of the same discipline by this Court would result in grave injustice; or (4) the misconduct established is deemed by this Court to warrant substantially different discipline. F. This Court may at any stage ask the Grievance Committee to conduct disciplinary proceedings or to make recommendations to the Court for appropriate action in light of the imposition of professional discipline by another court.

83.2.6 DISBARMENT ON CONSENT OR RESIGNATION IN OTHER COURTS. A. Any attorney admitted to practice before this Court shall, upon being disbarred on consent or resigning from any other bar while an investigation into allegations of misconduct is pending, promptly inform the Clerk of this Court of such disbarment on consent or resignation. B. An attorney admitted to practice before this Court who shall be disbarred on consent or resign from the bar of any other court of the United States or the District of Columbia, or from the bar of any state, territory, commonwealth, or possession of the United States while an investigation into allegations of misconduct is pending shall, upon the filing with this Court of a certified copy of the judgment or order accepting such disbarment on consent or 42 resignation, cease to be permitted to practice before this Court and be stricken from the role of attorneys admitted to practice before this Court.

83.2.7 DISBARMENT ON CONSENT WHILE UNDER DISCIPLIARY INVESTIGATION OR PROSECUTION. A. Any attorney admitted to practice before this Court who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may consent to disbarment, but only by delivering to this Court an affidavit stating that the attorney desires to consent to disbarment and that: 1. The attorney's consent is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of so consenting; 2. the attorney is aware that there is a presently pending investigation or proceeding involving allegations that there exist grounds for the attorney's discipline the nature of which the attorney shall specifically set forth; 3. the attorney acknowledges that the material facts so alleged are true; and 4. the attorney so consents because the attorney knows that if charges were predicated upon the matters under investigation, or if the proceeding were prosecuted, the attorney could not successfully defend himself. B. Upon receipt of the required affidavit, this Court shall enter an order disbarring the attorney. C. The order disbarring the attorney on consent shall be a matter of public record. However, the 43 affidavit required pursuant to the provisions of this rule shall not be publicly disclosed or made available for use in any other proceeding except upon order of this Court.

* 1. **Northern District of Georgia**

Standard of Professional Conduct. All lawyers practicing before this court shall be governed by and shall comply with the specific rules of practice adopted by this court and, unless otherwise provided, with the Georgia Rules of Professional Conduct contained in the Rules and Regulations of the State Bar of Georgia and with the decisions of this court interpreting these rules and standards.

* + - 1. <http://www.gand.uscourts.gov/local-rules>
			2. LR 16.5 Sanctions
			3. LR 83.1(F) Attorney Discipline

F. Attorney Discipline.

(1) Discipline by Other Courts; Criminal Convictions. Whenever it appears to the court that any member admitted to practice in this court generally under LR 83.1A or specially under LR 83.1B has been suspended or disbarred from the practice of law by the Supreme Court of Georgia or by any other court of competent jurisdiction or has been convicted of a felony or any crime involving moral turpitude in any court, such disbarment, suspension, or conviction shall operate as an automatic suspension of the attorney's right to practice in this court, and an order of suspension shall be issued by the court. An order of disbarment shall be issued thirty (30) days thereafter unless the attorney has by motion to the court shown good cause as to why the attorney should not be disbarred or that justice requires that disbarment not be imposed.

(2) Misconduct. Complaints of professional misconduct, including those referred by judges, shall be submitted to the court in writing and shall state with particularity the circumstances out of which the charges arose. Complaints submitted by counsel are subject to the strictures of Fed.R.Civ.P. 11. All other complaints of professional misconduct, except those submitted by judicial officers of this court, shall be under oath. Upon receipt of a complaint regarding the professional conduct of an attorney in a proceeding before this court or when a complaint regarding an attorney’s conduct in a proceeding in another court comes to the attention of this court, the district judge before whom the case is pending or to whom the alleged misconduct in another court has become known (or, in the district judge's discretion, the court) shall determine whether:

(a) the inquiry should be terminated because the question raised is unsupported or insubstantial;

(b) the alleged professional misconduct justifies further inquiry and, for members of the State Bar of Georgia, the matter should be referred to the State Disciplinary Board of the State Bar of Georgia for investigation and prosecution by that Board, if warranted;

(c) the alleged professional misconduct warrants consideration of prompt disciplinary action by this court regarding the attorney's right to practice before the court, and the matter should be referred to the court's Committee on Discipline for investigation, notwithstanding concurrent reference of the matter to the State Disciplinary Board of the State Bar of Georgia;

(d) the alleged professional misconduct of an attorney not a member of the State Bar of Georgia justifies further inquiry by the court and should be referred to a Committee on Discipline appointed by the court for investigation. Any attorney whose conduct in this court is under investigation by the Committee on Discipline shall not be specially admitted under LR 83.1B for participation in any other cases until the pending investigation is concluded. CV - 73 Whenever a judge determines that action is appropriate under (b), (c), or (d), above, the court shall provide the attorney whose conduct is the subject of the complaint a copy of the written allegations against the attorney. Nothing herein contained in this rule shall limit the right of an individual judge to manage the cases assigned to the district judge, which right shall include the authority to impose monetary penalties, to disqualify counsel from participation in a particular case, and to impose any other penalties or sanctions which may be appropriate in a particular case.

(3) Right to a Hearing. Except as provided in subsection (1) above, this court shall not impose any disciplinary action affecting an attorney’s right to practice before the court until after a hearing on the matter has been held before the district judge to whom the case was assigned and upon a showing of good cause. The attorney may waive the right to a hearing. In those instances where the charge of misconduct was raised by a judge, the chief judge shall appoint another judge to hear the matter. At the hearing, the attorney whose conduct is the subject of the complaint shall be afforded an opportunity to appear in person and/or by counsel, to present oral and documentary evidence, to compel the attendance of witnesses or the production of documents, to cross-examine witnesses, and to present argument orally or in writing. If not called by the attorney whose conduct is being investigated, the district judge has discretionary authority to call the complaining party to appear at the hearing. This rule shall not apply to sanctions, penalties, or other restrictions imposed by a judge which are applicable only to a particular case pending before the district judge.

(4) Sanctions. Discipline by this court may include disbarment, suspension from practice for a definite time, reprimand, or other discipline which the court deems proper. Referral of a complaint to the State Disciplinary Board of the State Bar of Georgia for investigation shall not constitute such discipline as to entitle the attorney to a hearing in this court on the propriety of the referral.

(5) Committee on Discipline. The court shall appoint a Committee on Discipline composed of five (5) members selected by the court from the Bar Council for the Northern District of Georgia. No committee member shall serve for more than three (3) years. The committee shall at all times have at least two (2) members from divisions other than the Atlanta division. The committee shall have the power to investigate all charges of professional misconduct referred to it by the court. At the request of the committee, the clerk shall issue subpoenas and subpoenas duces tecum as may be required by the investigation. The committee shall at the close of the investigation make a written report to the court stating the discipline or other action recommended by the committee. All disciplinary proceedings shall be in-camera unless the court shall direct otherwise. A copy of the rules governing the committee’s procedures is attached as Appendix G. CV - 74

(6) Contempt of Court. Disciplinary proceedings under this Rule shall not affect or be affected by any proceeding for contempt under Title 18 of the United States Code or under Fed.R.Crim.P. 42.

(7) Unauthorized Practice. Any person who before admission to the bar of this court or who while disbarred or suspended from the bar of this court exercises any of the privileges bestowed upon members of this bar or who pretends to be entitled to such privileges shall be guilty of contempt of this court and shall be subject to punishment therefor and shall be subject to any other discipline which the court may impose.

(8) Reinstatement. Persons disbarred from practice before this court may not petition for reinstatement within three (3) years following disbarment or within two (2) years following an adverse decision upon a previous petition for reinstatement. Persons suspended indefinitely must satisfy all conditions to reinstatement imposed by the court at the time of suspension

* 1. **Southern District of Georgia**
		1. <http://www.gasd.uscourts.gov/lr/lr1.htm>
			1. LR 83.5: Disbarment and Discipline

(d) The standards of professional conduct of attorneys appearing in a case or proceeding, or representing a party in interest in such a case or proceeding, are governed by the Georgia Bar Rules of Professional Conduct and the American Bar Association's Model Rules of Professional Conduct.  When a conflict arises, the Georgia Bar Rules of Professional Conduct shall control.  A violation of any of these rules in connection with any matter pending before this Court may subject the attorney to appropriate disciplinary action.

1. **LR 83.5 Disbarment and Discipline.**

(a) Any attorney who appears in a case or proceeding, or who represents a party in interest in a case or proceeding, may for good cause shown, and after notice and hearing, be disbarred, suspended from practice for a definite time, reprimanded, or subjected to such other discipline as the Court may deem proper.

(b) If any attorney appearing in a case or proceeding, or representing a party in interest in a case or proceeding, has been disbarred or suspended from the practice of law by the State Bar of Georgia or the courts of the State of Georgia or any other state, or has been convicted of a felony or any crime involving moral turpitude, such attorneys  may be provisionally suspended forthwith from practice before this Court; and, unless good cause to the contrary is shown within thirty (30) days from the date of such suspension or conviction, an order of disbarment shall be entered.

(c) Any person who is not admitted to the bar of this Court or who has been disbarred or suspended, and who exercises in this Court any of the privileges as a member of its bar, or pretends to be entitled to do so, shall be in contempt of this Court and subjected to appropriate punishment.

(d) The standards of professional conduct of attorneys appearing in a case or proceeding, or representing a party in interest in such a case or proceeding, are governed by the Georgia Bar Rules of Professional Conduct and the American Bar Association's Model Rules of Professional Conduct.  When a conflict arises, the Georgia Bar Rules of Professional Conduct shall control.  A violation of any of these rules in connection with any matter pending before this Court may subject the attorney to appropriate disciplinary action.

(e) The notice of hearing for any proceeding to be conducted under subparagraph (a) of this Rule shall include the specifications of charges and complaints against any member of the bar considered by the Court for disciplinary action, the time by which a response thereto shall be made, and the time, date and place of any hearing therein.

(f) Any disciplinary proceedings under this Rule shall be closed except that the Court may, in its discretion, open to the public any such proceeding when justice so requires or when the subject of any disciplinary action so requests.

(g) Where in a matter pending before an Article I Judge it appears that any attorney appearing in case or proceeding, or representing a party in interest in such case or proceeding, has violated any of the rules referred to in subparagraph (d), the Article I Judge may initiate a proceeding in conformity with subparagraphs (a) and (d) through (f) of this Rule, may terminate the proceeding at any stage when the question raised is unsupported or unsubstantiated, and, if the proceeding is not terminated, shall at the conclusion of the proceeding submit to the Chief Judge of this Court proposed findings of fact and, where appropriate, a recommendation for the discipline of the offending member.

The Article I Judge shall file his proposed findings and recommendations with the Court under seal and a copy thereof shall forthwith be mailed by the Clerk to the subject of the disciplinary action, who shall have fourteen days after service to file written objections to the proposed findings and recommendations.

The Chief Judge of the District Court, or a District Judge designated by him, shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings and recommendations made by the Article I Judge.  The Chief Judge or his designee may also receive further evidence or recommit the matter to the Article I Judge with instructions.

This local rule is not intended to limit the power of the Article I Judge to exercise such criminal and civil contempt authority as conferred by Statute or Rule.

(h) Any disbarred or suspended attorney who wishes to be readmitted to practice before this Court shall submit any readmission petition to the Chief Judge of this Court and include: (a) a detailed explanation of why he believes he is fit to practice before this Court; (b) an express reference to the Order disbarring or suspending the attorney and file and a copy of that Order; (c) an acknowledgment that the attorney has engaged in the conduct which led to the Order of disbarment or suspension; (d) affidavits from five current members of this Court’s bar who attest that the attorney is an ethical person of good moral character, good conduct, and professional responsibility; and (e) a request that a hearing be held before all the judges of this Court to consider the petition.

1. **Hawaii**
	1. **District Court of Hawaii**
		1. <http://www.hid.uscourts.gov/base.cfm?pid=3&mid=11>
		2. **LR83.3. Attorneys; Standard of Professional Conduct.**

Every member of the bar of this court and any attorney permitted to practice in this court pursuant to LR83.1(d) or (e)shall be governed by and shall observe the standards of professional and ethical conduct required of members of the Hawaii State Bar.

**83.4 Attorney Discipline**

(a) For good cause shown and after an opportunity to be heard, any member of the bar of this court may be disbarred, suspended from practice for a definite time, reprimanded, or

subjected to such other discipline as the court may deem proper.

 (b) The court may at any time appoint three members of the bar of this court as a Committee on Discipline. Such Committee may be dissolved by the court at any time. Said Committee shall have power to and shall conduct investigations relating to the discipline of members of the bar of this court, either on its own motion or pursuant to a reference by the court. The court may

refer the matter to the disciplinary body of any court before which the attorney has been admitted to practice.

 (c) If the Committee concludes that there is probable cause for disciplinary action, formal charges shall be filed and served upon such member. A member of the bar of this court so charged shall have twenty-one (21) days within which to answer and the matter shall then be tried to the court. All disciplinary proceedings shall be secret unless the court shall direct

otherwise.

 (d) Whenever it comes to the attention of the court that any member of the bar of this court has been disbarred or suspended from practice by any court, that the member has been found guilty of a crime that is a felony or involves dishonesty or false statement, or that the member fails to satisfy any of the court’s present requirements for admission to the court, a notice shall be mailed to such member at the member’s last known residence and office addresses, requiring the member to show cause within fourteen (14) days after the mailing of such notice why the member should not be disbarred or suspended from practice before this court. Upon the member’s failure to respond or upon a response to said notice, the court may, as in the opinion of

the court the circumstances warrant, disbar or suspend the member from practice before this court. For purposes of this rule, a

finding of guilt is a verdict or judgment of guilty, a guilty

plea, or a no contest plea. Deferred acceptance of a plea, a

sentence suspension, or a conditional discharge does not change

the definition of guilt for purposes of this rule.

 (e) Any person who has not been admitted to the bar of this court, or who has been so admitted but is an inactive member of

the bar of this court, or who has been suspended or disbarred

therefrom and not reinstated or readmitted to active membership

in such a bar, or who is not authorized to practice before this

court under LR83.1(e) or LR83.2, and who, without complying with,

this district any of the privileges of a member of said bar, or

pretends to be entitled to do so, is guilty of contempt of court.

 (f) In all proceedings by the court hereunder, written

findings of fact and an order based thereon shall be filed.

 (g) Except as otherwise provided in this rule, all

proceedings hereunder shall be governed by the Federal Rules of

Civil Procedure.

 (h) Disciplinary proceedings under this rule shall not

affect or be affected by any proceedings for contempt under Title

18 of the United States Code or under the court’s contempt power.

 (i) The court need not follow the foregoing procedures in

connection with vacating any grant of pro hac vice status.

1. **Idaho**
	1. **District Court of Idaho**
		1. <http://www.id.uscourts.gov/clerks/rules_orders/Civil_Local_Rules.cfm>

**Standard of Professional Conduct.** All members of the bar of the District Court and the Bankruptcy Court for the District of Idaho (hereafter the “Court”) and all attorneys permitted to practice in this Court must familiarize themselves with and comply with the Idaho Rules of Professional Conduct of the Idaho State Bar and decisions of any court interpreting such rules. These provisions are adopted as the standards of professional conduct for this Court but must not be interpreted to be exhaustive of the standards of professional conduct. No attorney permitted to practice before this court will engage in any conduct which degrades or impugns the integrity of the Court or in any manner interferes with the administration of justice therein.

83.5 Attorney Discipline:

(b)  **Discipline.**

(1)  **General authority of the Court, and conduct subject to discipline.** This Court may impose discipline on any attorney practicing before this Court, whether or not a member of the bar of this Court, who engages in conduct violating the [Idaho Rules of Professional Conduct](https://isb.idaho.gov/pdf/rules/irpc.pdf), or who fails to comply with rules or orders of this Court. The discipline may consist of disbarment from practice before this Court, suspension, reprimand, or any other action that the Court deems appropriate and just. In the event any attorney engages in conduct which may warrant discipline or other sanctions, the Court may, in addition to initiating proceedings for contempt under Title 18, United States Code, and [Federal Rule of Criminal Procedure](http://www.uscourts.gov/uscourts/rules/criminal-procedure.pdf) 42, or imposing other appropriate sanctions pursuant to the Court’s inherent powers and/or the Federal Rules of Civil, Bankruptcy or Criminal Procedure, initiate a disciplinary process under section (b)(2) - (4) of this rule, and/or refer the matter under section (b)(8) of this rule.

(2)  **Conviction of felony or serious crime.** Any attorney admitted to practice in this Court who is convicted of a felony or other “serious crime” as defined in Idaho Bar Commission Rule 501(s), in any court of the United States, of the District of Columbia, or of any state, territory, commonwealth, or possession of the United States, has the duty and obligation to report such conviction to this Court within fourteen (14) days of its entry. Upon receiving notice of an attorney’s conviction of a felony or other serious crime, whether received from the attorney, another court or its clerk, or otherwise, such attorney will be immediately suspended from practice before this Court, whether the conviction resulted from a plea of guilty or *nolo contendere*, or from a verdict after trial, or otherwise.

(A)  **Pending appeal.** The Court will issue an order to show cause at the time of suspension directing the suspended attorney to demonstrate within thirty (30) days from the date of such order why the attorney should be reinstated to practice before the Court during the pendency of any appeal.

(B)**Finality of conviction, and disbarment.** Upon the conviction becoming final and the Court being informed thereof, the Court will issue an order to show cause directing the suspended attorney to demonstrate within thirty (30) days from the date of such order why the suspension under section (b)(2) of this rule shall not be made permanent and why the Court should not enter an order of disbarment.

(3)  **Reciprocal discipline (disbarment, suspension or other discipline by any other court).** Upon the receipt by this Court of a certified copy of a judgment or order showing that any attorney admitted to practice before this Court has been suspended, disbarred or otherwise disciplined by any other court of the United States or the District of Columbia, or of any state, territory, commonwealth or possession of the United States (hereafter the "supervising court"), or has resigned in lieu of discipline, this Court will review the judgment and order and determine whether similar discipline should be imposed by this Court.

(A)  **Order imposing discipline and allowing response.** If the Court decides that similar discipline is warranted, an order of discipline and conjoined order to show cause will issue advising the disciplined attorney that (1) he or she is immediately subject to the same discipline as imposed by the supervising court and, if such discipline includes suspension or disbarment, may only be reinstated to practice before this Court as hereinafter provided, and (2) if the disciplined attorney contends that meritorious reasons exist why the disciplined attorney should not be subject to the same discipline by this Court as imposed by the supervising court, the disciplined attorney must file within thirty (30) days of this Court’s order, a petition to set aside the discipline and/or be reinstated to practice in this Court. The petition must clearly demonstrate or this Court otherwise find: (i) the procedure in the supervising court was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; (ii) there was such an absence of proof establishing misconduct that this Court would not accept as final the conclusions reached by the supervising court; (iii) the imposition of the disciplinary action stated in the order of the supervising court would otherwise result in a grave injustice; or (iv) the misconduct warrants discipline substantially different from that stated in the order of the supervising court.

(B)  **Wind-up.** Unless otherwise ordered, the disciplined attorney will have fourteen (14) days after the date of the Order described in this section to wind-up and complete on behalf of any client, all matters pending on the date of the entry of such order.

(4)**Original (non-reciprocal) disciplinary proceedings.**

(A)  **Initiation of proceedings.** Whenever a district, magistrate or bankruptcy judge of this district believes that conduct of an attorney may warrant disbarment, suspension, reprimand or other discipline by this Court, other than those matters addressed in sections (b)(1), (2) and (3) of this rule, such judge may issue a written report and recommendation for the initiation of disciplinary proceedings (the “recommendation”). The chief district judge, or another district judge if the chief district judge is the judge recommending such action (hereafter the “reviewing judge”), shall review the recommendation to determine if reasonable grounds exist for the initiation of disciplinary proceedings. If the reviewing judge determines that disciplinary proceedings should be initiated, the reviewing judge shall issue an order to show cause under this rule that identifies the basis for and nature of possible discipline.

(B)  **Response.** An attorney against whom an order to show cause is issued under this section shall havethirty (30) days from the date of the order in which to file a response. The attorney may include in the response (i) a request to submit the matter on the recommendation, affidavits, briefs, and the record, or (ii) for a hearing, whether in-person, telephonic, or by video. The failure to include a request for a hearing will be deemed a waiver of any right to a hearing. The failure to file a timely response may result in the imposition of discipline by the Court without further notice.

(C)  **Hearing on disciplinary charges.** If requested by the attorney, a hearing on the disciplinary charges will be conducted by the reviewing judge. If a hearing is not requested, the matter shall be determined by the reviewing judge on the record submitted to him or her. At any hearing under this rule, the attorney may be represented by counsel who shall file a notice of appearance with the reviewing judge and with any attorney appointed by the Court to prosecute the matter under section (b)(4)(d) of this rule.

(D)  **Appointment of counsel to prosecute charges.** In appropriate cases, the reviewing judge may appoint an attorney to prosecute charges of misconduct and shall provide notice of that appointment to the attorney and his counsel, if any. The Court may solicit recommendations from the Lawyer Representatives of the District of Idaho as to an appropriate appointment. Actual out-of-pocket costs incurred by the attorney prosecuting the charges will be reimbursed from the Non-Appropriated Fund after review and approval by the Board of Judges.

(E)  **Determination, and entry of order.** Upon the completion of hearing, if any, and its review of the record, the reviewing judge shall prepare a proposed determination which shall be served on the attorney, and his or her counsel if any. The attorney shall have ten (10) days from the service of the proposed determination within which to file a reply. If the attorney files a reply, the proposed determination, reply and any record developed shall be presented to a randomly drawn three judge panel of the district, magistrate and bankruptcy judges of this Court, other than the initially complaining judge and the reviewing judge. In its discretion, the panel may call for further submissions or hearing. The final order in a disciplinary proceeding where such a reply has been filed by the attorney, shall be by the panel. In the absence of a reply, the proposed determination shall be entered as the final order.

(5)  **Reinstatement.** To be readmitted, a suspended or disbarred attorney must file a petition for reinstatement with the clerk of this Court. The petition shall contain a concise statement of the circumstances of the disciplinary proceedings, the discipline imposed by the Court, and the grounds that justify reinstatement of the attorney. If this Court has imposed reciprocal discipline under section (b)(3) of this rule, and if the attorney has been readmitted by the supervising court or the discipline imposed by that supervising court has been modified or satisfied, the petition shall explain the situation with specificity, including description of any restrictions or conditions imposed on readmission by that supervising court. The petition shall be referred to the chief district judge, or another district judge at the chief district judge’s discretion, who will file a proposed determination. The provisions of section (b)(4)(e) of this rule will govern determination and entry of decision on the petition for reinstatement.

(6)  **Confidentiality.** All proceedings under this rule shall be public, except upon an order entered upon a showing of good cause that sealing all or part of the record is appropriate. The Court may make such determination and enter such an order *sua sponte*.

(7)  **Non-limiting effect of rule.** Nothing in this rule shall limit the power of an individual judge to impose sanctions as authorized under applicable law including the Federal Rules of Civil, Bankruptcy or Criminal Procedure. Nothing in this rule is intended to limit the inherent authority of any judge of this court to suspend an attorney from practicing before that judge on a case by case basis, after appropriate notice and an opportunity to be heard.

(8)  **Referral to other courts and entities.** This rule does not restrict the Court or any judge thereof from referring an attorney or a matter to any other court or to any bar association for investigation and/or disciplinary action.

1. **Illinois**
	1. **Central District of Illinois**
		1. http://www.ilcd.uscourts.gov/court-info/local-rules-and-orders

Rules of Professional Conduct.

The Rules of Professional Conduct adopted by this court are the Rules of Professional Conduct adopted by the Supreme Court of Illinois, as amended from time to time by that court, except as otherwise provided by specific Rule of this court after consideration of comments by representatives of bar associations within the state.

RULE 83.6 ATTORNEY DISCIPLINE

This court, in furtherance of its inherent power and responsibility to supervise the conduct of attorneys who are admitted to practice before it, promulgates the following Rule superseding all of its other Rules pertaining to disciplinary enforcement heretofore promulgated.

(A)  Discipline.

When it is shown to a judge of this court that any member of the bar of this court has been suspended or disbarred from practice in any other court of record, or has been guilty of conduct unbecoming a member of the bar of this court, the member will be subject to suspension, disbarment, or other appropriate disciplinary action by the court. The member will be afforded an opportunity to show good cause, within such time as the court will prescribe, why the member should not be suspended, disbarred, or otherwise disciplined. Upon the member’s response to the Rule to show cause, and after hearing, if requested, or upon expiration of the time prescribed for a response if no response is made, the court will enter an appropriate order.

(B)  Appointment of Counsel.

The court will appoint an attorney from its pro bono panel to prosecute its interests under this Rule.

(C)  Other Sanctions.

Notwithstanding this Rule, but in supplement to it, the judges of this court may impose sanctions against a member of the bar of this court pursuant to Fed. R. Civ. P. 37 and 16 and initiate civil or criminal contempt proceedings when appropriate.

* 1. **Northern District of Illinois (copy and paste not working)**
		1. <http://www.ilnd.uscourts.gov/LocalRules.aspx?eFRCR82Cx5Y>=
	2. **Southern District of Illinois**
		1. <http://www.ilsd.uscourts.gov/LocalCourtRules.aspx>

**RULE 83.2 CONDUCT OF ATTORNEYS**

The Court, in furtherance of its inherent power and responsibility to supervise the conduct of attorneys admitted to practice before it, promulgates the following Rules of Disciplinary Enforcement superseding all of its other rules pertaining to disciplinary enforcement.

1. (a)  For misconduct defined in these rules and for good cause shown, after notice and opportunity to be heard, any attorney admitted to practice before this Court may be disbarred, suspended from practice before this Court, reprimanded, or subjected to other disciplinary action as the circumstances may warrant.
2. (b)  Acts or omissions by an attorney admitted to practice before this Court, individually or in concert with any other person or persons, which violate the Rules of Professional Conduct adopted by this Court shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship. The Rules of Professional Conduct adopted by this Court are the Rules of Professional Conduct adopted by the Supreme Court of Illinois as amended from time to time, except as otherwise provided by specific rule of this Court.
3. (c)  Whenever an attorney applies to be admitted or is admitted to this Court for purposes of a particular proceeding (*pro hac vice*), the attorney shall be deemed to have conferred disciplinary jurisdiction upon this Court for any alleged misconduct of that attorney arising in the course of, or in the preparation for, such proceeding.

**RULE 83.3 DISCIPLINARY ENFORCEMENT**

(a) Disciplinary Proceedings

1. (1)  When misconduct or allegations of misconduct which, if substantiated, would warrant discipline on the part of an attorney admitted to practice before this Court shall come to the attention of a District Judge or Magistrate Judge, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by these rules, he or she shall refer the matter to counsel for investigation and the prosecution of a formal disciplinary proceeding or the formulation of such other recommendation as may be appropriate.
2. (2)  Should counsel conclude after investigation and review that a formal disciplinary proceeding should not be initiated against the respondent- attorney because sufficient evidence is not present, or because there is pending another proceeding against the respondent-attorney, the disposition of which, in the judgment of the counsel, should be awaited before further action by this Court is considered, or for any other valid reason, counsel shall file with the Court a recommendation for disposition of the matter, whether by dismissal, admonition, deferral, or otherwise, and set forth the reasons for his or her recommendation.
3. (3)  To initiate formal disciplinary proceedings, counsel shall obtain an Order of this Court, upon a showing of probable cause, requiring the respondent-attorney to show cause within **30 days** after service of that order upon that attorney, personally or by mail, why the respondent-attorney should not be disciplined.
4. (4)  Upon the respondent-attorney’s answer to the order to show cause, if any issue of fact is raised or the respondent-attorney wishes to be heard in mitigation, this Court shall set the matter for prompt hearing before one or more judges of this Court, provided, however, that if the disciplinary proceeding is predicated upon the complaint of a judge of this Court, the hearing shall be conducted before one or more other judges of this Court appointed by the Chief Judge.
5. (5)  Criminal Contempt. Notwithstanding any other provision of these rules, a District Judge may summarily punish a person who commits criminal contempt in its presence if he or she saw or heard the contemptuous conduct and so certifies; a Magistrate Judge may summarily punish a person as provided in 28 U.S.C. § 636(e). The contempt order must recite the facts, be signed by the Judge, and be filed with the Clerk of Court. (*See* Fed. R. Crim. P. 42(b); 28 U.S.C. § 1784.) If the misconduct has occurred outside the actual presence of the Court or where time is not of the essence, the provisions of Federal Rule of Criminal Procedure 42(a) may be applied.
6. (6)  Service of Paper and Other Notices. Service of an order to show cause instituting a formal disciplinary proceeding shall be made by personal service or by registered or certified mail addressed to the respondent-attorney at the address shown in the most recent registration on file. Service of any other papers or notices required by these rules shall be deemed to have been made if such paper or notice is addressed to the respondent-attorney at the address shown on the most recent registration on file or to the respondent’s attorney at the address indicated in the most recent pleading or other document filed in the course of any proceeding.
7. (7)  Appointment of Counsel: Whenever counsel is to be appointed pursuant to these rules to investigate allegations of misconduct or prosecute disciplinary proceedings or in conjunction with a reinstatement petition filed by a disciplined attorney, this Court shall appoint as counsel one or more members of the bar of this Court to investigate allegations of misconduct or to prosecute disciplinary proceedings under these rules, provided, however, that the respondent-attorney may move to disqualify an attorney so appointed who is or has been engaged as an adversary of the respondent- attorney in any matter. Counsel, once appointed, may not resign unless permission to do so is given by this Court.
8. (8)  Payment of Fees and Costs. At the conclusion of any disciplinary investigation and prosecution, if any, under these rules, counsel may make application to this Court for an order awarding reasonable fees and reimbursing costs expended in the course of such disciplinary action or prosecution. Any such order shall be submitted to the Chief Judge, who may order payment of such amounts from the funds collected pursuant to Rule 83.1(k), as he or she may deem reasonable and just under the circumstances of each case.
9. **Indiana**
	1. **Northern District of Indiana**
		1. <http://www.innd.uscourts.gov/court-info/local-rules-and-orders>

Standards. Indiana’s Rules of Professional Conduct and the Seventh Circuit Standards of Professional Conduct (an appendix to these rules) govern the conduct of those practicing in the court.

Appendix B: Standards for Professional Conduct Within The Seventh Federal Judicial Circuit Preamble

A lawyer's conduct should be characterized at all times by personal courtesy and professional integrity in the fullest sense of those terms. In fulfilling our duty to represent a client vigorously as lawyers, we will be mindful of our obligations to the administration of justice, which is a truth-seeking process designed to resolve human and societal problems in a rational, peaceful, and efficient manner.

A judge's conduct should be characterized at all times by courtesy and patience toward all participants. As judges we owe to all participants in a legal proceeding respect, diligence, punctuality, and protection against unjust and improper criticism or attack.

Conduct that may be characterized as uncivil, abrasive, abusive, hostile, or obstructive impedes the fundamental goal of resolving disputes rationally, peacefully, and efficiently. Such conduct tends to delay and often to deny justice.

The following standards are designed to encourage us, judges and lawyers, to meet our obligations to each other, to litigants and to the system of justice, and thereby achieve the twin goals of civility and professionalism, both of which are hallmarks of a learned profession dedicated to public service.

We expect judges and lawyers will make a mutual and firm commitment to these standards. Voluntary adherence is expected as part of a commitment by all participants to improve the administration of justice throughout this Circuit.

These standards shall not be used as a basis for litigation or for sanctions or penalties. Nothing in these standards supersedes or detracts from exiting disciplinary codes or alters existing standards of conduct against which lawyer negligence may be determined.

These standards should be reviewed and followed by all judges and lawyers participating in any proceeding in this Circuit. Copies may be made available to clients to reinforce our obligation to maintain and foster these standards.

Local Rules |Northern District of Indiana Page | 120

Lawyers' Duties to Other Counsel

1. We will practice our profession with a continuing awareness that our role is to advance the legitimate interests of our clients. In our dealings with others we will not reflect the ill feelings of our clients. We will treat all other counsel, parties, and witnesses in a civil and courteous manner, not only in court, but also in all other written and oral communications.

2. We will not, even when called upon by a client to do so, abuse or indulge in offensive conduct directed to other counsel, parties, or witnesses. We will abstain from disparaging personal remarks or acrimony toward other counsel, parties, or witnesses. We will treat adverse witnesses and parties with fair consideration.

3. We will not encourage or knowingly authorize any person under our control to engage in conduct that would be improper if we were to engage in such conduct.

4. We will not, absent good cause, attribute bad motives or improper conduct to other counsel or bring the profession into disrepute by unfounded accusations of impropriety.

5. We will not seek court sanctions without first conducting a reasonable investigation and unless fully justified by the circumstances and necessary to protect our client's lawful interests.

6. We will adhere to all express promises and to agreements with other counsel, whether oral or in writing, and will adhere in good faith to all agreements implied by the circumstances or local customs.

7. When we reach an oral understanding on a proposed agreement or a stipulation and decide to commit it to writing, the drafter will endeavor in good faith to state the oral understanding accurately and completely. The drafter will provide the opportunity for review of the writing to other counsel. As drafts are exchanged between or among counsel, changes from prior drafts will be identified in the draft or otherwise explicitly brought to the attention of other counsel. We will not include in a draft matters to which there has been no agreement without explicitly advising other counsel in writing of the addition.

8. We will endeavor to confer early with other counsel to assess settlement possibilities. We will not falsely hold out the possibility of settlement as a means to adjourn discovery or to delay trial.

9. In civil actions, we will stipulate to relevant matters if they are undisputed and if no good faith advocacy basis exists for not stipulating.

10. We will not use any form of discovery or discovery scheduling as a means of
harassment.

11. We will make good faith efforts to resolve by agreement our objections to matters contained in pleadings and discovery requests and objections.

12. We will not time the filing or service of motions or pleadings in any way that unfairly limits another party's opportunity to respond.

13. We will not request an extension of time solely for the purpose of unjustified delay or to obtain a tactical advantage.

14. We will consult other counsel regarding scheduling matters in a good faith effort to avoid scheduling conflicts.

15. We will endeavor to accommodate previously scheduled dates for hearings, depositions, meetings, conferences, vacations, seminars, or other functions that produce good faith calendar conflicts on the part of other counsel. If we have been given an accommodation because of a calendar conflict, we will notify those who have accommodated us as soon as the conflict has been removed.

16. We will notify other counsel and, if appropriate, the court or other persons, at the earliest possible time when hearings, depositions, meetings, or conferences are to be canceled or postponed. Early notice avoids unnecessary travel and expense of counsel and may enable the court to use the previously reserved time for other matters.

17. We will agree to reasonable requests for extensions of time and for waiver of procedural formalities, provided our clients' legitimate rights will not be materially or adversely affected.

18. We will not cause any default or dismissal to be entered without first notifying opposing counsel, when we know his or her identity.

19. We will take depositions only when actually needed to ascertain facts or information or to perpetuate testimony. We will not take depositions for the purposes of harassment or to increase litigation expenses.

20. We will not engage in any conduct during a deposition that would not be appropriate in the presence of a judge.

21. We will not obstruct questioning during a deposition or object to deposition questions unless necessary under the applicable rules to preserve an objection or privilege for resolution

23. We will carefully craft document production requests so they are limited to those documents we reasonably believe are necessary for the prosecution or defense of any action. We will not design production requests to place an undue burden or expense on a party.

24. We will respond to document requests reasonably and not strain to interpret the request in an artificially restrictive manner to avoid disclosure of relevant and non-privileged documents. We will not produce documents in a manner designed to hide or obscure the existence of particular documents.

25. We will carefully craft interrogatories so they are limited to those matters we reasonably believe are necessary for the prosecution or defense of an action, and we will not design them to place an undue burden or expense on a party.

26. We will respond to interrogatories reasonably and will not strain to interpret them in an artificially restrictive manner to avoid disclosure of relevant and non-privileged information.

27. We will base our discovery objections on a good faith belief in their merit and will not object solely for the purpose of withholding or delaying the disclosure of relevant information.

28. When a draft order is to be prepared by counsel to reflect a court ruling, we will draft an order that accurately and completely reflects the court's ruling. We will promptly prepare and submit a proposed order to other counsel and attempt to reconcile any differences before the draft order is presented to the court.

29. We will not ascribe a position to another counsel that counsel has not taken or otherwise seek to create an unjustified inference based on counsel's statements or conduct.

30. Unless specifically permitted or invited by the court, we will not send copies of correspondence between counsel to the court.

by the court.

22. During depositions we will ask only those questions we reasonably believe are necessary for the prosecution or defense of an action.

Lawyers' Duties to the Court

1. We will speak and write civilly and respectfully in all communications with the court.
2. We will be punctual and prepared for all court appearances so that all hearings,

conferences, and trials may commence on time; if delayed, we will notify the court and counsel, if possible.

3. We will be considerate of the time constraints and pressures on the court and court staff inherent in their efforts to administer justice.

4. We will not engage in any conduct that brings disorder or disruption to the courtroom. We will advise our clients and witnesses appearing in court of the proper conduct expected and required there and, to the best of our ability, prevent our clients and witnesses from creating disorder or disruption.

5. We will not knowingly misrepresent, mischaracterize, misquote, or miscite facts or authorities in any oral or written communication to the court.

6. We will not write letters to the court in connection with a pending action, unless invited or permitted by the court.

7. Before dates for hearings or trials are set, or if that is not feasible, immediately after such date has been set, we will attempt to verify the availability of necessary participants and witnesses so we can promptly notify the court of any likely problems.

8. We will act and speak civilly to court marshals, clerks, court reporters, secretaries, and law clerks with an awareness that they, too, are in integral part of the judicial system.

Appendix B

Local Rules |Northern District of Indiana Page | 124

Courts' Duties to Lawyers

1. We will be courteous, respectful, and civil to lawyers, parties, and witnesses. We will maintain control of the proceedings, recognizing that judges have both the obligation and the authority to insure that all litigation proceedings are conducted in a civil manner.

2. We will not employ hostile, demeaning, or humiliating words in opinions or in written or oral communications with lawyers, parties, or witnesses.

3. We will be punctual in convening all hearings, meetings, and conferences; if delayed, we will notify counsel, if possible.

4. In scheduling all hearings, meetings and conferences we will be considerate of time schedules of lawyers, parties, and witnesses.

5. We will make all reasonable efforts to decide promptly all matters presented to us for decision.

6. We will give the issues in controversy deliberate, impartial, and studied analysis and consideration.

7. While endeavoring to resolve disputes efficiently, we will be considerate of the time constraints and pressures imposed on lawyers by the exigencies of litigation practice.

8. We recognize that a lawyer has a right and a duty to present a cause fully and properly, and that a litigant has a right to a fair and impartial hearing. Within the practical limits of time, we will allow lawyers to present proper arguments and to make a complete and accurate record.

9. We will not impugn the integrity or professionalism of any lawyer on the basis of the clients whom or the causes which a lawyer represents.

10. We will do our best to insure that court personnel act civilly toward lawyers, parties, and witnesses.

1. We will not adopt procedures that needlessly increase litigation expense.
2. We will bring to lawyers' attention uncivil conduct which we observe.

N.D. Ind. L.R. 83-6.1 Attorney Discipline

1. (a)  Who Is Subject to Discipline. Any attorney authorized to represent a party before the

court may be disciplined under N.D. Ind. L.R. 83-6.1 through 83-6.13.

1. (b)  Scope of Discipline Rules. These discipline rules (N.D. Ind. L.R. 83-6.1 through 83-6.13) do not apply to or limit:
	1. (1)  sanctions or other disciplinary or remedial actions authorized by the Federal Rules of Civil or Criminal Procedure; or
	2. (2)  the court’s inherent or statutory power to maintain control over the proceedings conducted before it, such as contempt proceedings under Title 18 United States Code or under Fed. R. Crim. P. 42.

N.D. Ind. L.R. 83-6.2 Grounds for Discipline
(a) Court’s Authority. The court may discipline an attorney who:

1. (1)  engages in misconduct, even if the misconduct occurs outside an attorney-client relationship;
2. (2)  is convicted of a serious crime; or
3. (3)  is disciplined by any other court in the United States or its territories,

commonwealths, or possessions.

1. (b)  “Misconduct” Defined. “Misconduct” means a violation of the standards of professional conduct identified in N.D. Ind. L.R. 83-5(e).
2. (c)  “Serious Crime” Defined. “Serious crime” includes:
	1. (1)  any felony; and
	2. (2)  any lesser crime that under the law of the jurisdiction that entered the conviction has a necessary element involving:
		* false swearing;
		* misrepresentation;
		* fraud;
		* willful failure to file income-tax returns;
		* deceit;
		* bribery;
		* extortion;
		* misappropriation;
		* theft;
		* attempting to commit a serious crime; or
		* conspiring with another or soliciting another to commit a serious crime
3. (d)  Discipline. Discipline may include:
	1. (1)  a public or private reprimand;
	2. (2)  suspension from the court’s bar;

Civil Rule 83-6.2

1. (3)  disbarment from the court; or
2. (4)  other disciplinary action taken under the grievance process established in these

rules.

* 1. **Southern District of Indiana**
		1. <http://www.insd.uscourts.gov/court-info/local-rules-and-orders>

**(e) Standards.** The Indiana Rules of Professional Conduct and the *Seventh Circuit Standards of Professional Conduct* (an appendix to these rules) govern the conduct of those practicing in the court.

**S.D. Indiana – Appendix B**

**STANDARDS FOR PROFESSIONAL CONDUCT WITHIN THE SEVENTH FEDERAL JUDICIAL CIRCUIT**

**Preamble**

A lawyer's conduct should be characterized at all times by personal courtesy and professional integrity in the fullest sense of those terms. In fulfilling our duty to represent a client vigorously as lawyers, we will be mindful of our obligations to the administration of justice, which is a truth-seeking process designed to resolve human and societal problems in a rational, peaceful, and efficient manner.

A judge's conduct should be characterized at all times by courtesy and patience toward all participants. As judges we owe to all participants in a legal proceeding respect, diligence, punctuality, and protection against unjust and improper criticism or attack.

Conduct that may be characterized as uncivil, abrasive, abusive, hostile, or obstructive impedes the fundamental goal of resolving disputes rationally, peacefully, and efficiently. Such conduct tends to delay and often to deny justice.

The following standards are designed to encourage us, judges and lawyers, to meet our obligations to each other, to litigants and to the system of justice, and thereby achieve the twin goals of civility and professionalism, both of which are hallmarks of a learned profession dedicated to public service.

We expect judges and lawyers will make a mutual and firm commitment to these standards. Voluntary adherence is expected as part of a commitment by all participants to improve the administration of justice throughout this Circuit.

These standards shall not be used as a basis for litigation or for sanctions or penalties. Nothing in these standards supersedes or detracts from existing disciplinary codes or alters existing standards of conduct against which lawyer negligence may be determined.

These standards should be reviewed and followed by all judges and lawyers participating in any proceeding, in this Circuit. Copies may be made available to clients to reinforce our obligation to maintain and foster these standards.

**Lawyers' Duties to Other Counsel**

1. We will practice our profession with a continuing awareness that our role is to advance the legitimate interests of our clients. In our dealings with others we will not reflect the ill feelings of our clients. We will treat all other counsel, parties, and witnesses in a civil and courteous

111

manner, not only in court, but also in all other written and oral communications.

2. We will not, even when called upon by a client to do so, abuse or indulge in offensive conduct directed to other counsel, parties, or witnesses. We will abstain from disparaging personal remarks or acrimony toward other counsel, parties, or witnesses. We will treat adverse witnesses and parties with fair consideration.

3. We will not encourage or knowingly authorize any person under our control to engage in conduct that would be improper if we were to engage in such conduct.

4. We will not, absent good cause, attribute bad motives or improper conduct to other counsel or bring the profession into disrepute by unfounded accusations of impropriety.

5. We will not seek court sanctions without first conducting a reasonable investigation and unless fully justified by the circumstances and necessary to protect our client's lawful interests.

6. We will adhere to all express promises and to agreements with other counsel, whether oral or in writing, and will adhere in good faith to all agreements implied by the circumstances or local customs.

7. When we reach an oral understanding on a proposed agreement or a stipulation and decide to commit it to writing, the drafter will endeavor in good faith to state the oral understanding accurately and completely. The drafter will provide the opportunity for review of the writing to other counsel. As drafts are exchanged between or among counsel, changes from prior drafts will be identified in the draft or otherwise explicitly brought to the attention of other counsel. We will not include in a draft matters to which there has been no agreement without explicitly advising other counsel in writing of the addition.

8. We will endeavor to confer early with other counsel to assess settlement possibilities. We will not falsely hold out the possibility of settlement as a means to adjourn discovery or to delay trial.

9. In civil actions, we will stipulate to relevant matters if they are undisputed and if no good faith advocacy basis exists for not stipulating.

10. We will not use any form of discovery or discovery scheduling as a means of harassment.

11. We will make good faith efforts to resolve by agreement our objections to matters contained in pleadings and discovery requests and objections.

12. We will not time the filing or service of motions or pleadings in any way that unfairly limits another party's opportunity to respond.

112

13. We will not request an extension of time solely for the purpose of unjustified delay or to obtain a tactical advantage.

14. We will consult other counsel regarding scheduling matters in a good faith effort to avoid scheduling conflicts.

15. We will endeavor to accommodate previously scheduled dates for hearings, depositions, meetings, conferences, vacations, seminars, or other functions that produce good faith calendar conflicts on the part of other counsel. If we have been given an accommodation because of a calendar conflict, we will notify those who have accommodated us as soon as the conflict has been removed.

16. We will notify other counsel and, if appropriate, the court or other persons, at the earliest possible time when hearings, depositions, meetings, or conferences are to be canceled or postponed. Early notice avoids unnecessary travel and expense of counsel and may enable the court to use the previously reserved time for other matters.

17. We will agree to reasonable requests for extensions of time and for waiver of procedural formalities, provided our clients' legitimate rights will not be materially or adversely affected.

18. We will not cause any default or dismissal to be entered without first notifying opposing counsel, when we know his or her identity.

19. We will take depositions only when actually needed to ascertain facts or information or to perpetuate testimony. We will not take depositions for the purposes of harassment or to increase litigation expenses.

20. We will not engage in any conduct during a deposition that would not be appropriate in the presence of a judge.

21. We will not obstruct questioning during a deposition or object to deposition questions unless necessary under the applicable rules to preserve an objection or privilege for resolution by the court.

22. During depositions we will ask only those questions we reasonably believe are necessary for the prosecution or defense of an action.

23. We will carefully craft document production requests so they are limited to those documents we reasonably believe are necessary for the prosecution or defense of an action. We will not design production requests to place an undue burden or expense on a party.

24. We will respond to document requests reasonably and not strain to interpret the request in an artificially restrictive manner to avoid disclosure of relevant and non-privileged

documents. We will not produce documents in a manner designed to hide or obscure the existence of particular documents.

25. We will carefully craft interrogatories so they are limited to those matters we reasonably believe are necessary for the prosecution or defense of an action, and we will not design them to place an expense or undue burden or expense on a party.

26. We will respond to interrogatories reasonably and will not strain to interpret them in an artificially restrictive manner to avoid disclosure of relevant and non-privileged information.

27. We will base our discovery objections on a good faith belief in their merit and will not object solely for the purpose of withholding or delaying the disclosure of relevant information.

28. When a draft order is to be prepared by counsel to reflect a court ruling, we will draft an order that accurately and completely reflects the court's ruling. We will promptly prepare and submit a proposed order to other counsel and attempt to reconcile any differences before the draft order is presented to the court.

29. We will not ascribe a position to another counsel that counsel has not taken or otherwise seek to create an unjustified inference based on counsel's statements or conduct.

30. Unless specifically permitted or invited by the court, we will not send copies of correspondence between counsel to the court.

**Lawyers' Duties to the Court**

1. We will speak and write civilly and respectfully in all communications with the court.

2. We will be punctual and prepared for all court appearances so that all hearings, conferences, and trials may commence on time; if delayed, we will notify the court and counsel, if possible.

3. We will be considerate of the time constraints and pressures on the court and court staff inherent in their efforts to administer justice.

4. We will not engage in any conduct that brings disorder or disruption to the courtroom. We will advise our clients and witnesses appearing in court of the proper conduct expected and required there and, to the best of our ability, prevent our clients and witnesses from creating disorder or disruption.

5. We will not knowingly misrepresent, mischaracterize, misquote, or miscite facts or authorities in any oral or written communication to the court.

6. We will not write letters to the court in connection with a pending action, unless invited or

114

permitted by the court.

7. Before dates for hearings or trials are set, or if that is not feasible, immediately after such date has been set, we will attempt to verify the availability of necessary participants and witnesses so we can promptly notify the court of any likely problems.

8. We will act and speak civilly to court marshals, clerks, court reporters, secretaries, and law clerks with an awareness that they, too, are an integral part of the judicial system.

**Courts' Duties to Lawyers**

1. We will be courteous, respectful, and civil to lawyers, parties, and witnesses. We will maintain control of the proceedings, recognizing that judges have both the obligation and the authority to insure that all litigation proceedings are conducted in a civil manner.

2. We will not employ hostile, demeaning, or humiliating words in opinions or in written or oral communications with lawyers, parties, or witnesses.

3. We will be punctual in convening all hearings, meetings, and conferences; if delayed, we will notify counsel, if possible.

4. In scheduling all hearings, meetings and conferences we will be considerate of time schedules of lawyers, parties, and witnesses.

5. We will make all reasonable efforts to decide promptly all matters presented to us for decision.

6. We will give the issues in controversy deliberate, impartial, and studied analysis and consideration.

7. While endeavoring to resolve disputes efficiently, we will be considerate of the time constraints and pressures imposed on lawyers by the exigencies of litigation practice.

8. We recognize that a lawyer has a right and a duty to present a cause fully and properly, and that a litigant has a right to a fair and impartial hearing. Within the practical limits of time, we will allow lawyers to present proper arguments and to make a complete and accurate record.

9. We will not impugn the integrity or professionalism of any lawyer on the basis of the clients whom or the causes which a lawyer represents.

10. We will do our best to insure that court personnel act civilly toward lawyers, parties, and witnesses.

115

11. We will not adopt procedures that needlessly increase litigation expense. 12. We will bring to lawyers' attention uncivil conduct which we observe.

**Judges' Duties to Each Other**

1. We will be courteous, respectful, and civil in opinions, ever mindful that a position articulated by another judge is the result of that judge's earnest effort to interpret the law and the facts correctly.

2. In all written and oral communications, we will abstain from disparaging personal remarks or criticisms, or sarcastic or demeaning comments about another judge.

3. We will endeavor to work with other judges in an effort to foster a spirit of cooperation in our mutual goal of enhancing the administration of justice.

**(f) Sanctions.** Attorneys may be disbarred or suspended from practicing in the court for good cause, but only after having an opportunity to be heard. They may also be reprimanded as provided for in the court's Rules of Disciplinary Enforcement.

1. **Iowa**
	1. **Northern District of Iowa**
		1. <http://www.iand.uscourts.gov/e-web/documents.nsf/Forms%20and%20Downloads%20-%20by%20Category?OpenView&Start=1&Count=30&Expand=7.3#7.3>

**Rules of Conduct and Disciplinary Procedures**.

**Applicability of Iowa Rules of Professional Conduct.** The Iowa Rules of Professional Conduct, or any successor code adopted by the Iowa Supreme Court, govern all members of the bar of this court and, to the extent provided in subsection d.3 of this rule, those admitted pro hac vice. A violation of the standards established in those rules of conduct is “misconduct” for purposes of this section.

**2. Lawyer Discipline.** Any member of the bar of this court and any lawyer admitted pro hac vice may, for good cause shown after an opportunity to be heard in accordance with the disciplinary procedures prescribed in this subsection, be disbarred in this court, suspended from practice before this court for a definite or indefinite time, reprimanded, or subjected to such other discipline as the court may deem proper. These proce- dures apply only to proceedings that have as their primary purpose the discipline of a lawyer for misconduct, and do not limit the court’s authority to order sanctions or other remedies as permitted by law.

**3. Disciplinary Proceedings.** When a member of the bar of this court or a lawyer admitted pro hac vice allegedly engages in misconduct and the alleged misconduct comes to the attention of the court, the court may initiate informal or formal disciplinary proceedings against the lawyer (the “re- spondent lawyer”) under this subsection.

**A. Informal Disciplinary Proceedings.** A federal judge may initiate and conduct informal disciplinary proceedings in any appropriate manner, including by the entry of orders (including show cause orders), the conducting of hearings, and the imposition of sanctions. A lawyer will not be suspended or disbarred from practice before this court as a result of informal disciplinary proceedings.

**B. Formal Disciplinary Proceedings.** A federal judge may initiate formal disciplinary proceedings by asking the Chief Judge of the district where allegations of misconduct arise to order the appointment of a “special counsel” to investigate and report to the Chief Judge on the allegations. The Chief Judge may appoint a special

counsel, or may, in his or her discretion, defer formal disciplinary proceedings pending the results of disciplinary proceedings in a state or another federal jurisdiction. In an order appointing a special counsel under this subsection, the Chief Judge may specify any special autho- rity the special counsel is authorized to exercise in the conduct of the investigation, such as, for example, the power to issue subpoenas for depositions and documents and the power to require a respondent lawyer to respond to written interrogatories.

**(1) Investigation and Report.** The special counsel is to investigate the allegations and make a written report to the Chief Judge which includes the following: **(a)** a history and factual background of the allegations; **(b)** a recommendation as to whether there is or is not probable cause to support the allega- tions; and **(c)** the reasons for the recommendation. The special counsel also may make recommendations concerning the disposition of the allegations.

**(2) Determination by Chief Judge.** After reviewing the report of the special counsel, the Chief Judge will determine whether formal disciplinary proceedings should or should not be continued against the respondent lawyer. If the Chief Judge determines formal disciplinary proceedings should not be continued, and the respondent lawyer has been given notice of the referral of the allegations of misconduct to a special counsel, then the respondent lawyer will be notified by the Clerk of Court that formal proceedings will not be continued. If the Chief Judge determines formal disciplinary proceedings should be continued, the Chief Judge will issue a show cause order notifying the respondent lawyer of the misconduct alleged and the probable cause finding of the special counsel and directing the respondent lawyer to show cause within 30 days why the re- spondent lawyer should not be disciplined.

**(3) Service.** The Clerk of Court will have the show cause order served on the respondent lawyer by personal service or by registered or certified mail sent to the respondent lawyer’s last-known address according to the Clerk of Court’s records.

**(4) Default.** If the respondent lawyer fails to respond within the time required, the Chief Judge may order any proper discipline.

**(5) Proceedings after Answer.** If the respondent lawyer files an answer to the show cause order, and **(a)** raises an issue of fact, or **(b)** includes in the answer a request to be heard, the Chief Judge will set the matter for prompt hearing before a panel of three federal judges appointed by the Chief Judge. The panel will not include any judge before whom the alleged misconduct occurred.

The panel will prescribe such procedures as are necessary to hear and decide the issues raised in the show cause order or answer. The panel will issue a final order. If the final order contains a finding of misconduct, the order will provide for any discipline to be imposed on the respondent lawyer.

**(6) Delegation by Chief Judge.** In any disciplinary proceeding brought under section “g” of this rule, including a formal disciplinary proceeding initiated by the Chief Judge under subsection g.3.B of this rule, the Chief Judge may delegate any function assigned to the Chief Judge under these rules to another district court judge.

**4. Sealing of Documents.** A final order entered in a formal disci- plinary proceeding that contains a finding of misconduct will be filed in the public record unless the members of the panel unanimously order that it be filed under seal. Any other document filed in connection with a formal disci- plinary proceeding must be filed under seal, and will remain sealed until such time as an order unsealing the document is entered by one of the judges on the panel.

**5. Felony Conviction; Suspension or Disbarment in Another Court.** If a member of the bar of this court or a lawyer admitted to practice pro hac vice is convicted of a felony or is suspended or disbarred from practicing in any federal or state court, the lawyer must notify the Clerk of Court immediately of the conviction, suspension, or disbarment. Thereafter, the lawyer will be suspended or disbarred from practice before this court unless the lawyer, within 14 days after the Clerk of Court has mailed notice to the lawyer’s last known mailing address, shows good cause why such action should not be taken.

Any person who, before admission to the bar of this court or during dis- barment or suspension from practice in any federal or state court, and without specific leave of this court, exercises any of the privileges of a member of the

-84-

bar of this court in this state or in any action or proceeding pending in the Northern or Southern Districts of Iowa, or pretends to be entitled to do so, is guilty of contempt of court and is thereby subject to appropriate punishment.

The procedures provided in subsection g.3 of this rule do not apply to matters arising under this subsection.

**h. Dereliction of Counsel.** When a case has been dismissed because of inexcusable neglect or other dereliction of counsel, the court may impose such sanctions upon counsel as the court deems appropriate, including those provided in section “g” of this rule.

* 1. **Southern District of Iowa**
		1. <http://www.iasd.uscourts.gov/?q=court-info/local-rules-and-orders>

**Rules of Conduct and Disciplinary Procedures**.

**1. Applicability of Iowa Rules of Professional Conduct.** The Iowa Rules of Professional Conduct, or any successor code adopted by the Iowa Supreme Court, govern all members of the bar of this court and, to the extent provided in subsection d.3 of this rule, those admitted pro hac vice. A violation of the standards established in those rules of conduct is “misconduct” for purposes of this section.

**Lawyer Discipline.** Any member of the bar of this court and any lawyer admitted pro hac vice may, for good cause shown after an opportunity to be heard in accordance with the disciplinary procedures prescribed in this subsection, be disbarred in this court, suspended from practice before this court for a definite or indefinite time, reprimanded, or subjected to such other discipline as the court may deem proper. These proce- dures apply only to proceedings that have as their primary purpose the discipline of a lawyer for misconduct, and do not limit the court’s authority to order sanctions or other remedies as permitted by law.

**3. Disciplinary Proceedings.** When a member of the bar of this court or a lawyer admitted pro hac vice allegedly engages in misconduct and the alleged misconduct comes to the attention of the court, the court may initiate informal or formal disciplinary proceedings against the lawyer (the “re- spondent lawyer”) under this subsection.

**A. Informal Disciplinary Proceedings.** A federal judge may initiate and conduct informal disciplinary proceedings in any ap- propriate manner, including by the entry of orders (including show cause orders), the conducting of hearings, and the imposition of sanctions. A lawyer will not be suspended or disbarred from practice before this court as a result of informal disciplinary proceedings.

**B. Formal Disciplinary Proceedings.** A federal judge may initiate formal disciplinary proceedings by asking the Chief Judge of the district where allegations of misconduct arise to order the appointment of a “special counsel” to investigate and report to the Chief Judge on the allegations. The Chief Judge may appoint a special

counsel, or may, in his or her discretion, defer formal disciplinary pro- ceedings pending the results of disciplinary proceedings in a state or another federal jurisdiction. In an order appointing a special counsel under this subsection, the Chief Judge may specify any special autho- rity the special counsel is authorized to exercise in the conduct of the investigation, such as, for example, the power to issue subpoenas for depositions and documents and the power to require a respondent lawyer to respond to written interrogatories.

**(1) Investigation and Report.** The special counsel is to investigate the allegations and make a written report to the Chief Judge which includes the following: **(a)** a history and factual background of the allegations; **(b)** a recommendation as to whether there is or is not probable cause to support the allega- tions; and **(c)** the reasons for the recommendation. The special counsel also may make recommendations concerning the disposition of the allegations.

**(2) Determination by Chief Judge.** After reviewing the report of the special counsel, the Chief Judge will determine whether formal disciplinary proceedings should or should not be continued against the respondent lawyer. If the Chief Judge determines formal disciplinary proceedings should not be continued, and the respondent lawyer has been given notice of the referral of the allegations of misconduct to a special counsel, then the respondent lawyer will be notified by the Clerk of Court that formal proceedings will not be continued. If the Chief Judge determines formal disciplinary proceedings should be continued, the Chief Judge will issue a show cause order notifying the respondent lawyer of the misconduct alleged and the probable cause finding of the special counsel and directing the respondent lawyer to show cause within 30 days why the re- spondent lawyer should not be disciplined.

**(3) Service.** The Clerk of Court will have the show cause order served on the respondent lawyer by personal service or by registered or certified mail sent to the respondent lawyer’s last-known address according to the Clerk of Court’s records.

**(4) Default.** If the respondent lawyer fails to respond within the time required, the Chief Judge may order any proper discipline.

 **(5) Proceedings after Answer.** If the respondent lawyer files an answer to the show cause order, and **(a)** raises an issue of fact, or **(b)** includes in the answer a request to be heard, the Chief Judge will set the matter for prompt hearing before a panel of three federal judges appointed by the Chief Judge. The panel will not include any judge before whom the alleged misconduct occurred.

The panel will prescribe such procedures as are necessary to hear and decide the issues raised in the show cause order or answer. The panel will issue a final order. If the final order contains a finding of misconduct, the order will provide for any discipline to be imposed on the respondent lawyer.

**(6) Delegation by Chief Judge.** In any disciplinary proceeding brought under section “g” of this rule, including a formal disciplinary proceeding initiated by the Chief Judge under subsection g.3.B of this rule, the Chief Judge may delegate any function assigned to the Chief Judge under these rules to another district court judge.

**4. Sealing of Documents.** A final order entered in a formal disci- plinary proceeding that contains a finding of misconduct will be filed in the public record unless the members of the panel unanimously order that it be filed under seal. Any other document filed in connection with a formal disci- plinary proceeding must be filed under seal, and will remain sealed until such time as an order unsealing the document is entered by one of the judges on the panel.

**5. Felony Conviction; Suspension or Disbarment in Another Court.** If a member of the bar of this court or a lawyer admitted to practice pro hac vice is convicted of a felony or is suspended or disbarred from practicing in any federal or state court, the lawyer must notify the Clerk of Court immediately of the conviction, suspension, or disbarment. Thereafter, the lawyer will be suspended or disbarred from practice before this court unless the lawyer, within 14 days after the Clerk of Court has mailed notice to the lawyer’s last known mailing address, shows good cause why such action should not be taken.

Any person who, before admission to the bar of this court or during dis- barment or suspension from practice in any federal or state court, and without specific leave of this court, exercises any of the privileges of a member of the

bar of this court in this state or in any action or proceeding pending in the Northern or Southern Districts of Iowa, or pretends to be entitled to do so, is guilty of contempt of court and is thereby subject to appropriate punishment.

The procedures provided in subsection g.3 of this rule do not apply to matters arising under this subsection.

**h. Dereliction of Counsel.** When a case has been dismissed because of inexcusable neglect or other dereliction of counsel, the court may impose such sanctions upon counsel as the court deems appropriate, including those provided in section “g” of this rule.

1. **Kansas**
	1. **District Court of Kansas**
		1. <http://www.ksd.uscourts.gov/local-rules/>

RULE 83.6.1 PROFESSIONAL RESPONSIBILITY

[« Back](http://www.ksd.uscourts.gov/local-rules)

**(a) Kansas Rules.** The Kansas Rules of Professional Conduct as adopted and amended by the Supreme Court of Kansas are adopted by this court as the applicable standards of professional conduct, except as otherwise provided by a specific rule of this court.

**(b) Disciplinary Enforcement.** For misconduct defined in these rules, and after proceedings conducted in accordance with these rules, any attorney within the disciplinary jurisdiction of this court may be disbarred, suspended from practice, reprimanded, or subjected to other appropriate disciplinary action.

**(c) Standards of Conduct.** Any of the following acts or omissions by an attorney constitute misconduct and are grounds for discipline: (1) Acts or omissions that violate the standards of professional conduct adopted by this court; (2) Conduct violating applicable rules of professional conduct of another jurisdiction; (3) Willful disobedience of a court order requiring the attorney to do or forebear an act connected with or in the course of the practice of law; (4) Willful violation of the attorney's oath prescribed by these rules; (5) Neglect or refusal, on demand, to pay over or to deliver money or property due or belonging to a client, except where such money or property is retained under a bona fide claim of a lien for services; (6) Destroying, secreting, fraudulently withdrawing, mutilating, or altering any paper, record, or exhibit belonging to the files or records in any action or proceeding; (7) Willful violations of a valid order of the court, the Disciplinary Panel, or a hearing panel; and (8) The willful failure to appear before or respond to a lawful demand from disciplinary authority, except that this rule does not require disclosure of information otherwise protected by applicable rules relating to confidentiality.

RULE 83.6.2 DISCIPLINE OF ATTORNEYS

**(a) Disciplinary Panel.**

(1) *Composition of Disciplinary Panel.* The chief judge will assign a panel of three active or senior judges of the court to be known as the Disciplinary Panel. From time to time, the chief judge may designate other judges to serve as members or as alternates on the Disciplinary Panel.

(2) *Duties of Disciplinary Panel.* The Disciplinary Panel may, by a majority vote, provide for the investigation of a disciplinary complaint. The Disciplinary Panel has general supervision over all proceedings involving:

(A) the disbarment, suspension, censure, or other discipline of lawyers practicing in this court; or

(B) the alleged physical or mental disability of lawyers practicing in this court.

**(b) Duties of the Clerk.**

(1) *"Bar Disciplinary File."* The clerk will maintain as a public record a general file to be known as the "Bar Disciplinary File." The file must contain a copy of any procedural guidelines the Disciplinary Panel adopts and such other documents as the Disciplinary Panel directs. It must not contain complaints or other papers filed in individual disciplinary proceedings or sealed by court order.

(2) *"Bar Discipline Docket."* The clerk will keep a separate "Bar Discipline Docket" in which entries are made in bar disciplinary cases in the same manner as entries are made in the civil docket pursuant to [Fed. R. Civ. P. 79](http://www.law.cornell.edu/rules/frcp/rule_79). The Bar Discipline Docket is sealed and the entries are confidential except as otherwise provided by these rules or ordered by the court.

(3) *Duties When a Complaint is Filed.* When a complaint is filed the clerk must:

(A) ascertain from the disciplinary authorities of all bars of which the charged attorney is a member, his or her standing and disciplinary record (unless the facts are already known);

(B) file the information received; and

(C) report it to the Disciplinary Panel.

(4) *Notice To Disciplinary Authorities*. The clerk must transmit notice of all public discipline imposed against a lawyer, transfers to or from disability inactive status, and reinstatements to the Disciplinary Administrator of the Supreme Court of Kansas and to the National Discipline Data Bank maintained by the American Bar Association. The clerk must also transmit the same to the disciplinary authorities of any other bars of which the disciplined attorney is a member.

**(c) Confidentiality.**

(1) *Disclosure.* Prior to the filing and service of formal charges in a disciplinary matter, the proceedings are confidential, except that the pendency, subject matter, and status of an investigation may be disclosed:

(A) by the clerk if the respondent has waived confidentiality or if the proceeding is based upon allegations that include either the conviction of a crime or public discipline by another court; or

(B) by the Disciplinary Panel if it has determined:

(i) the proceeding is based upon allegations that have become generally known to the public; or

(ii) there is a need to notify another person or organization, including any recognized clients' security fund to protect the public, the administration of justice, or the legal profession.

(2) *Proceedings*. Upon filing and service of formal charges in a disciplinary matter, or filing of a petition for reinstatement, the proceeding is public except for:

(A) deliberations of the hearing panel or court; or

(B) information subject to a protective order.

(3) *Proceedings Alleging Disability*. Proceedings for transfer to or from disability inactive status are confidential. All orders transferring a lawyer to or from disability inactive status are public.

(4) *Protective Orders*. To protect the interests of a complainant, witness, third party, or respondent, the Disciplinary Panel may-upon application of any person and for good cause- issue a protective order prohibiting the disclosure of specific information otherwise privileged or confidential. The Disciplinary Panel may direct that the proceedings be conducted so as to implement the order. This may include requiring that the hearing be conducted in such a way as to preserve the confidentiality of the information that is the subject of the application.

(5) *Duty of Participants*. All participants in a proceeding under these rules must conduct themselves so as to maintain the confidentiality mandated by this rule.

1. **Kentucky**
	1. **Eastern District of Kentucky**
		1. http://www.kyed.uscourts.gov/?q=local-rules

Professional Conduct Standards (this is the closest thing I found):

(c) Discipline for Unprofessional and Improper Conduct. If it appears to the Court that an attorney practicing before the Court has violated the rules of the Kentucky Supreme Court governing professional conduct or is guilty of other conduct unbecoming an officer of the Court, any judge may order an attorney to show cause -- within a specified time -- why the Court should not discipline the attorney. Upon the expiration of the period specified or upon the attorney’s response to the show cause order, the Court will enter an appropriate order. If requested by the responding attorney, the Court will conduct a hearing prior to determining the appropriate order.

Attorney Discipline

1. (a)  Discipline Generally. Any attorney practicing before the Court is subject to

discipline by the Court upon a showing that:

* 1. (1)  The attorney is currently suspended or disbarred by any admitting or

licensing authority; or

* 1. (2)  The attorney is guilty of unprofessional conduct in the matter pending

before the Court.

1. (b)  Discipline By Admitting or Licensing Authority; Procedure.
	1. (1)  Attorney’s Duty to Notify. An attorney practicing before the Court who is publicly reprimanded, suspended, or disbarred by any admitting or licensing authority must inform the Clerk in writing of the public reprimand, suspension or disbarment within ten (10) days after the effective date of any such public reprimand, suspension, or disbarment.
	2. (2)  Automatic Reciprocal Discipline; Discretion to Enhance Discipline. Unless otherwise ordered by the Court, any such attorney who has been suspended or disbarred by any admitting or licensing authority, whether by suspension, revocation, or disbarment, shall automatically forfeit his or her right to practice law before this Court during the same period that such attorney has been prohibited from practicing law by such other licensing authority, or, under the Court’s discretion, for a greater period of time. The Clerk of Court shall send a written notice to the attorney, together with a copy of this section of the Local Rules, informing the attorney of the forfeiture of his or her right to practice law before this court. Any failure or delay with regard to the sending of such notice shall not affect the automatic forfeiture provisions of this section.
	3. (3)  Grounds for Challenge. Within thirty (30) days after the effective date of any suspension or disbarment by any admitting or licensing authority, the attorney may file a written challenge to the reciprocal

13

LR 83.4

discipline imposed under section (2). To conclude that the entry of some other order is appropriate, the Court must find that the record underlying the attorney’s suspension or disbarment clearly indicates that:

1. (A)  the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;
2. (B)  the proof establishing the misconduct was so infirm that the Court could not – consistent with its duty – accept the conclusion of the admitting or licensing authority as final;
3. (C)  the Court’s disqualification of the attorney would result in grave injustice; or
4. (D)  the Court concludes that the misconduct underlying the attorney’s suspension or disbarment warrants substantially different discipline.
5. (4)  Finality of the Action of the Admitting or Licensing Authority. Unless the Court determines that one of the grounds contained in (3) above exists, the admitting or licensing authority’s final adjudication of attorney misconduct conclusively establishes the misconduct for purposes of this Court’s discipline.
6. (5)  Reinstatement. Upon reinstatement of an attorney by any admitting or licensing authority, the attorney shall provide to the Clerk of Court written notice from the admitting or licensing authority confirming the reinstatement. The Clerk of Court shall then transmit the confirmation to the Chief Judge who shall determine whether the attorney may be reinstated to practice before the Court.

(c) Discipline for Unprofessional and Improper Conduct. If it appears to the Court that an attorney practicing before the Court has violated the rules of the Kentucky Supreme Court governing professional conduct or is guilty of other conduct unbecoming an officer of the Court, any judge may order an attorney to show cause -- within a specified time -- why the Court should not discipline the attorney. Upon the expiration of the period specified or upon the attorney’s response to the show cause order, the Court will enter an appropriate order. If requested by the responding attorney, the Court will conduct a hearing prior to determining the appropriate order.

(d) Discipline for Contempt. Disbarment from the Court may be utilized as a sanction for contempt of court under the procedures contained in Federal Rule of Criminal Procedure 42. Nothing in this rule shall limit the Court’s power to punish contempt.

* 1. **Western District of Kentucky**
		1. <http://www.kywd.uscourts.gov/court-info/local-rules-and-orders>

(c) **Discipline for Unprofessional and Improper Conduct.** If it appears to the Court that an attorney practicing before the Court has violated the rules of the Kentucky Supreme Court governing professional conduct or is guilty of other conduct unbecoming an officer of the Court, any judge may order an attorney to show cause -- within a specified time -- why the Court should not discipline the attorney. Upon the expiration of the period specified or upon the attorney’s response to the show cause order, the Court will enter an appropriate order. If requested by the responding attorney, the Court will conduct a hearing prior to determining the appropriate order.

**Attorney Discipline**

1. (a)  **Discipline Generally.** Any attorney practicing before the Court is subject to

discipline by the Court upon a showing that:

* 1. (1)  The attorney is currently suspended or disbarred by any admitting or

licensing authority; or

* 1. (2)  The attorney is guilty of unprofessional conduct in the matter pending

before the Court.

1. (b)  **Discipline By Admitting or Licensing Authority; Procedure.**
	1. (1)  *Attorney’s Duty to Notify.* An attorney practicing before the Court who is publicly reprimanded, suspended, or disbarred by any admitting or licensing authority must inform the Clerk in writing of the public reprimand, suspension or disbarment within ten (10) days after the effective date of any such public reprimand, suspension, or disbarment.
	2. (2)  *Automatic Reciprocal Discipline; Discretion to Enhance Discipline.* Unless otherwise ordered by the Court, any such attorney who has been suspended or disbarred by any admitting or licensing authority, whether by suspension, revocation, or disbarment, shall automatically forfeit his or her right to practice law before this Court during the same period that such attorney has been prohibited from practicing law by such other licensing authority, or, under the Court’s discretion, for a greater period of time. The Clerk of Court shall send a written notice to the attorney, together with a copy of this section of the Local Rules, informing the attorney of the forfeiture of his or her right to practice law before this court. Any failure or delay with regard to the sending of such notice shall not affect the automatic forfeiture provisions of this section.
	3. (3)  *Grounds for Challenge.* Within thirty (30) days after the effective date of any suspension or disbarment by any admitting or licensing authority, the attorney may file a written challenge to the reciprocal

13

**LR 83.4**

discipline imposed under section (2). To conclude that the entry of some other order is appropriate, the Court must find that the record underlying the attorney’s suspension or disbarment clearly indicates that:

1. (A)  the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;
2. (B)  the proof establishing the misconduct was so infirm that the Court could not – consistent with its duty – accept the conclusion of the admitting or licensing authority as final;
3. (C)  the Court’s disqualification of the attorney would result in grave injustice; or
4. (D)  the Court concludes that the misconduct underlying the attorney’s suspension or disbarment warrants substantially different discipline.
5. (4)  *Finality of the Action of the Admitting or Licensing Authority.* Unless the Court determines that one of the grounds contained in (3) above exists, the admitting or licensing authority’s final adjudication of attorney misconduct conclusively establishes the misconduct for purposes of this Court’s discipline.
6. (5)  *Reinstatement.* Upon reinstatement of an attorney by any admitting or licensing authority, the attorney shall provide to the Clerk of Court written notice from the admitting or licensing authority confirming the reinstatement. The Clerk of Court shall then transmit the confirmation to the Chief Judge who shall determine whether the attorney may be reinstated to practice before the Court.

(c) **Discipline for Unprofessional and Improper Conduct.** If it appears to the Court that an attorney practicing before the Court has violated the rules of the Kentucky Supreme Court governing professional conduct or is guilty of other conduct unbecoming an officer of the Court, any judge may order an attorney to show cause -- within a specified time -- why the Court should not discipline the attorney. Upon the expiration of the period specified or upon the attorney’s response to the show cause order, the Court will enter an appropriate order. If requested by the responding attorney, the Court will conduct a hearing prior to determining the appropriate order.

(d) **Discipline for Contempt.** Disbarment from the Court may be utilized as a sanction for contempt of court under the procedures contained in Federal Rule of Criminal Procedure 42. Nothing in this rule shall limit the Court’s power to punish contempt.

1. **Louisiana**
	1. **Eastern District of Louisiana**
		1. <http://www.laed.uscourts.gov/localrules/localrules.htm>

LR 83.2.3 Rules of Conduct

This court hereby adopts the Rules of Professional Conduct of the Louisiana State Bar Association, except as otherwise provided by a specific rule or general order of a court. [Amended June 28, 2002]

LR 83.2.2 Procedure for Admission

1. (A)  Each applicant for admission to the bar of this court must file a written petition signed by him or her and endorsed by two members of the bar of this court listing the applicant’s residence and office address, his or her general and legal education, the courts in which he or she is admitted to practice, and stating that the applicant is qualified to practice before this court, is of good moral character, and is not subject to any pending disbarment or professional discipline procedure in any other court. If the applicant has been convicted of a felony or has previously been subject to any disciplinary proceedings, full information about each, including the charges and the result, must be set forth.
2. (B)  An applicant may be admitted in open court or in a judge’s chambers, upon taking an oath to conduct himself or herself as an attorney or counselor of this court uprightly and according to law and to support the Constitution of the United States. The attorney must, under the direction of the clerk, sign the roll of attorneys and pay the fee required by law and any other fee required by the court. A motion for admission must be filed within six months of filing of the petition.
3. (C)  Upon written request and for good cause shown, if a personal appearance would present undue hardship for the applicant or the applicant resides outside the boundaries of this district, the court may grant the applicant’s request for admission without a personal appearance. In such instance, the applicant must take a written oath, on a form prescribed by the clerk, to conduct himself or herself as an attorney or counselor of this court uprightly and according to law and to support the Constitution of the United States, and submit this written oath with any fee required by law and any other fee required by the court. At the attorney’s first physical appearance before the court, he or she must sign the roll of attorneys in the clerk’s office.
4. (D)  Every attorney admitted to practice before this court must pay to the clerk of court an annual fee in an amount periodically set by the court en banc and posted for public notice by the clerk of court. The fee will be made part of a fund used to defray the expense of administration and enforcement under the court’s Disciplinary Rules and for such other

34

uses and purposes that the court determines appropriate. These fees must be paid triennially not later than March 1 of the calendar year in which such payment is due.

1. (1)  At the time of admission, the attorney must make the initial triennial payment. Such fee will not be prorated within any calendar year, but an attorney first admitted in the second or third year of any triennial period will be required to make proportionate payment only for those years of such period in which the attorney’s membership in the bar is effective.

Attorneys admitted pro hac vice must pay a triennial or proportionate fee, unless a similar fee has been paid to another court of the United States and satisfactory evidence thereof has been submitted to the clerk.

1. (2)  Any attorney who fails to pay the fee required under subsection (1) will be summarily suspended, provided a notice of delinquency has been sent to the attorney to the last address appearing in the Roll of Attorneys of the bar of this court at least 35 days before such suspension.

Any attorney suspended under this provision may be reinstated upon payment of the fee.

(E) To facilitate the keeping of an accurate Roll of Attorneys, every attorney subject to these Rules must triennially on or before the first day of March, file with the clerk of this court a registration statement on a form supplied by the clerk setting forth the attorney’s current residence and office addresses; his or her Bar Roll number; and the bars of all states, territories, districts, commonwealths, or possessions or other courts of the United States to which the attorney is admitted and the dates of such admissions. In addition, every attorney subject to these Rules must file a supplemental statement of any change in this information previously submitted within 35 days of such change. All persons must file this required registration statement at the time of admission to practice before this court. Upon request, the clerk will provide a certificate of compliance.

1. (1)  Within 35 days of receipt of a statement or supplemental statement and of payment of the aforesaid fee in accordance with the provisions of (A) and (D) above, the clerk must acknowledge receipt thereof in appropriate form so as to enable the attorney, on request, to demonstrate compliance with the requirements of (A) and (D) above.
2. (2)  Any attorney who fails to file the attorney registration statement or supplemental statement as required above will be summarily suspended. A notice of delinquency must be sent to the attorney at the current address appearing in the Roll of Attorneys of the bar of this court at least 35 days before such suspension. The suspension will remain in effect until the attorney has complied with these Rules.

35

1. (F)  An attorney who has retired or is not engaged in the practice of law before this court may advise the clerk in writing that he or she desires to assume inactive status and discontinue the practice of law before this court. Upon the filing of such a notice, the attorney will no longer be eligible to practice law in this court and will not be obligated for further payment of the fee prescribed herein or for filing the attorney registration statement every three years as required by this Rule for active practitioners.

Upon the filing of a notice to assume inactive status, the attorney will be removed from the roll of active attorneys until and unless he or she requests and is granted reinstatement to the active rolls. Reinstatement to active status may be granted (unless the attorney is then subject to an outstanding order of suspension or disbarment or has been on inactive status for five years or more) upon the payment of any fees due as prescribed by this Rule and the submission of a current registration statement. Reinstatement to active status of an attorney who has been on voluntary inactive status for five years or more will be governed by the provisions of the Disciplinary Rules of this court.

1. (G)  The fees and costs paid pursuant to these Rules will be maintained by the clerk as trustee thereof in separate interest bearing, federally insured accounts with such depositories as the court may from time to time approve or invested in obligations of the United States. Funds so held will be disbursed only pursuant to the orders of the court and at no time will they be deposited into the Treasury of the United State
	1. **Middle District of Louisiana**
		1. http://www.lamd.uscourts.gov/court-info/local-rules-and-orders

**Rules of Conduct**. This Court hereby adopts the Rules of Professional Conduct of the Louisiana State Bar Association, as hereafter may be amended from time to time by the Louisiana Supreme Court, except as otherwise provided by a specific rule or general order of a court.

(12) Attorney Discipline

1. After notice and an opportunity to show cause to the contrary, any Judge including active Judges, Senior Judges, Bankruptcy Court Judges, and Magistrate Judges may sanction any attorney for failure to comply with these rules, the Louisiana Rules of Professional Conduct, or any other rule of court.
2. A Judge initiating disciplinary proceedings against an attorney shall provide written notice in the form of an Order to Show Cause. The Order to Show Cause shall (1) state the alleged grounds for discipline, (2) state the range of possible sanctions to be imposed, and (3) inform the attorney of the right to counsel throughout the disciplinary proceedings. The Clerk of Court shall assign the Order to Show Cause a miscellaneous action number, and shall forward a copy of the Order to Show Cause to the attorney named in the Order, and to the Chief Judge.
3. Unless otherwise indicated in the Order to Show Cause, the attorney named in the Order to Show Cause shall have fourteen days to file a response, if any. After the period for filing a response has elapsed, the Court shall conduct a hearing on the disciplinary action. The hearing shall be public and on the record.
4. If, after a hearing, it is shown by clear and convincing evidence that the attorney committed the violations that are the basis of the Order to Show Cause, the initiating Judge shall have discretion to impose such disciplinary action as the Judge may see fit. Possible sanctions include, but are not limited to, reprimand, ethics training, suspension from practice in the Middle District, and/or civil fines. However, before an attorney may be suspended from practice in the Middle District for a period exceeding sixty days, the approval of the Chief Judge or the approval of the active Judges of the Middle District must be obtained.
5. Upon imposition of any sanction which includes suspension from practice in the Middle District, the Clerk of Court shall report the attorney and the sanction(s) imposed to the Clerks of Court for the U.S. Fifth Circuit Court of Appeals, the Eastern District of Louisiana, the Western District of Louisiana, and the Bar of the State of Louisiana.
	1. **Western District of Louisiana**
		1. <http://www.lawd.uscourts.gov/local-rules>

LR83.2.4 Rules of Conduct

This court hereby adopts the Rules of Professional Conduct of the Louisiana State Bar Association, as hereafter may be amended from time to time by the Louisiana Supreme Court, except as other- wise provided by a specific rule of the courts.

LR83.2.10 Attorney Discipline

A. Initiation of Disciplinary Proceedings

Any judge of this Court including a Bankruptcy Court judge may take limited action to initiate disciplinary proceedings in accordance with Section B.2.
A complaint of attorney misconduct initiated by one other than a judge of this Court shall be filed in writing under oath with the Clerk of the Court, who shall immediately refer the matter to the Chief Judge or the Chief Judge’s Article III or Magistrate Judge designee, who shall make such inquiry as is appropriate. The Chief Judge or his designee shall then report to the active judges of this Court his recommended findings of fact and proposed action if necessary pursuant to Subsection B.2. Action by the Article III judges shall be by majority vote of the voting Article III judges at a general or special meeting or by conference call.

An attorney admitted to practice before this court shall give written notice to the Clerk of Court of any adverse action affecting his or her practice of law within thirty (30) days of such adverse action, including copies of the documents of the Louisiana Supreme Court, or any other acting body, declaring the adverse action. In this context “adverse action” is defined as (a) the filing of formal public charges against him or her by any bar association or committee thereof; (b) issuance of a public reprimand, fine, suspension or disbarment by any court or bar association or any committee thereof; or (c) the conviction of any felony or of any misdemeanor involving such person’s practice of law. The Clerk of Court shall refer all notices of adverse action to the Chief Judge or Article III designee of the Chief Judge.

B. Disciplinary Action

1. If another federal court or the Supreme Court of the State of Louisiana takes adverse action against an attorney in the form of a suspension or disbarment of such attorney, this Court may take the same action against such attorney in this court by signature of the Chief Judge. Nothing in this provision shall prevent this Court, by majority vote, from taking different action as a result of such adverse action by such other court.
2. For fines or suspensions of 90 days or less, the judge may take action directly without approval of the active judges of the court or the Chief Judge. For suspensions greater than 90 days or disbarments, the judge shall refer these proceedings for review to the Chief Judge of this court for processing in the same manner as in Section A.2. above.

C. Re-Admission

1. In the event of disbarment.
(a) In the event that any member of the bar of this Court has been disbarred, he or she may petition the active judges of this Court for re-admission by filing a petition for re-admission with the Clerk of Court setting forth the reasons for the original disbarment, including copies of the documents of the Louisiana Supreme Court, or any other acting body, declaring the attorney disbarred, and the reasons why re-admission should be granted, and
(b) The petition for re-admission shall be submitted to the active judges of this Court who shall either grant or deny the petition or refer the same to a Special Master of Magistrate Judge for a report and recommendation. Final action shall be by majority vote of the active judges of the Court as provided in C.1. (d).
(c) No petition for re-admission shall be filed sooner than two (2) years from the date of the disbarment or from the date of a denial of a petition for re-admission, unless the order denying the petition for re-admission specifies another time period.
(d) A decision on re-admission shall be made by a majority vote of all active Article III judges after consultation at a regular or special meeting or by telephone conference.
(e) An attorney may, in the event of exigent circumstances, and documentation with good cause shown, petition the Court for review in an expedited fashion. Such request shall include full written reasons for the stated request. Failure to comply fully with all filing requirements will result in the filing being denied as insufficient by the Clerk of Court and returned without review. Upon receipt of properly filed documents for request for expedited review, the Clerk of Court shall forward the petition and all accompanying and all relevant documentation, including copies of the documents of the Louisiana Supreme Court, or any other acting body, declaring the attorney disbarred, in normal course, to the Chief Judge who will, within his or her discretion, determine if expedited review is warranted. Request for expedited review in no way entitles the filer to expedited review.
(f) If the Chief Judge determines expedited review is warranted, he or she shall proceed as in subsection B. 2.
2. In the event of suspension.
(a) If a member of this bar is suspended, the member of the bar so suspended must file a petition for reinstatement setting forth the reasons for the original suspension, including copies of the documents of the Louisiana Supreme Court, or any other acting body, declaring the attorney suspended, and the reasons why reinstatement should be granted.
(b) If a definite time is set in the order of suspension, a petition for reinstatement may be filed after the passing of such time.
(c) If no time is set in the order of suspension, a petition for reinstatement by a suspended bar member may not be filed sooner than two (2) years after the order of suspension or two (2) years

from the date of denial of a previous petition for reinstatement, unless the previous order denying reinstatement sets forth a different time period.
(d) A decision on reinstatement shall be made by a majority vote of the judges after consultation, either at a regular or special meeting or by telephone conference.

(e) An attorney may, in the event of exigent circumstances, and documentation with good cause shown, petition the Court for review in an expedited fashion. Such request shall include full written reasons for the stated request. Failure to comply fully with all filing requirements will result in the filing being denied as insufficient by the Clerk of Court and returned without review. Upon receipt of properly filed documents for request for expedited review, the Clerk of Court shall forward the petition and all accompanying and all relevant documentation, including copies of the documents of the Louisiana Supreme Court, or any other acting body, declaring the attorney suspended, in normal course, to the Chief Judge who will, within his or her discretion, determine if expedited review is warranted. Request for expedited review in no way entitles the filer to expedited review.

(f) If the Chief Judge determines expedited review is warranted, he or she shall proceed as in subsection B. 2.
D. Judicial Control
Nothing in this rule shall be read to limit the inherent powers of a judge to control litigation, nor to limit the powers to impose fines, penalties and sanctions granted under the Federal Rules, United States Code or as otherwise authorized by law. Adopted December 3, 2004; Amended October 31, 2013.

1. **Maine**
	1. **District Court of Maine**
		1. <http://www.med.uscourts.gov/local-rules>

**(d) Standards for Professional Conduct**

(1) This Court adopts as its standard for professional conduct the Maine Rules of Professional Conduct adopted by the Supreme Judicial Court of Maine, as amended from time to time by that Court.

**RULE 83.3 - ATTORNEYS - RULES OF DISCIPLINARY ENFORCEMENT**

**(As amended January 1, 2013) (a) Attorneys Convicted of Crimes**

1. (1)  Upon the filing with this Court of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before the Court has been convicted in any Court of the United States, or the District of Columbia, or of any state, territory, commonwealth or possession of the United States of a serious crime as hereinafter defined, the Court shall enter an order immediately suspending that attorney, whether the conviction resulted from a plea of guilty, or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of any appeal, until final disposition of a disciplinary proceeding to be commenced upon such conviction. A copy of such order shall immediately be served upon the attorney as provided in subsection (i) of this rule.
Upon good cause shown, the Court may set aside such order when it appears in the interest of justice to do so.
2. (2)  The term "serious crime" shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft or an attempt or a conspiracy or solicitation of another to commit a "serious crime."
3. (3)  A certified copy of a judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.
4. (4)  Upon the filing of a certified copy of a judgment of conviction of an attorney for a serious crime, the Court shall in addition to suspending that attorney in accordance with the provisions of this Rule, also refer the matter to counsel for the institution of a disciplinary proceeding before one or more Judges of the Court in which the sole issue to be determined

64

shall be the extent of the final discipline to be imposed as a result of the conduct resulting in the conviction, provided that a disciplinary proceeding so instituted will not be brought to final hearing until all appeals from the conviction are concluded.

1. (5)  Upon the filing of a certified copy of a judgment of conviction of an attorney for a crime not constituting a "serious crime", the Court may refer the matter to counsel for whatever action counsel may deem warranted, including the institution of a disciplinary proceeding before the Court; provided, however, that the Court may in its discretion make no reference with respect to convictions for minor offenses.
2. (6)  An attorney suspended under the provisions of this Rule will be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed, but the reinstatement will not terminate any disciplinary proceeding then pending against the attorney, the disposition of which shall be determined by the Court on the basis of all available evidence pertaining to both guilt and the extent of discipline to be imposed.

**(b) Action Taken by Other Courts or Tribunals**

(1) **Attorney Duty to Inform of Suspension/Disbarment.** Any attorney admitted to practice before this Court shall, upon being subjected to suspension or disbarment, or upon being found incapacitated from continuing practice by reason of mental infirmity or addiction to drugs or intoxicants by any other Court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth or possession of the United States, or by any other duly authorized tribunal, promptly inform the Clerk of this Court of such action.

(2) **Immediate Disciplinary Suspension.** Upon the filing of a certified or exemplified copy of a judgment or order demonstrating that any attorney admitted to practice before this Court has been disbarred or suspended from the practice of law by any other court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth or possession of the United States, or by any other duly authorized tribunal, this Court, in its discretion, may enter an order immediately suspending that attorney from practice in this Court.

65

Upon suspension, the Court shall forthwith issue a notice directed to the attorney containing:

a copy of any order entered by this Court suspending the attorney from practice;

a copy of the judgment or order from the other court or tribunal; and

an order to show cause directing that the attorney inform this Court within 14 days after service of that order upon the attorney, personally or by mail, of any claim by the attorney.

(3) **Other than Immediate Disciplinary Suspension.** In cases other than an immediate suspension under section (b)(2), upon the filing of a certified or exemplified copy of a judgment or order demonstrating that any attorney admitted to practice before this Court has been suspended, disbarred or found incapacitated by another court, or by any other duly authorized tribunal, this Court shall forthwith issue a notice directed to the attorney containing:

a copy of the judgment or order from the other court or tribunal; and

an order to show cause directing that the attorney inform this Court within 14 days after service of that order upon the attorney, personally or by mail, of any claim by the attorney predicated upon the grounds set forth in Paragraph 6 hereof that the imposition of the identical discipline or finding of incapacity by the Court would be unwarranted and the reasons therefor.

(4) **Administrative Suspension.** In cases involving notice that the Maine Board of Bar Overseers has administratively suspended any attorney admitted to practice before this Court for failing to file a registration statement under Maine Bar Rule 6, failing to pay an annual fee under Maine Bar Rule10, or for failure to satisfy mandatory CLE requirements imposed by Maine Bar Rule 12, this Court shall immediately and administratively suspend the attorney from practice in reciprocal fashion for 7 days. The Court shall immediately issue a notice directed to the attorney of the following:

66

that the attorney has been administratively suspended for a period of 7 days;

that the attorney is to provide proof of reinstatement by the Board of Overseers within those 7 days; and

that, if no reply is made within 7 days, the Court will suspend the attorney from practice in this Court pursuant to paragraph (b)(2) above.

If the Court receives notice during the 7-day suspension period from the Board of Overseers that the attorney has been reinstated, the Court shall immediately reinstate the attorney to the bar of this Court.

(5) **Stay of Action.** In the event the action imposed in the other jurisdiction has been stayed there, any reciprocal action taken by this Court shall be deferred until such stay expires.

(6) **Identical Discipline Absent a Claim.** Upon the expiration of 14 days from service of the notice issued pursuant to the provisions of paragraphs (b)(2) and (b)(3) above, this Court shall impose the identical discipline or make the identical finding of incapacity unless the respondent-attorney demonstrates, or this Court finds, that the record in the other jurisdiction clearly shows:

that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

that there was such an infirmity of proof establishing the misconduct or incapacity as to give rise to the clear conviction that this Court could not, consistent with its duty, accept as final the conclusion on that subject; or

that the imposition of the same discipline or the making of the same finding by this Court would result in grave injustice; or

that the conduct at issue is deemed by this Court to warrant substantially different action.

Where this Court determines that any of said elements exist, it shall enter such other order as it deems appropriate.

67

1. (7)  **Establishing Misconduct/Incapacity.** In all other respects, a final adjudication in another jurisdiction that an attorney has been guilty of misconduct or found incapacitated shall establish conclusively the misconduct or incapacity for purposes of any proceeding under this Rule in this Court.
2. (8)  **Appointment of Counsel.** This Court may at any stage appoint counsel to prosecute proceedings undertaken under this Rule.

**(c) Disbarment on Consent or Resignation in Other Courts**

1. (1)  Any attorney admitted to practice before this Court who shall be disbarred on consent or resign from the bar of any other Court of the United States or the District of Columbia, or from the bar of any state, territory, commonwealth or possession of the United States while an investigation into allegations of misconduct or incapacity is pending, shall, upon the filing with this Court of a certified or exemplified copy of the judgment or order accepting such disbarment on consent or resignation, cease to be permitted to practice before this Court and be stricken from the roll of attorneys admitted to practice before this Court.
2. (2)  Any attorney admitted to practice before this Court shall, upon being disbarred on consent or resigning from the bar of any other Court of the United States or the District of Columbia, or from the Bar of any state, territory, commonwealth or possession of the United States while an investigation into allegations of misconduct or incapacity is pending, promptly inform the Clerk of this Court of such disbarment on consent or resignation.

**(d) Standards for Professional Conduct**

(1) This Court adopts as its standard for professional conduct the Maine Rules of Professional Conduct adopted by the Supreme Judicial Court of Maine, as amended from time to time by that Court.

**(e) Disciplinary and Other Proceedings**

(1) When misconduct or allegations of misconduct or incapacity which, if substantiated, would warrant discipline or other corrective action against an attorney admitted to practice before this Court shall come to the attention of a Judge of this Court, whether by complaint or otherwise, and

68

the applicable procedure is not otherwise mandated by these Rules, the Judge shall refer the matter to counsel for investigation and the prosecution of a formal proceeding or the formulation of such other recommendation as may be appropriate, including proceedings before the Grievance Commission under Maine Bar Rule 7.1, or proceedings before the Maine Supreme Judicial Court under Maine Bar Rule 7.2, or proceedings under Maine Bar Rule 7.3(e).

1. (2)  Should counsel conclude after investigation and review that a formal proceeding should not be initiated against the respondent-attorney because sufficient evidence is not present, or because there is pending another proceeding against the respondent-attorney, the disposition of which in the judgment of the counsel should be awaited before further action by this Court is considered or for any other valid reason, counsel shall file with the Court a recommendation for disposition of the matter, whether by dismissal, admonition, deferral, or otherwise, setting forth the reasons therefore.
2. (3)  To initiate formal proceedings, counsel shall upon a showing of probable cause obtain leave of this Court to file a complaint against the respondent- attorney. If leave of the Court is obtained, the complaint and summons shall be promptly served as provided in subsection (i) of this rule.
3. (4)  The respondent-attorney shall file an answer to the complaint within 20 days of service. If any issue of fact is raised in the answer or if the respondent-attorney wishes to be heard in mitigation, this Court shall set the matter for prompt hearing before one or more Judges of this Court, provided however, that if the proceeding is predicated upon the complaint of a Judge of this Court, the hearing shall be conducted before another Judge of this Court, or, if there is no Judge of this Court eligible to serve, before a District Judge of this Circuit appointed by the Chief Judge of the Court of Appeals.

**(f) Disbarment on Consent While Under Investigation of Allegations of Misconduct or Incapacity**

(1) Any attorney admitted to practice before this Court who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct or incapacity may consent to disbarment, but only by

delivering to this Court an affidavit stating that the attorney desires to consent to disbarment and that:

the attorney's consent is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of so consenting;

the attorney is aware that there is a presently pending investigation or proceeding involving allegations that there exist grounds for the attorney's discipline or for the finding of incapacity, the nature of which the attorney shall specifically set forth;

the attorney acknowledges that the material facts so alleged are true; and

the attorney so consents because the attorney knows that if formal proceedings were held the attorney could not successfully contest the allegations.

1. (2)  Upon receipt of the required affidavit, this Court shall enter an order disbarring the attorney.
2. (3)  The order disbarring the attorney on consent shall be a matter of public record. However, the affidavit required under the provisions of this Rule shall not be publicly disclosed or made available for use in any other proceeding except upon order of this Court.

**(g) Reinstatement**

(1) **After Disbarment or Suspension**. An attorney suspended for three months or less shall be automatically reinstated at the end of the period of suspension upon the filing with the Court of an affidavit of compliance with the provisions of the order of suspension and after retaking the attorney’s oath. An attorney suspended for more than three months or disbarred may not resume practice until reinstated by order of this Court, which shall require the retaking of the attorney’s oath.

(2) **Time of Application Following Disbarment**. A person who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment.

70

(3) **Hearing on Application**. Petitions for reinstatement by an attorney suspended for more than three months or disbarred shall be filed with the Chief Judge of the Court. Upon receipt of the petition, the Chief Judge shall refer the petition to counsel and assign the matter for hearing before one or more Judges of this Court, provided however, that if the disciplinary or other proceeding that led to the suspension or disbarment was predicated upon the complaint of a Judge of this Court the hearing shall be conducted before one or more other Judges of this Court, or, if there are not Judges of this Court eligible to serve, before a District Judge of this Circuit appointed by the Chief Judge of the Court of Appeals. Within 30 days after referral, the Judge or Judges assigned to the matter shall schedule a hearing at which the petitioner shall have the burden of demonstrating by clear and convincing evidence that petitioner no longer has any incapacity and possesses the moral qualifications, competency and learning in the law required for admission to practice law before this Court and that petitioner's resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or subversive of the public interest.

(4) **Duty of Counsel**. In all proceedings upon a petition for reinstatement, cross-examination of the witnesses of the respondent-attorney and the submission of evidence, if any, in opposition to the petition shall be conducted by counsel.

(5) **Deposit for Costs of Proceeding**. Petitions for reinstatement under this Rule shall be accompanied by an advance cost deposit in an amount to be set from time to time by the Court to cover anticipated costs of the reinstatement proceeding.

(6) **Conditions of Reinstatement**. If the petitioner is found unfit to resume the practice of law, the petition shall be dismissed. If the petitioner is found fit to resume the practice of law, a judgment of reinstatement shall enter, provided that the judgment may include such conditions as the Court deems necessary to protect the public interest as well as making reinstatement conditional upon the payment of all or part of the costs of the proceedings and upon the making of partial or complete restitution to parties harmed by the petitioner whose conduct led to the suspension or disbarment.

71

(7) **Successive Petitions**. No petition for reinstatement under this Rule shall be filed within one year following an adverse judgment upon a petition for reinstatement filed by or on behalf of the same person.

1. **Maryland**
	1. **District Court of Maryland**

<https://www.mdd.uscourts.gov/localrules/localrules.html>

RULE 704. RULES OF PROFESSIONAL CONDUCT

This Court shall apply the Rules of Professional Conduct as they have been adopted by the Maryland Court of Appeals.

RULE 703. ATTORNEYS SUBJECT TO DISCIPLINE

Any attorney practicing before this Court or who has practiced before this Court in any way shall be deemed thereby to have conferred disciplinary jurisdiction upon the Court for any alleged misconduct of that attorney. To the extent appropriate, all Rules set forth herein as applicable to attorneys admitted to practice before the Court shall also be deemed applicable to and enforceable against any attorney participating in any manner in any proceeding in this Court, whether or not admitted to practice before the Court.

RULE 704. RULES OF PROFESSIONAL CONDUCT

This Court shall apply the Rules of Professional Conduct as they have been adopted by the Maryland Court of Appeals.

RULE 705. DISCIPLINARY PROCEEDINGS

1.

a)

Allegations of Misconduct

Referral for Investigation

If allegations of misconduct which, if substantiated, would warrant discipline of an attorney, come to the attention of a judge of this Court, the judge may refer the matter to the Court’s Disciplinary and Admissions Committee. If the Disciplinary and Admissions Committee determines that further investigation is necessary, it may decline to take action and instead refer the matter to the Maryland Attorney Grievance Commission, or the state bar authority serving as the basis for the attorney-respondent’s membership in this Court’s Bar. Alternatively, the Court, upon the recommendation of the Disciplinary and Admissions Committee, may appoint one or more members of the Bar of the Court as attorney- investigators to conduct the investigation. Notice of any such appointment shall be given to the attorney-respondent, and the attorney-respondent may move to disqualify any appointed attorney-investigator within fourteen (14) days of mailing the notice of appointment to the attorney-respondent’s address on file with the Clerk’s Office.

Recommendation by Attorney-Investigator

After the conclusion of the investigation, the attorney-investigator(s) shall submit to the Disciplinary and Admissions Committee a report and recommendation that a formal proceeding be held or that the matter be disposed of by dismissal, warning, deferral, or otherwise. Upon review of the attorney-investigator’s report and recommendation, the Disciplinary and Admissions Committee shall recommend to the Court whether to (1) initiate formal proceedings or (2) impose a warning, with or without conditions, in lieu of sanction as permitted under L.R. 705.1.h.

Initiation of Formal Proceedings

If formal disciplinary proceedings are to be initiated, the Court shall issue an order requiring the attorney-respondent to show cause within thirty (30) days after service of the order why the attorney-respondent should not be disciplined. A copy of the attorney- investigator’s report and recommendation shall accompany the show cause order. A copy of any exhibits to the report and recommendation shall be made available to the attorney- respondent upon request.

Disciplinary Hearing

If the attorney-respondent’s answer to the show cause order raises any issue of material fact to which the attorney-respondent wishes to be heard or if the attorney-respondent wishes to be heard in mitigation, a disciplinary hearing shall be held and, insofar as possible, the attorney-investigator shall be assigned to prosecute the case.

b)

c)

d)

1. e)  Recommendation and Final Action

i) Following the disciplinary hearing, the presiding judge or panel of judges shall prepare a report and recommendation of appropriate remedy and/or sanction as provided in L.R. 705.1.h for consideration by the Disciplinary and Admissions Committee. The Disciplinary and Admissions Committee shall then recommend final action on the disciplinary matter for consideration by the Court. The Court will determine final action in the matter, and the Chief Judge will issue an appropriate order on behalf of the Court.

ii) If no hearing is held, the Disciplinary and Admissions Committee shall recommend an appropriate remedy and/or sanction to the Court, as provided in L.R. 705.1.h. The Court will review the Committee’s recommendation and determine final action in the matter. The Chief Judge will then issue an appropriate order on behalf of the Court.

1. f)  Confidentiality

Proceedings under L.R. 705.1 shall be confidential unless otherwise ordered in a final order in a disciplinary proceeding, except that any opinion and order entered by the Court disbarring, suspending, or publicly reprimanding an attorney-respondent shall be placed on the public record, along with any panel’s report and recommendation and exhibits, but only if said exhibits are expressly incorporated into the final order. An attorney-investigator’s report and supporting materials shall not be publicly disclosed without prior approval by the Disciplinary and Admissions Committee.

1. g)  Disbarment by Consent While Under Disciplinary Investigation or Prosecution

i) An attorney-respondent may consent to disbarment while a disciplinary investigation or proceeding is pending against that attorney by delivering to the Clerk an affidavit stating that the attorney-respondent desires to consent to disbarment and that: (1) the attorney- respondent’s consent is freely and voluntarily rendered; (2) the attorney-respondent is not being subjected to coercion or duress; (3) the attorney-respondent is fully aware of the implications of so consenting; (4) the attorney-respondent is aware that there is presently pending an investigation or proceeding involving allegations that there exists grounds for the attorney-respondent’s discipline, the nature of which the attorney-respondent shall specifically set forth; (5) the attorney-respondent acknowledges that the material facts so alleged are true, unless such acknowledgment would involve the admission of a crime; and (6) the attorney-respondent so consents because the attorney-respondent knows that if charges were predicated upon the matters under investigation, or if the proceeding were prosecuted, the attorney-respondent could not provide a sufficient defense.

ii) Upon receipt of the required affidavit, the Clerk shall promptly refer the affidavit to the Disciplinary and Admissions Committee to review the petition and to determine if a hearing is necessary. If the Disciplinary and Admissions Committee finds good cause that

disbarment by consent is appropriate without a hearing, the Court shall enter an order disbarring the attorney-respondent.

iii) The order disbarring the attorney-respondent by consent , and the required affidavit, shall be a matter of public record.

h) Available Sanctions and Remedies for Misconduct

i) Regardless of an attorney-respondent’s consent to the sanction, the Court may impose upon the attorney-respondent the following sanctions: disbarment, suspension, or public or private reprimand for professional conduct.

ii) At any point in a disciplinary proceeding, the Court may, upon recommendation of the Disciplinary and Admissions Committee, choose to terminate the disciplinary proceeding and either issue a warning or authorize entering into a conditional diversion agreement with the attorney-respondent. Neither a warning nor a conditional diversion agreement constitutes discipline by this Court.

iii) Regardless of an attorney-respondent’s consent, the Court may impose one or more of the following conditions on an attorney-respondent in lieu of, or in addition to, either disciplinary sanctions, a warning, or a conditional diversion agreement: (1) demonstration through the report of a health care professional or other proper evidence that the attorney- respondent is mentally and physically competent to resume the practice of law; (2) engagement of an attorney who is satisfactory to the Disciplinary and Admissions Committee to monitor an attorney-respondent’s legal practice; (3) proof that former clients have been reimbursed for any part of fees paid in advance for legal services not completed; (4) satisfaction of any judgment providing reimbursement for any claim that arose out of the attorney-respondent’s practice of law; (5) restitution to any client of any sum found to be due to the client; (6) limitations on the nature or extent of the attorney-respondent’s future practice of law in this Court; (7) payment of costs assessed by the Court; (8) issuance of an apology; or (9) participation in a program tailored to individual circumstances that provides the attorney-respondent with law office management assistance, lawyer assistance, treatment for alcohol or substance abuse, psychological counseling, or specified courses in legal ethics, professional responsibility, or continuing education. For good cause shown, the Court may impose additional reasonable conditions not explicitly provided for in this paragraph.

iv) The Court retains the authority to require an attorney-respondent to perform conditions, even if the attorney-respondent has not been formally disciplined, if it appears that the conditions would benefit the attorney-respondent’s practice and possibly prevent foreseeable acts that may warrant discipline.

v) Any conditions this Court imposes on an attorney-respondent shall not constitute reportable disciplinary sanctions unless ordered by the Court or accompanied by a sanction of disbarment, suspension, or public reprimand.

Expedited Disciplinary or Remedial Action

i) Upon receipt of information that an active member of the Bar is engaging in professional misconduct and poses an immediate threat of causing (1) death or substantial bodily harm to another; (2) substantial injury to the financial interest or property of another; or (3) substantial harm to the administration of justice, including a failure to respond to disciplinary investigation-related inquiries or court orders, the Disciplinary and Admissions Committee may recommend the Court immediately suspend the attorney-respondent pending a disciplinary investigation under L.R. 705.1.

ii) If the Court accepts the Disciplinary and Admissions Committee’s recommendation, then the Court shall issue an order (1) immediately suspending the attorney-respondent’s membership in the Bar pending an investigation under L.R. 705.1 and (2) giving the attorney-respondent thirty (30) days to show cause why the suspension should not continue until the Court issues a final order in the disciplinary proceeding.

iii) If the attorney-respondent does not file a timely response to the initial suspension order, then the suspension shall continue until the Court issues a final order in the disciplinary proceeding.

iv) If the attorney-respondent files a timely response, the Disciplinary and Admissions Committee shall recommend to the Court whether the suspension shall continue through the end of the disciplinary proceeding. The Court shall then issue an order either terminating the suspension or reinstating or continuing the suspension of the attorney- respondent pending completion of the disciplinary proceeding.

Referrals and Complaints from Outside the Court

i) Upon receipt of a complaint from the public, a current or former litigant, or Maryland Bar Counsel (or a similar state bar authority if located outside of the District) concerning alleged incapacity or professional misconduct in this Court by an active member of this Court’s Bar, the Chair of the Disciplinary and Admissions Committee shall make an initial investigation and ensure that the complaint is not facially frivolous or unfounded. In evaluating the complaint, the Chair of the Disciplinary and Admissions Committee may contact the attorney-respondent and obtain an informal response to the allegations, as well as contact the complainant for additional information.

ii) If the Chair of the Disciplinary and Admissions Committee concludes that the complaint is either frivolous, unfounded, or fails to allege facts which, if true, would

j)

demonstrate either professional misconduct or incapacity, the Chair may dismiss the complaint and notify the complainant, the attorney named in the complaint, state bar authority, and the Disciplinary and Admissions Committee of the dismissal. Otherwise, the Chair shall refer the complaint to the Disciplinary and Admissions Committee for further review and investigation as provided under L.R. 705.1.a. The Chair shall also advise the referring state bar authority of the referral to the Disciplinary and Admissions Committee.

iii) Nothing in this subsection shall permit the Chair of the Disciplinary and Admissions Committee to dismiss a Committee referral by a judge of this Court without the referring judge’s consent. Any referral by a judge of this Court shall be referred for investigation as provided under L.R. 705.1.a.

Criminal Convictions

a) Serious Crimes

i) Definition. For purposes of this Rule, the term “serious crime” shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involved false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit any of the above.

ii) Suspension. Upon receipt of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before the Court has been convicted of a serious crime in any court of the United States, or the District of Columbia, or of any state, territory, commonwealth or possession of the United States, the Court shall enter an order immediately suspending the attorney, whether the conviction resulted from a plea of guilty or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of any appeal. Such order shall direct the attorney-respondent to show cause within thirty (30) days why disbarment or some lesser punishment should not be imposed.
A copy of such order shall immediately be served upon the attorney-respondent.

iii) Imposition of Discipline. After the show cause period has ended, the Court’s Disciplinary and Admissions Committee will review the conviction, as well as any response. If the attorney-respondent’s response includes a request for a hearing, the matter shall be assigned for a prompt hearing as provided for in L.R. 705.1.d. Absent such a request, the Disciplinary and Admissions Committee may (a) appoint an attorney-investigator pursuant to L.R. 705.1.a; (b) conduct a disciplinary hearing pursuant to L.R. 705.1.d; or (c) recommend final action to the full bench, which may include any disciplinary sanction or condition available under L.R. 705.1.h.

2.

iv) Lifting of Discipline. In the event that an attorney-respondents’ underlying conviction is reversed or vacated and that attorney-respondent has had imposed disciplinary sanction or condition imposed under the provisions of this Rule, the attorney-respondent will not be reinstated immediately but must apply for reinstatement under L.R. 705.4.

b) Other Crimes

The Disciplinary and Admissions Committee may, pursuant to L.R. 705.1, initiate a disciplinary proceeding against any attorney who has been convicted of any crime other than a serious crime.

Discipline Imposed by Other Courts

1. a)  Attorney’s Duty to Disclose

Any attorney admitted to practice before this Court shall, upon being subjected to public discipline or being enjoined from the practice of law by any other court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth, or possession of the United States, promptly inform the Clerk of such action.

1. b)  Notification to Attorney

Upon the receipt of a copy of a judgment or order demonstrating that an attorney admitted to practice before this Court has been disbarred, suspended, publicly reprimanded, or enjoined from the practice of law by another court, this Court shall forthwith issue a notice directed to the attorney-respondent containing:

* 1. a copy of the judgment or order from the other court;
	2. an order immediately suspending the attorney-respondent, in the event the discipline imposed by the other court consists of suspension or disbarment, or an order enjoining the attorney-respondent from the practice before this Court, in the event the attorney-respondent has been enjoined from the practice of law; and
	3. an order directing the attorney-respondent to show cause within thirty (30) days after service of the order why identical action by this Court would be unwarranted.
1. c)  Stay

In the event the discipline or injunction imposed in the other jurisdiction has been stayed, any reciprocal action imposed by this Court shall be deferred until such stay expires.

3.

1. d)  Imposition of Identical Discipline

This Court shall impose identical discipline to that imposed by the other court unless the attorney-respondent demonstrates, or this Court finds, upon the face of the record upon which the discipline or injunction in another jurisdiction is predicated, it clearly appears:

* 1. the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
	2. there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this Court could not, consistent with its duty, accept as final the conclusion of the other court on that subject; or
	3. the imposition of the same discipline by this Court would result in grave injustice; or
	4. the misconduct established is deemed by this Court to warrant substantially different discipline or injunctive action.

Where this Court determines any of the above elements exist, it shall enter such other order as it deems appropriate.

1. e)  Treatment of Disciplinary Sanctions in Other Jurisdictions

For the purposes of this subsection, this Court shall treat public censures imposed by another bar authority as identical to a public reprimand imposed by this Court. This Court shall not impose reciprocal discipline for another bar authority’s imposition of any level of discipline other than disbarment, suspension, or public reprimand.

1. Reinstatement
2. a)  When Court Order Required

An attorney suspended for ninety (90) days or less shall be automatically reinstated at the end of the period of suspension upon the filing with the Court of an affidavit of compliance with the provisions of the order. An attorney suspended for more than ninety (90) days or disbarred may not resume practice until reinstated by order of this Court, pursuant to a petition for reinstatement filed by the suspended attorney.

1. b)  Time of Application Following Disbarment

An attorney who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least five (5) years from the effective date of the disbarment.

4.

c) Hearing on Application

1. i)  Petitions for reinstatement by a disbarred or suspended attorney shall be filed with the Clerk. Upon receipt of the petition, the Clerk shall promptly refer the petition to the Court’s Disciplinary and Admissions Committee for review and determination whether a hearing is necessary. If the Disciplinary and Admissions Committee finds good cause that reinstatement is appropriate without a hearing, then the Court, if in agreement, may grant the petition for reinstatement.
2. ii)  Otherwise, the Chief Judge shall assign the matter for prompt hearing. The judge or judges assigned to the matter shall, within thirty (30) days after referral, schedule a hearing at which the petitioner shall have the burden of demonstrating by clear and convincing evidence the petitioner has the moral qualifications, competency and learning in the law required for admission to practice law before this Court and the petitioner’s resumption of the practice of law will not be detrimental to the integrity and standing of the Bar or to the administration of justice, or subversive of the public interest.
3. d)  Appointment of Attorney-Investigator

The Court may, pursuant to L.R. 705.1.a, appoint an attorney-investigator to investigate whether the petition for reinstatement should be granted and to participate in the reinstatement hearing.

1. e)  Conditions of Reinstatement

If the petitioner is found unfit to resume the practice of law, the petition shall be dismissed. If the petitioner is found fit to resume the practice of law, the Court may enter an order of reinstatement, provided the order may make reinstatement conditional upon the payment of all or part of the costs of the proceedings, upon the making of partial or complete restitution to parties harmed by the petitioner whose conduct led to the suspension or disbarment, or upon any of the conditions identified in L.R. 7051.h. If the petitioner has been suspended or disbarred for five (5) years or more, reinstatement may be conditioned upon the furnishing of proof of competency and learning in the law, which proof may include certification by the bar examiners of a state or other jurisdiction of the petitioner’s successful completion of an examination for admission to practice subsequent to the date of suspension or disbarment.

1. f)  SuccessivePetitions

No petition for reinstatement shall be filed within one (1) year following an adverse judgment upon a petition for reinstatement filed by or on behalf of the same person.

5.

Dissemination of Information

1. a)  To Other Courts

Whenever this Court has either criminally convicted, disbarred, suspended, or publicly reprimanded an active member of this Court’s Bar, and the attorney is an active member of the bar of any other jurisdiction or court, the Clerk shall, within fourteen (14) days of the conviction, disbarment, suspension, or public reprimand, transmit to the disciplinary authority in such other jurisdiction or court, a certificate of the conviction or a certified copy of the judgment or order of disbarment, suspension, or public reprimand, as well as to the last known office and residence addresses of the defendant or respondent. This provision shall not apply to discipline imposed under L.R. 705.3 when this Court only imposes discipline identical to the discipline imposed by another court or bar authority.

1. b)  To the American Bar Association

Unless otherwise directed in a final order of the Court, the Clerk shall promptly notify the National Lawyer Regulatory Data Bank operated by the American Bar Association of any order disbarring, suspending, or publicly reprimanding any attorney-respondent admitted to practice before this Court.

1. **Massachusetts**
	1. **District Court of Massaschussetts**
		1. <http://www.mad.uscourts.gov/general/rules-home.htm>

**RULE 83.6.1 RULES OF PROFESSIONAL CONDUCT**

**(a)  Rules of Professional Conduct.** The rules of professional conduct for attorneys appearing and practicing before this court shall be the Massachusetts Rules of Professional Conduct adopted by the Massachusetts Supreme Judicial Court, as set forth as Rule 3:07 of that court, as of January 1, 2015, subject to any subsequent amendments made pursuant to paragraph (b) of this rule, and any exceptions set forth in paragraph (c) of this rule. **(b)  Amendments to Rules.** Any amendment to the Massachusetts Rules of Professional Conduct adopted by the Massachusetts Supreme Judicial Court after [*the effective date of these rules]* shall be deemed adopted by this court as of the same date, unless this court affirmatively declines to adopt it by a majority vote of the full court or stays its adoption pending such a vote. This court may also modify its rules of professional conduct at any time according to its normal rulemaking procedures. **(c)  Exceptions to Rules.** The court does not adopt the following portions of the Massachusetts Rules of Professional Conduct: (1)  Rule 3.6 (governing trial publicity), to the extent it applies to imminent or pending criminal investigations or litigation in this court; and (2)  Rule 3.8(f) (governing the issuance of certain subpoenas by prosecutors). **(d)  Compliance with Rules Required.** All attorneys who are admitted or authorized to practice before this court shall comply with its rules of professional conduct in all matters they handle before this court.

1. **Michigan**
	1. **Eastern District of Michigan**
		1. <https://www.mied.uscourts.gov/index.cfm?pagefunction=rulesplansorders>

**(b)   Standards of Professional Conduct.** The Rules of Professional Conduct adopted by the Michigan Supreme Court, as amended from time to time, apply to members of the bar of this court and attorneys who practice in this court as permitted by [LR 83.20](https://www.mied.uscourts.gov/altindex.cfm?pagefunction=localruleView&lrnumber=LR83.20). A violation of those rules is ground for discipline.

**LR 83.22: Attorney Discipline**

**(a) Definitions.** The following definitions apply in this rule.

(1)   "Order of discipline" means an order entered against an attorney by the Michigan Attorney Discipline Board, a similar disciplinary authority of another state, or a court

(A)   revoking or suspending an attorney's license or admission before a court to practice law,

(B)   placing an attorney on probation or inactive status,

(C)   reprimanding an attorney for misconduct,

(D)   requiring an attorney to make restitution, or

(E)   transferring an attorney to inactive status in lieu of discipline.

(2)   "State" means a state, territory, commonwealth, or possession of the United States, and the District of Columbia.

(3)   "Serious crime" means:

(A)   a felony.

(B)   a crime, a necessary element of which, as determined by the statutory or common law definition of the crime in the jurisdiction of the conviction, involves interference with the administration of justice, false swearing, misrepresentation, fraud, willful failure to file income tax returns, willful failure to pay income tax, deceit, bribery, extortion, misappropriation, theft, or an attempt, conspiracy, or solicitation of another to commit a serious crime.

(C)   a crime that reflects adversely on the attorney's honesty, trustworthiness, or fitness as an attorney.

(4)   “Chief judge” includes his or her designee.

**(b)   Standards of Professional Conduct.** The Rules of Professional Conduct adopted by the Michigan Supreme Court, as amended from time to time, apply to members of the bar of this court and attorneys who practice in this court as permitted by [LR 83.20](https://www.mied.uscourts.gov/altindex.cfm?pagefunction=localruleView&lrnumber=LR83.20). A violation of those rules is ground for discipline.

**(c)   Disciplinary Proceedings.** When misconduct or allegations of misconduct that, if substantiated, would warrant discipline of an attorney who is a member of the bar of this court or has practiced in this court as permitted by [LR 83.20](https://www.mied.uscourts.gov/altindex.cfm?pagefunction=localruleView&lrnumber=LR83.20) come to the attention of a judicial officer, including a bankruptcy judge or a magistrate judge, whether by complaint or otherwise, the judicial officer may refer the matter to:

(1)   the Michigan Attorney Grievance Commission for investigation and prosecution,

(2)   another disciplinary authority that has jurisdiction over the attorney, or

(3)   the chief district judge for institution of disciplinary proceedings by this court under LR 83.22(e).

**(d)   Discipline Other than Suspension or Disbarment.** In addition to the discipline authorized by (c), a judicial officer may impose discipline, except suspension or disbarment from this court, on any attorney who engages in conduct violating the Rules of Professional Conduct, these rules, the Federal Rules of Civil or Bankruptcy Procedure, or orders of the Court; or engages in other conduct unbecoming of a member of the bar of this court. Prior to the imposition of discipline, the attorney shall be afforded an opportunity to show good cause, within such time as the Court shall prescribe, why the discipline should not be imposed. Upon the attorney’s response, and after a hearing, if requested and allowed by the judicial officer, or upon expiration of the time prescribed for a response if no response is made, the Court shall enter an appropriate order. The provisions of this rule do not preclude contempt proceedings including those pursuant to 18 U.S.C. §§ 401 and 402 and Fed.R.Crim.P. 42 or proceedings under 28 U.S.C. § 1927 and Fed.R.Civ.P. 11.

**(e)   Discipline by Court After Hearing.**

**(1)   Hearing Panel.** On receipt of a request by a judicial officer under LR 83.22(c), the chief judge will assign a three judge panel to hear and determine the matter. The three judicial officers shall be randomly selected, except that the judicial officer who made the request for discipline or before whom the conduct giving rise to the request took place may not be appointed. At least one member of the panel must be a district judge. If the alleged misconduct occurred in relation to a bankruptcy proceeding, the panel must include one bankruptcy judge. If the alleged misconduct occurred in relation to a magistrate judge’s proceeding, the panel must include one magistrate judge. Otherwise the panel must consist of three district judges. The most senior district judge will preside and has the authority to resolve issues of procedure and evidence.

**(2)   Order to Show Cause.** The panel will determine whether to issue an order to show cause. The order to show cause will include the specific facts that give rise to the proposed discipline, including the date, place and nature of the alleged misconduct, and the names of all persons involved. The clerk must mail to the attorney who is the subject of investigation a copy of the order and any supporting documents.

**(3)   Response.** The respondent must respond to the order to show cause within 21 days from entry of the order. The response must -

(A)   specifically admit or deny each factual allegation in the order and,

(B)   state specific facts on which the respondent relies, including all other material dates, places, persons and conduct, and all documents or other supporting evidence not previously filed with the order that are relevant to the charges of misconduct.

**(4)   Notice of the Hearing.** The court must give the respondent 21 days written notice of the date and location of the hearing and notice of the respondent’s rights under LR 83.22(e)(6)(B).

**(5)   Discovery.** The panel may order prehearing discovery for good cause shown.

**(6)   Hearing and Decision.**

**(A)   Prosecuting Counsel.** The chief judge must appoint an attorney to present the evidence supporting the allegations giving rise to the request for discipline when a hearing is necessary to resolve disputed facts. An attorney appointed under this rule will be paid at a rate not to exceed the Criminal Justice Act rate in effect at the time.

**(B)   Respondent’s Rights.** The respondent may be represented by counsel, to present witnesses and other evidence, and to confront and cross examine adverse witnesses.

**(C)   Subpoenas.** The presiding judge may authorize a party to subpoena witnesses or documents for the hearing for good cause shown.

**(D)   Witnesses.** Witnesses must testify under oath. The judicial officer who initiated the referral may be called as a witness at the hearing at the panel’s discretion.

**(E)   Burden of Proof.** The conduct giving rise to the request for discipline must be proven by a preponderance of the evidence.

**(F)   Failure to Appear.** The respondent’s failure to appear at the hearing is grounds for discipline.

**(G)   Confidentiality; Recording.** The hearing will be confidential and recorded.

**(H)   Decision.** Decision is by a majority of the panel. The panel may order suspension, disbarment, or any other remedy or sanction it deems appropriate, including costs and attorneys fees. The panel will prepare a written order including the panel’s findings and disposition of the disciplinary charges. The order will be a public record. The court will send the order to the respondent and the complainant.

**(7)   Appeal.** The decision of the panel will be the final decision of the district court.

**(8)   Required Notice on Suspension or Disbarment.** Within 14 days after service of an order suspending or disbarring an attorney under LR 83.22(e)(6)(H), the respondent must:

(A)   Send a copy of the order to:

(i)   the Michigan Attorney Grievance Commission,

(ii)   the licensing authority of any other state in which the respondent is licensed to practice law, and

(iii)   the clerk of every other Federal Court in which the respondent is admitted to practice.

(B)   Notify each client of the respondent in matters that the disciplinary action may affect of the following:

(i)   the nature and duration of the discipline;

(ii)   the effective date of the discipline;

(iii)   the attorney’s inability to act as an attorney in this court after the effective date of the discipline;

(iv)   the location and identity of the custodian of the client’s files and records, which will be made available to the client or to substitute counsel;

(v)   that the client may wish to seek legal advice and counsel elsewhere, but, if the attorney was a member of a law firm, the firm may continue to represent the client with the client’s express written consent; and

(vi)   the address to which all correspondence to the attorney may be addressed.

(C)   In every matter in which the respondent is representing a client in litigation affected by the disciplinary action, send a copy of the order of discipline to all parties and other persons entitled to notice of matters in the litigation.

**(9)   Affidavit of Compliance.** Within 14 days after service of an order suspending or disbarring an attorney under LR 83.22(e)(6)(H), the respondent must file an affidavit with the clerk certifying compliance with LR 83.22(e)(8). The affidavit must include as an appendix copies of the disclosure notices required under LR 83.22(e)(8).

**(f)   Attorneys Convicted of Crimes.**

**(1)   Serious Crimes.**

(A)   When an attorney admitted to practice before this court is convicted of a serious crime, the attorney is automatically suspended from practice in this court without further action of the Court, regardless of the pendency of an appeal. A conviction occurs upon the return of a verdict of guilty or upon the acceptance of a plea of guilty or nolo contendere. On receipt of written notice of conviction of a serious crime of an attorney admitted to practice before this court, the chief judge will enter an order suspending the attorney. The suspension will continue until after final disposition of an appeal of the conviction, proceedings on remand after an appeal, and any disciplinary investigation and proceeding based on the conduct that resulted in the conviction. The court shall serve a copy of the order on the attorney by certified mail.

(B)   On application, the chief judge may reinstate the attorney on a showing that--

(i)   there is a jurisdictional deficiency that establishes that the suspension may not properly be ordered, such as that the crime did not constitute a serious crime or that the attorney is not the individual convicted; or

(ii)   the conviction has been reversed and there is no likelihood of further criminal prosecution or disciplinary action related to the conduct that resulted in the conviction. A reinstatement will not terminate any disciplinary investigation or proceeding based on the conduct that resulted in the conviction.

**(2)**Other Crimes. LR 83.22(c) applies if the Court receives written notice of conviction of an attorney admitted to practice before this court of a crime not constituting a serious crime.

(3)   Obligation to Report Conviction. An attorney admitted to practice before this court must, on being convicted of a serious crime, immediately inform the clerk. If the conviction was in this court, the attorney must notify all other jurisdictions in which the attorney is admitted to practice. An attorney knowingly violating this provision may, on notice and after hearing, be found guilty of criminal contempt.

**(g)   Discipline by Other Jurisdictions.**

**(1)   Order of Discipline.**

(A)   On receipt of written notice that another jurisdiction imposed discipline against an attorney admitted to practice in this court, the chief judge will enter an order imposing the same discipline, effective as of the date that the discipline was effective in the other jurisdiction. If the discipline imposed in the other jurisdiction has been stayed there, the Court may defer discipline until the stay expires. If the order of discipline includes a period of suspension or disbarment, an attorney may be reinstated to this court only by application pursuant to LR 83.22(i)(1).

(B)   When this court enters an order of discipline against an attorney, the attorney must provide to the clerk a list of all other jurisdictions in which the attorney is admitted to practice.

**(2)   Application to Modify Order of Discipline.**

(A)   Within 28 days after the effective date of the order of discipline in this court, the attorney may apply to the chief judge for modification or vacation of the discipline.

(B)   The court shall modify or vacate the discipline if, on the record supporting the order of discipline in the other jurisdiction, the attorney demonstrates or the Court finds that it clearly appears that--

(i)   the procedure in the other jurisdiction constituted a deprivation of due process; or

(ii)   there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this court could not accept as final the conclusion on that subject; or

(iii)   imposing the same discipline in this court would result in grave injustice; or

(iv)   the misconduct warrants substantially different discipline.

If the Court determines that any of these grounds exist, it shall order other appropriate discipline or no discipline.

**(3)   Obligation to Report Discipline.**

(A)   An attorney admitted to practice before this court appearing or participating in a pending matter must, on being subjected to an order of discipline, immediately inform the clerk of the order of discipline.

(B)    An attorney admitted to practice before this court must, before appearing or participating in a matter in the Court after being subjected to an order of discipline that has not previously been reported to the Court, immediately inform the clerk of the order of discipline.

(C)   An attorney knowingly violating this provision may, on notice and after hearing, be found guilty of criminal contempt.

**(4)   Administrative Suspension and Reinstatement.** An attorney who is suspended for nonpayment of dues to the State Bar of Michigan or any other bar association on which the attorney’s admission to practice in this court may be based will be automatically suspended in this court without any action by the Court other than written notice to the attorney. On receipt of notice that the attorney has been reinstated for payment of dues and penalties and payment of the Court’s attorney renewal fee, the attorney will be automatically reinstated in this court.

**(h)   Resignation in Other Jurisdictions.**

(1)   If an attorney resigns from the bar of another court of the United States or the bar of a state while an investigation into allegations of misconduct is pending,

(A)   the attorney will immediately and automatically be disbarred from this court, and

(B)   the attorney must promptly inform the clerk of the resignation. An attorney knowingly violating this notification provision may, on notice and after hearing, be found guilty of criminal contempt.

(2)   On receipt of written notice that an attorney has resigned from the bar of another court of the United States or the bar of a state while an investigation into allegations of misconduct was pending, the chief judge will enter an order disbarring the attorney, effective as of the date of resignation in the other jurisdiction.

(3)   An attorney disbarred under (h)(1)(A) may be reinstated if the attorney is readmitted in the jurisdiction from which the attorney resigned and there has been a final disposition of the investigation into allegations of misconduct without an order of discipline.

**(i)   Reinstatement.**

(1)   When this court has suspended or disbarred an attorney under LR 83.22(g) or (h), the attorney may apply for reinstatement by filing in this court an affidavit that the jurisdiction that entered the order of discipline on which this court based its discipline has reinstated the attorney. When this court has suspended or disbarred an attorney under LR 83.22(e), the attorney may apply for reinstatement by filing an application for reinstatement. The affidavit or application must be accompanied by payment of the Court’s attorney renewal fee. The clerk will assign the affidavit or application to a panel of three judges chosen randomly from among the active and senior judges.

(2)   The attorney seeking reinstatement must prove by clear and convincing evidence that-

(A)   the attorney has complied with the orders of discipline of this court and all other disciplinary authorities.

(B)   the attorney has not practiced in this court during the period of disbarment or suspension and has not practiced law contrary to any other order of discipline.

(C)   the attorney has not engaged in any other professional misconduct since disbarment or suspension.

(D)   the attorney has the moral qualifications, competency and learning in the law required for admission to practice before this court, and that his or her resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or subversive of the public interest.

(3)   The court may invite any judge of the Court, the Michigan Attorney Grievance Commission or other disciplinary counsel to present grounds why the attorney should not be reinstated and may conduct an evidentiary hearing if factual issues are contested.

(4)   If the attorney seeking reinstatement has met the burden of proof in subsections (2)(A)-(D), and unless the Court finds such irregularities in the proceedings conducted in the other jurisdiction so as to undermine confidence in the result, or finds that there are other compelling reasons for not reinstating the attorney, the application will be granted.

(5)   In addition to payment of the attorney renewal fee, the Court may condition reinstatement on--

(A)   payment of all or part of the costs of the disciplinary and reinstatement proceedings in this court and may impose any of the conditions of reinstatement imposed in the other jurisdiction, or such other conditions as are warranted.

(B)   partial or complete restitution to the persons harmed by the misconduct that led to disbarment or suspension.

(C)   if the disbarment or suspension has been for five years or more, certification by the bar examiners of a state or other jurisdiction of the attorney's successful completion of an examination for admission to practice after the date of disbarment or suspension.

(6)   An attorney may not file an application for reinstatement under this rule within one year following denial of such an application.

**(j)   Service of Papers.** Service of papers on an attorney under this rule may be by mail to the address of the attorney shown on the Court's roll of attorneys or the address in the most recent paper the attorney filed in a proceeding in this court.

**(k)   Duties of the Clerk.**

(1)   On being informed that an attorney admitted to practice before this court has been convicted of a serious crime, the clerk will determine whether the Court in which the conviction occurred sent a certificate of the conviction to this court. If not, the clerk will promptly obtain a certificate and file it with the Court.

(2)   On being informed that another court or a state has entered an order of discipline against an attorney admitted to practice before this court, the clerk will determine whether a certified copy of the order has been filed with this court. If not, the clerk will promptly obtain a certified copy of the order and file it with the Court.

(3)   When this court convicts an attorney of a serious crime or enters an order of discipline against an attorney, the clerk will promptly notify the National Discipline Data Bank operated by the American Bar Association.

**(l)   Other Authority.** Nothing in this rule abridges the Court's power to control proceedings before it, including the power to initiate proceedings for contempt under Title 18, United States Code or Fed. R. Crim. P. 42.

**COMMENT:** The United States Supreme Court has held that “conduct unbecoming” [referred to in (d)], is conduct “contrary to professional standards that show an unfitness to discharge continuing obligations to clients or courts, or conduct inimical to the administration of justice”. In re. Snyder, 472 U.S. 634, 645 (1985).

Under LR 83.22(e)(1), a hearing panel assigned as a result of alleged misconduct in relation to a bankruptcy proceeding will consist of two district judges and one bankruptcy judge. Likewise, a hearing panel assigned as a result of alleged misconduct in relation to a magistrate judge’s proceeding will consist of two district judges and one magistrate judge.

28 U.S.C. § 1291 applies to LR 83.22(e)(7).

In 1997, the Judicial Conference of the United States authorized courts to charge, at their option, a fee for renewal of an attorney’s admission to practice. The Eastern District of Michigan established the attorney renewal fee effective January 1, 2000 (Administrative Order 99-AO-059).

July 1, 2013

* 1. **Western District of Michigan**
		1. <http://www.miwd.uscourts.gov/court-info/local-rules-and-orders>

Consent to standards of conduct and disciplinary authority - An attorney admitted to the bar of this Court or who practices in this Court as permitted by this Rule is subject to the Rules of Professional Conduct adopted by the Michigan Supreme Court, except those rules a majority of the judges of this Court exclude by administrative order, and consents to the jurisdiction of this Court and the Michigan Attorney Grievance Commission and Michigan Attorney Discipline Board for purposes of disciplinary proceedings. Any person practicing or purporting to practice in this Court shall be presumed to know the Local Rules of this Court, including those provisions relating to sanctions for violations of these Rules.

Attorney discipline

1. (i)  Discipline other than suspension or disbarment - In accordance with the provisions of this Rule, a district judge or magistrate judge may impose discipline, except suspension or disbarment from this Court, on any attorney who engages in conduct violating the Rules of Professional Conduct; willfully violates these rules, the Federal Rules of Civil Procedure, or orders of the Court; or engages in other conduct unbecoming of a member of the bar of this Court. Prior to the imposition of discipline, the attorney shall be afforded an opportunity to show good cause, within such time as the Court shall prescribe, why the discipline should not be imposed. Upon the attorney’s response to show cause, and after hearing, if requested and allowed by the district judge, or upon expiration of the time prescribed for a response if no response is made, the Court shall enter an appropriate order.
2. (ii)  Suspension or disbarment
	1. (A)  Initiation of proceedings - Formal disciplinary proceedings leading up to possible suspension or disbarment shall be initiated by the issuance of an order to show cause, signed by the Chief Judge. Such order may be issued by the Court, on its own initiative or in response to allegations brought to the attention of the Court in a written complaint, if the Court determines further investigation is warranted. The Chief Judge may dismiss a complaint and refuse to issue an order to show cause if the complaint is found to be frivolous. The order to show cause issued by the Court shall include the specific facts that give rise to the proposed discipline, including the date, place and nature of the alleged misconduct, and the names of all persons involved. A copy of the order and any supporting documents shall be mailed to the attorney who is the subject of investigation. The attorney shall have twenty-one (21) days from the entry of the order in which to respond. The response shall contain a specific admission or denial of each of the factual allegations contained in the order and, in addition, a specific statement of facts on which the respondent relies, including all other material dates, places, persons and conduct, and all documents or other supporting evidence not previously filed with the order that are relevant to the charges of misconduct alleged. The response shall contain a specific request for a hearing, if so desired by the respondent.
	2. (B)  Hearing - A disciplinary hearing shall be held only when the attorney under investigation has requested such a hearing in a timely response.

(1) Procedures - If it is determined that a hearing is necessary, the Chief Judge shall provide the attorney with written notice of the hearing a minimum of twenty-one (21) days before its scheduled date. The notice shall contain the date and location of the hearing and a statement that the attorney is entitled to be represented by counsel, to present witnesses and other evidence, and to confront and cross examine adverse witnesses.

(2) Conduct of the hearing - The hearing shall be conducted by a panel of three judicial officers appointed by the Chief Judge, consisting of at least one active or senior district judge. The other members of the panel may include senior judges, bankruptcy judges, and magistrate judges. Any judge who initiated the request for discipline or before whom the allegation giving rise to the request took place shall not be appointed to the panel. The presiding judicial officer shall have the authority to resolve all disputes on matters of procedure and evidence which arise during the course of the proceeding. The presiding judicial officer may appoint an attorney to assist in the preparation and presentation of the evidence supporting the allegations giving rise to the request for discipline. All witnesses shall testify under penalty of perjury. Such hearings shall be confidential and be recorded. A decision of a majority of the three judge panel shall be final and binding. A written order shall be prepared which shall include the findings of the panel and disposition of the disciplinary charges. The order shall be a matter of public record and be sent to the respondent and complainant.

(3) Burden of proof - The conduct giving rise to the request for discipline shall be proven by a preponderance of the evidence.

(4) Failure to appear - The failure of the respondent to appear at the hearing shall itself be grounds for discipline.

(iii) Reinstatement after expiration of court-imposed discipline - After expiration of a period of suspension imposed by this Court, an attorney may apply for reinstatement by filing an affidavit under LCivR 83.1(m)(iii). The application for reinstatement will be decided in accordance with the process set forth in that rule. Unless and until reinstated, a suspended attorney must not practice before this Court.

(l) Attorneys convicted of crimes (i) Serious crimes

(A) When an attorney admitted to practice before this Court is convicted of a serious crime, the attorney is automatically suspended from practice in this Court without further action of the Court, whether the conviction resulted from a plea of guilty or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of an appeal. On receipt of written notice of conviction of a serious crime of an attorney admitted to practice before this Court, the Chief Judge shall enter an order suspending the attorney. The suspension shall continue until after final disposition of an appeal of the conviction, proceedings on remand after an appeal, and any

57

disciplinary investigation and proceeding based on the conduct that resulted in the conviction. The Court shall serve a copy of the order on the attorney by certified mail.

(B) On application, the Chief Judge shall reinstate the attorney on a showing that:

1. (1)  there is a jurisdictional deficiency that establishes that the suspension may not properly be ordered; such as that the crime did not constitute a serious crime or that the attorney is not the individual convicted; or
2. (2)  the conviction has been reversed and there is no likelihood of further criminal prosecution or disciplinary action related to the conduct that resulted in the conviction. A reinstatement will not terminate any disciplinary investigation or proceeding based on the conduct that resulted in the conviction.
3. (ii)  Other crimes - If the Court receives written notice of conviction of an attorney admitted to practice before this Court of a crime not constituting a serious crime, the matter shall be referred to the Chief Judge who may initiate proceedings under subsection (k)(i) or (ii) of this rule.
4. (iii)  Obligations to report conviction - An attorney admitted to practice before this Court shall, on being convicted of any crime, immediately inform the Clerk. If the conviction was in this Court, the attorney shall also provide to the Clerk a list of all other jurisdictions in which the attorney is admitted to practice. An attorney knowingly violating this provision may, on notice and after hearing, be charged with criminal contempt.

(m) Discipline by other jurisdictions

1. (i)  Reciprocal discipline
	1. (A)  On receipt of written notice that another jurisdiction entered an order of discipline against an attorney admitted to practice in this Court, the Chief Judge shall enter an order imposing the same discipline, effective as of the date that the discipline was effective in the other jurisdiction. If the discipline imposed in the other jurisdiction has been stayed there, the Court shall defer reciprocal discipline until the stay expires.
	2. (B)  When this Court enters an order of discipline against an attorney, the attorney shall provide to the Clerk a list of all other jurisdictions in which the attorney is admitted to practice.
2. (ii)  Application to modify reciprocal discipline

(A) Within twenty-eight (28) days after the effective date of the order of

58

discipline in this Court, the attorney may apply to the Chief Judge for modification or vacation of the discipline.

(B) The Chief Judge shall modify or vacate the discipline if, on the record supporting the order of discipline in the other jurisdiction, the attorney demonstrates or the Chief Judge finds that it clearly appears that:

1. (1)  the procedure in the other jurisdiction constituted a deprivation of due process;
2. (2)  there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this Court could not accept as final the conclusion on that subject;
3. (3)  imposing the same discipline in this Court would result in grave injustice; or
4. (4)  the misconduct warrants substantially different discipline.

If the Chief Judge determines that any of these grounds exist, the Chief Judge shall order other appropriate discipline or no discipline.

(iii) Reinstatement after expiration of discipline

1. (A)  An attorney may apply for reinstatement by filing an affidavit of reinstatement stating that the jurisdiction that entered the underlying order of discipline has reinstated the attorney. The application for reinstatement must be accompanied by a copy of the entire disciplinary record, including complaints, answers, hearing transcripts, and orders entered in the disciplinaryproceedings. TheChiefJudgeshallassignsuchapplicationsto a panel of three judicial officers consisting of at least one active or senior district judge. The other members of the panel may include senior judges, bankruptcy judges and magistrate judges. Any judge who initiated the request for discipline or before whom the allegation giving rise to request for discipline took place shall not be appointed to the panel. A decision of the majority of the three judge panel shall be final and binding.
2. (B)  The judicial officers assigned to the matter shall within twenty-eight (28) days after assignment schedule a hearing at which the attorney shall have the burden of demonstrating by clear and convincing evidence that:
	1. (1)  the attorney has complied with the orders of discipline of this Court and all other disciplinary authorities;
	2. (2)  the attorney has not practiced in this Court during the period of disbarment or suspension and has not practiced law contrary to any other order of discipline;

59

1. (3)  the attorney has not engaged in any other professional misconduct since disbarment or suspension;
2. (4)  the attorney has the moral qualifications, competency and learning in the law required for admission to practice law
before this Court; and
3. (5)  the attorney’s resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or subversive of the public interest.

The Court may condition reinstatement on payment of all or part of the costs of the proceedings in this Court and may impose any of the conditions of reinstatement imposed in the other jurisdiction, or such other conditions as are warranted.

(C) An attorney shall not file an application for reinstatement under this Rule within one year following denial of such an application.

(iv) Obligation to report discipline

1. (A)  An attorney admitted to practice before this Court appearing or participating in a pending matter shall, on being subjected to an order of discipline, immediately inform the Clerk of the order of discipline.
2. (B)  An attorney admitted to practice before this Court shall, before appearing or participating in a matter in the Court after being subjected to an order of discipline that has not previously been reported to the Court, immediately inform the Clerk of the order of discipline.
3. (C)  An attorney knowingly violating this provision may be charged with criminal contempt.

(n) Resignation in other jurisdictions

1. (i)  If an attorney resigns from the bar of another court of the United States while an investigation into allegations of misconduct is pending:
	1. (A)  the attorney shall immediately and automatically be disbarred from this Court; and
	2. (B)  the attorney shall promptly inform the Clerk of the resignation. An attorney knowingly violating this notification provision may be charged with criminal contempt.
2. (ii)  On receipt of written notice that an attorney has resigned from the bar of another court of the United States or the bar of a state while an investigation into allegations of misconduct was pending, the Chief Judge shall enter an order disbarring the

60

attorney, effective as of the date of resignation in the other jurisdiction.

1. (iii)  An attorney disbarred under this subsection may apply to the Chief Judge for modification or vacation of the disbarment pursuant to LCivR 83.1(m)(ii).
2. (iv)  An attorney disbarred under this subsection may be reinstated if the attorney is readmitted in the jurisdiction from which the attorney resigned and there has been a final disposition of the investigation into allegations of misconduct without an order of discipline.
3. (o)  Service of papers - Service of papers on an attorney under this Rule may be by mail to the address of the attorney shown on the Court’s roll of attorneys or the address in the most recent paper the attorney filed in a proceeding in this Court.
4. (p)  Duties of the Clerk
	1. (i)  On being informed that an attorney admitted to practice before this Court has been convicted of a crime, the Clerk shall determine whether the Court in which the conviction occurred sent a certificate of the conviction to this Court. If not, the Clerk shall promptly obtain a certificate and file it with the Court.
	2. (ii)  On being informed that another court or a state has entered an order of discipline against an attorney admitted to practice before this Court, the Clerk shall determine whether a certified copy of the order has been filed with this Court. If not, the Clerk shall promptly obtain a certified copy of the order and file it with the Court.
	3. (iii)  When this Court convicts an attorney of a crime or enters an order of discipline against an attorney, the Clerk shall promptly notify the National Discipline Data Bank operated by the American Bar Association and any other authority that licensed or authorized the attorney to practice.
5. (q)  Other authority - Nothing in this Rule abridges the Court’s power to control proceedings before it, including the power to initiate proceedings for contempt under Fed. R. Crim. P. 42 or sanction or disqualify an attorney in a particular case.
6. **Minnesota**
	1. **District of Minnesota**
		1. <http://www.mnd.uscourts.gov/local_rules/>

**(a) Required Conduct.** An attorney who is admitted to the court’s bar or who otherwise practices before the court must comply with the Minnesota Rules of Professional Conduct, which are adopted as the rules of this court. An attorney commits misconduct by failing to comply with the Minnesota Rules of Professional Conduct.

**LR 83.6 ATTORNEY DISCIPLINE**

**(a) Required Conduct.** An attorney who is admitted to the court’s bar or who otherwise practices before the court must comply with the Minnesota Rules of Professional Conduct, which are adopted as the rules of this court. An attorney commits misconduct by failing to comply with the Minnesota Rules of Professional Conduct.

**(b) Available Discipline.** The court may discipline any attorney who is admitted to the court’s bar or who otherwise practices before the court. Such discipline may include, but is not limited to, disbarment, suspension, public reprimand, private admonition, monetary sanctions, or restitution. This rule does not limit the court’s inherent, statutory, or other authority to control its proceedings, including through civil or criminal contempt proceedings.

**(c) Duty to Report.** An attorney must promptly report the following in writing to the clerk:

*(1) Discipline.* Disbarment, suspension, public reprimand, or other public discipline imposed by any other court or jurisdiction. The attorney’s report must include a certified copy of the judgment or order imposing the discipline.

*(2) Conviction of a Crime.* Any guilty plea to or conviction of committing, attempting to commit, conspiring to commit, or soliciting or aiding another to commit:

(A) any crime punishable by incarceration for more than one year; or

(B) any crime that includes as a necessary element:

* interference with the administration of justice;
* perjury;
* false swearing;
* misrepresentation;
* fraud;
* willful extortion;
* misappropriation; or
* theft.
1. **(d)  Automatic Discipline.**

*(1) Reciprocal Discipline.* Unless the court orders otherwise, an attorney who has been temporarily or permanently prohibited from practicing before any other court or jurisdiction automatically forfeits the right to practice before this court for the same period.

*(2) Criminal Acts.* Unless the court orders otherwise, an attorney who pleads guilty to or has been convicted of a crime set forth in LR 83.6(c)(2) automatically forfeits the right to practice before this court.

1. **(e)  Court-Initiated Discipline.**

*(1) Appointment of Investigatory Counsel.* A judge who becomes aware that an attorney may have committed misconduct may appoint investigatory counsel to investigate and advise the judge as to whether to initiate disciplinary proceedings. In the order appointing investigatory counsel, the judge must describe the scope of investigatory counsel’s duties. The attorney under investigation must cooperate with investigatory counsel. Investigatory counsel must provide the judge with a written report containing a recommendation as to whether the judge should initiate disciplinary proceedings. Unless otherwise ordered by the court, the court and all parties must file all orders and pleadings in an investigatory proceeding under seal on ECF.

*(2) Disciplinary Proceedings.* A judge who becomes aware that an attorney may have committed misconduct may initiate disciplinary proceedings as follows:

(A) Order to Show Cause. The judge must issue an order to show cause as to why the respondent-attorney should not be disciplined for the alleged misconduct. The order must describe the alleged misconduct.

(B) Assignment. The chief judge must assign a judge to preside over the disciplinary proceeding. The judge who issued the order to show cause must not be assigned to preside over the disciplinary proceeding.

(C) Hearing; Appointment. The assigned judge must promptly schedule a hearing, appoint disciplinary counsel to prosecute the matter, and provide notice of the hearing and appointment to the

respondent-attorney. An attorney who served as investigatory counsel may serve as disciplinary counsel.

(D) Disciplinary Counsel. Disciplinary counsel may introduce evidence, call witnesses (including the respondent-attorney), and cross-examine any witness called by the respondent-attorney.

(E) Respondent-Attorney. The respondent-attorney must have the opportunity to be heard. The respondent-attorney may be represented by counsel. The respondent-attorney may testify, introduce evidence, call witnesses, and cross-examine any witness called by disciplinary counsel.

(F) Rules of evidence. The Federal Rules of Evidence do not apply to any disciplinary proceeding.

(G) Record. The court and all parties must file all orders and pleadings in a disciplinary proceeding under seal on ECF. Any hearing conducted under this rule must be recorded. If the court imposes any form of public discipline, all files and records related to the disciplinary proceeding must be unsealed unless the court orders otherwise.

*(3) Written Findings and Discipline.* The assigned judge must issue written findings as to whether the alleged misconduct has been proven by clear and convincing evidence and, if so, what discipline will be imposed. The court must file its written findings under seal on ECF. If the court imposes any form of public discipline, the court’s written findings must be unsealed unless the court orders otherwise.

**(f) Temporary Suspension.** The chief judge or his or her designee may temporarily suspend or restrict an attorney’s right to practice before this court pending a final determination in a disciplinary proceeding if the chief judge receives:

(1) evidence establishing probable cause to believe that an attorney has committed misconduct; and

(2) evidence establishing that the attorney poses an immediate threat of serious harm to the public, to any person, or to the administration of justice.

**(g) Reinstatement.** An attorney who has been suspended or disbarred from practicing before this court may file a petition for reinstatement with the clerk.

*(1) Assignment.* The chief judge must assign a judge to consider the petition.

1. *(2)  Timing.*

(A) A disbarred attorney must not petition for reinstatement within five years of disbarment.

(B) If an attorney’s petition for reinstatement is denied, the attorney must not again file a petition for reinstatement within one year after the denial or such longer period ordered by the court.

1. *(3)  Standard for Reinstatement.* To be reinstated, the petitioner must

establish by clear and convincing evidence that:

(A) the petitioner has the moral qualifications, competence, and learning in the law required for admission to the court’s bar;

(B) the petitioner has satisfied all conditions required for reinstatement to the court’s bar; and

(C) the petitioner’s resumption of the practice of law will not damage the integrity of the court’s bar, the administration of justice, or the public interest.

*(4) Disposition of Petition.* After reviewing the petition for reinstatement, the assigned judge may grant or deny the petition or set the matter for hearing.

*(5) Hearing.*

(A) Appointment of investigatory counsel. The assigned judge may appoint investigatory counsel to investigate whether the petitioning attorney should be reinstated. The petitioning attorney must cooperate with investigatory counsel.

(B) Petitioning attorney. The petitioning attorney must have the opportunity to be heard. The petitioning attorney may be represented by counsel. The petitioning attorney may testify, introduce evidence, call witnesses, and cross-examine any witness called by investigatory counsel.

(C) Investigatory counsel. Investigatory counsel may introduce evidence, call witnesses (including the petitioning attorney), and cross-examine any witness called by the petitioning attorney.

(D) Rules of evidence. The Federal Rules of Evidence do not apply to any reinstatement proceeding.

*(6) Records.* Unless the court orders otherwise, all records relating to a petition for reinstatement must be publicly filed. Any reinstatement hearing must be recorded.

**(h) Fees and costs of counsel.** The court must make arrangements for payment of fees and costs incurred by investigatory or disciplinary counsel.

*(1) Disciplinary Proceedings.* The court may assess investigatory or disciplinary counsel’s fees and costs against an attorney if the court finds that the attorney committed misconduct by clear and convincing evidence.

*(2) Reinstatement Proceedings.* The court may assess investigatory counsel’s fees and costs against an attorney petitioning for reinstatement, whether the petition is granted or denied.

**(i) Duties of the Clerk.**

*(1) Service.*

(A) The following must be served personally or by registered or certified mail:

(i) Notice of reciprocal discipline imposed under LR 83.6(d)(1); (ii) Notice of automatic forfeiture under LR 83.6(d)(2); and
(iii) A show-cause order issued under LR 83.6(e)(2)(A).

(B) All other documents issued by the court must be served as provided by Fed. R. Civ. P. 5(b).

*(2) Notice of discipline.* If any form of public discipline is imposed by this court on an attorney who is admitted to practice before another court or jurisdiction, the clerk must promptly notify that other court or jurisdiction of the discipline. The notice must include a copy of the disciplinary order and the last known address of the attorney.

*(3) Notice to ABA National Lawyer Regulatory Data Bank.* The clerk must promptly notify the American Bar Association’s National Lawyer Regulatory Data Bank of any order imposing any form of public discipline.

[Adopted effective February 1, 1991; amended December 18, 1997; amended December 1, 2009; amended May 14, 2014]

**2014 Advisory Committee’s Note to LR 83.6**

The revised rule carries forward many of the former rule’s provisions, now reorganized and clarified. The revised rule specifies the rights of an attorney who is the subject of court-initiated disciplinary proceedings or who seeks reinstatement to the court’s bar. The revised rule also more clearly explains the role of investigatory and disciplinary counsel in disciplinary and reinstatement proceedings. Finally, the revised rule provides new authority to the chief judge to temporarily suspend or restrict an attorney’s right to practice when the chief judge finds probable cause to believe that the attorney has committed misconduct and finds that the attorney poses an immediate threat of serious harm to the public, to any person, or to the administration of justice.

**1991 Advisory Committee’s Note to LR 83.6**

The following preface preceded the text of former D.Minn. Local Rule 1(F) (1987), which was the predecessor of LR 83.6. The Advisory Committee adopts it as its Note to LR 83.6:

**Statement of Need for Adopting a Rule of Disciplinary Enforcement**

Membership in good standing in the bar of a Court of the United States constitutes a continuing proclamation by the Court that the holder is fit to be entrusted with professional and judicial matters, and to aid in the administration of justice as an attorney and as an officer of the Court.

It is the duty of every attorney admitted to practice before a Court of the United States to conform at all times with the standards imposed upon members of the bar as conditions for the privilege to practice law.

It is the duty of the Court to supervise the conduct of the members of its bar in order to assure the public that those standards are scrupulously adhered to. The proper discharge of that duty requires that the Court have the assistance of counsel to investigate and prosecute where there are appropriate allegations that those standards have been violated. To assure competent and knowledgeable counsel, and to avoid unnecessary duplication of systems and personnel, this rule provides for the appointment of the state disciplinary agency whenever appointment of counsel is required hereunder and such appointment is appropriate.

In order to be admitted to practice in the United States District Court for the District of Minnesota, an attorney must demonstrate membership in good standing before the Minnesota Supreme Court. Consequently, for the purposes of admitting attorneys to practice before this Court, it may and does rely upon the standards for admission of the State Supreme Court. Insofar as discipline of admitted attorneys is concerned, however, the Supreme Court of the United States has held that revocation of a license to practice by state or other Courts may not automatically be relied upon by the Courts of the United States. *Theard v. United States*, 354 U.S. 278 (1957). In Theard, the Supreme Court held that while discipline imposed by a state “brings title deeds of high respect,” it is not conclusively binding on the federal courts, which, in substance, must satisfy themselves that the attorney’s underlying conduct warranted the discipline imposed. *Id.* at 282. For that reason, if there is to be effective discipline within the federal system, effective and appropriate procedures must be developed. This rule is proposed to achieve that purpose as well as to achieve uniformity of procedure by the various federal courts.

1. **Mississippi**
	1. **Northern District of Mississippi**
		1. <http://www.msnd.uscourts.gov/court-info/local-rules-and-orders>

83.5 MISSISSIPPI RULES OF PROFESSIONAL CONDUCT. An attorney who makes an appearance in any case in the district court is bound by the provisions of the MISSISSIPPI RULES OF PROFESSIONAL CONDUCT and is subject to discipline for violating them.

Discipline and Reinstatement

1. (1)  Original Discipline. The court may, after notice and an opportunity to show cause to the contrary, if requested, censure or reprimand any attorney who practices before it for conduct unbecoming a member of the bar or for failure to comply with these rules, the MISSISSIPPI RULES OF PROFESSIONAL CONDUCT, or any other rule of the court. If the conduct or failure to comply is found to be flagrant, the court may, after notice and opportunity to show cause, revoke or suspend the attorney’s admission to practice before the court. Such action by the court will be reported by the clerk of the court to the executive director of the Mississippi Bar, or the appropriate official of the bar of any non-resident attorney admitted to practice before this court. If the court finds that the conduct complained of affords reasonable grounds for more stringent disciplinary action, including suspension or disbarment, the matter will, in the case of a member of the Mississippi Bar, be referred to the Mississippi Bar for appropriate action under MISS. CODE ANN. § 73-3-301, et seq. (1972) or subsequent amendments. If the attorney is not a member of the Mississippi Bar, the matter will be referred to the appropriate disciplinary authority of the bar of which he or she is a member.

Nothing herein may be construed to limit the inherent disciplinary power of the judicial officers of this court, including the power of a district judge to immediately suspend a member of the bar convicted of a felony in a case heard before him or her.

1. (2)  Reciprocal Discipline. When it is shown to the court that any member of its bar has been suspended or disbarred from practice by any other court of record, the member will be subject to suspension or disbarment by the district court. The disciplinary action is initiated by a show-cause order issued by the court, notifying the attorney that disciplinary proceedings have been commenced, describing the disciplinary proceedings conducted in the other jurisdiction, and requesting that the member appear and show cause why he or she should not be suspended or disbarred from practice before the district court. The member will be afforded thirty days to show cause why he or she should not be suspended or disbarred; the time for response may be extended by the court for proper reason. The member’s response to the show-cause order is limited to claims of (A) lack of procedural due process in the original proceedings or (B) lack of substantial evidence to support the factual findings. Lack of procedural due process in the original proceedings, however, does not preclude original disciplinary action by the court as provided in subparagraph 1.

(d)

Upon response to the show-cause order, and after hearing, if one is requested, or upon expiration of the period allowed for response, if no response is made, the court may enter an appropriate order in which it may impose discipline, including, but not limited to, the same discipline administered by the other jurisdiction.

(3) Reinstatement. No application for relief from suspension or reinstatement after disbarment will be considered by this court unless the applicant can show that he or she is an attorney in good standing with the Mississippi Bar or with the jurisdiction in which he or she may have been suspended or disbarred. Any attack upon the denial of readmission or relief from suspension/reinstatement after disbarment is limited to claims of (A) lack of procedural due process in the reinstatement proceeding of the other jurisdiction or (B) lack of substantial evidence to support the factual findings. Upon the applicant’s showing of good standing, the court may vacate or continue the disbarment or suspension, or diminish the suspension, as may be appropriate.

* 1. **Southern District of Mississippi**
		1. <http://www.mssd.uscourts.gov/court-info/local-rules-and-orders>

Rule 83.5 MISSISSIPPI RULES OF PROFESSIONAL CONDUCT. An attorney who makes an appearance in any case in the district court is bound by the provisions of the MISSISSIPPI RULES OF PROFESSIONAL CONDUCT and is subject to discipline for violating them.

Discipline and Reinstatement

1. (1)  Original Discipline. The court may, after notice and an opportunity to show cause to the contrary, if requested, censure or reprimand any attorney who practices before it for conduct unbecoming a member of the bar or for failure to comply with these rules, the MISSISSIPPI RULES OF PROFESSIONAL CONDUCT, or any other rule of the court. If the conduct or failure to comply is found to be flagrant, the court may, after notice and opportunity to show cause, revoke or suspend the attorney’s admission to practice before the court. Such action by the court will be reported by the clerk of the court to the executive director of the Mississippi Bar, or the appropriate official of the bar of any non-resident attorney admitted to practice before this court. If the court finds that the conduct complained of affords reasonable grounds for more stringent disciplinary action, including suspension or disbarment, the matter will, in the case of a member of the Mississippi Bar, be referred to the Mississippi Bar for appropriate action under MISS. CODE ANN. § 73-3-301, et seq. (1972) or subsequent amendments. If the attorney is not a member of the Mississippi Bar, the matter will be referred to the appropriate disciplinary authority of the bar of which he or she is a member.

Nothing herein may be construed to limit the inherent disciplinary power of the judicial officers of this court, including the power of a district judge to immediately suspend a member of the bar convicted of a felony in a case heard before him or her.

1. (2)  Reciprocal Discipline. When it is shown to the court that any member of its bar has been suspended or disbarred from practice by any other court of record, the member will be subject to suspension or disbarment by the district court. The disciplinary action is initiated by a show-cause order issued by the court, notifying the attorney that disciplinary proceedings have been commenced, describing the disciplinary proceedings conducted in the other jurisdiction, and requesting that the member appear and show cause why he or she should not be suspended or disbarred from practice before the district court. The member will be afforded thirty days to show cause why he or she should not be suspended or disbarred; the time for response may be extended by the court for proper reason. The member’s response to the show-cause order is limited to claims of (A) lack of procedural due process in the original proceedings or (B) lack of substantial evidence to support the factual findings. Lack of procedural due process in the original proceedings, however, does not preclude original disciplinary action by the court as provided in subparagraph 1.

 (d)

Upon response to the show-cause order, and after hearing, if one is requested, or upon expiration of the period allowed for response, if no response is made, the court may enter an appropriate order in which it may impose discipline, including, but not limited to, the same discipline administered by the other jurisdiction.

(3) Reinstatement. No application for relief from suspension or reinstatement after disbarment will be considered by this court unless the applicant can show that he or she is an attorney in good standing with the Mississippi Bar or with the jurisdiction in which he or she may have been suspended or disbarred. Any attack upon the denial of readmission or relief from suspension/reinstatement after disbarment is limited to claims of (A) lack of procedural due process in the reinstatement proceeding of the other jurisdiction or (B) lack of substantial evidence to support the factual findings. Upon the applicant’s showing of good standing, the court may vacate or continue the disbarment or suspension, or diminish the suspension, as may be appropriate.

1. **Missouri**
	1. **Eastern District of Missouri**
		1. <http://www.moed.uscourts.gov/local-rules>

The Rules of Professional Conduct adopted by this Court are the Rules of Professional Conduct adopted by the Supreme Court of Missouri, as amended from time to time by that Court, except as may otherwise be provided by this Court’s Rules of Disciplinary Enforcement.

**Rule 83 - 12.02 Attorney Discipline.**

A member of the bar of this Court and any attorney appearing in any action in this Court, for good cause shown and after having been given an opportunity to be heard, may be disbarred or otherwise disciplined, as provided in this Court’s Rules of Disciplinary Enforcement. In addition, a judge may impose sanctions pursuant to the Court’s inherent authority, Fed.R.Civ.P. 11, 16 or 37, or any other applicable authority, and may initiate civil or criminal contempt proceedings against an attorney appearing in an action in this Court.

* 1. **Western District of Missouri**
		1. <http://www.mow.uscourts.gov/district/rules.html>

**Standards for Professional Conduct.**

For misconduct defined in these Rules, and for good cause shown, and after notice and opportunity to be heard, any attorney admitted to practice before this Court may be disbarred, suspended from practice before this Court, reprimanded or subjected to such other disciplinary action as the circumstances warrant. Acts or omissions by an attorney admitted to practice before this Court, individually or in concert with any other person or persons, which violate the Code of Professional Responsibility adopted by this Court shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship. The Code of Professional Responsibility adopted by this Court is the Code of Professional Responsibility adopted by the highest court of the state in which this Court sits, as amended from time to time by that state court, except as otherwise provided by specific Rule of this Court after consideration of comments by representatives of bar associations within the state.

**ATTORNEY DISCIPLINE**

The United States District Court for the Western District of Missouri, in furtherance of its inherent power and responsibility to supervise the conduct of attorneys who are admitted to practice before it, or admitted for the purpose of a particular proceeding (*pro hac vice*), promulgates the following Procedures of Disciplinary Enforcement superseding all of its other Procedures pertaining to disciplinary enforcement heretofore promulgated.

**(a) Attorneys Convicted of Crimes.**

1. Upon the filing with this Court of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before the Court has been convicted in any Court of the United States, or the District of Columbia, or any state, territory, commonwealth or possession of the United States of a serious crime as hereinafter defined, the Court shall

37

enter an order immediately suspending that attorney, whether the conviction resulted from a plea of guilty, or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of any appeal, until final disposition of a disciplinary proceeding to be commenced upon such conviction. A copy of such order shall immediately be served upon the attorney. Upon good cause shown, the Court may set aside such order when it appears in the interest of justice to do so.

1. The term "serious crime" shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a "serious crime."
2. A certified copy of a judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.
3. Upon the filing of a certified copy of a judgment of conviction of an attorney for a serious crime, the Court may, in addition to suspending that attorney in accordance with the provisions of this Rule, institute a disciplinary process as provided in these Rules in which the sole issue to be determined shall be the extent of the final discipline to be imposed as a result of the conduct resulting in the conviction, provided that any disciplinary proceeding so instituted will not be brought to final hearing until all appeals from the conviction are concluded.
4. Upon the filing of a certified copy of a judgment of conviction of an attorney for a crime not constituting a "serious crime," the Court may refer the matter to counsel for whatever action counsel may deem warranted, including the institution of a disciplinary proceeding before the Court; provided, however, that the Court may in its discretion make no reference with respect to convictions for minor offenses.
5. An attorney suspended under the provisions of this Rule will be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed but the reinstatement will not terminate any disciplinary proceeding then pending against the attorney, the disposition of which shall be determined by the Court on the basis of all available evidence pertaining to both guilt and the extent of discipline to be imposed.

**(b) Discipline Imposed By Other Courts.**

38

1. Any attorney admitted to practice before this Court shall, upon being subjected to public discipline by any other Court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth or possession of the United States, promptly inform the Clerk of this Court of such action.
2. Upon the filing of a certified or exemplified copy of a judgment or order demonstrating that an attorney admitted to practice before this Court has been disciplined by another Court, this Court shall forthwith issue a notice directed to the attorney containing:
	1. a copy of the judgment or order from the other court; and
	2. an order to show cause directing that the attorney inform this Court within 30 days after service of that order upon the attorney, personally or by mail, of any claim by the attorney predicated upon the grounds set forth in Rule 83.5(c) that the imposition of the identical discipline by the Court would be unwarranted and the reasons therefor.
3. In the event the discipline imposed in the other jurisdiction has been stayed there, any reciprocal discipline imposed in this Court shall be deferred until such stay expires.
4. Upon the expiration of 30 days from service of the notice issued pursuant to the provisions of (b) above, this Court shall impose the identical discipline unless the respondent-attorney demonstrates, or this Court finds, that upon the face of the record upon which the discipline in another jurisdiction is predicated it clearly appears:
	1. that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
	2. there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this Court could not, consistent with its duty, accept as final the conclusion on that subject; or
	3. that the imposition of the same discipline by this Court would result in grave injustice; or
	4. that the misconduct established is deemed by this Court to warrant substantially different discipline.

Where this Court determines that any of said elements exist, it shall enter such other order as it deems appropriate.

39

1. In all other respects, a final adjudication in another court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in the Court of the United States.
2. This Court may at any stage appoint counsel to prosecute the disciplinary proceedings.

**(c) Disbarment on Consent or Resignation in Other Courts.**

1. Any attorney admitted to practice before this Court who shall be disbarred on consent or resign from the bar of any other Court of the United States or the District of Columbia, or from the bar of any state, territory, commonwealth or possession of the United States while an investigation into allegations of misconduct is pending, shall, upon the filing with this Court of a certified or exemplified copy of the judgment or order accepting such disbarment on consent or resignation, cease to be permitted to practice before this Court and be stricken from the roll of attorneys admitted to practice before this Court. A voluntary resignation of the attorney from the bar of any state territory, commonwealth or possession of the United States where an investigation into allegations of misconduct is pending, does not terminate any disciplinary proceeding against that attorney in this Court.
2. Any attorney admitted to practice before this Court shall, upon being disbarred on consent or resigning from the bar of any other Court of the United States or the District of Columbia, or from the bar of any state, territory, commonwealth or possession of the United States while an investigation into allegations of misconduct is pending, promptly inform the Clerk of this Court of such disbarment on consent or resignation.

**(d) Disciplinary Proceedings.**

1. When misconduct or allegations of misconduct which, if substantiated, would warrant discipline on the part of an attorney admitted to practice before this Court shall come to the attention of this Court, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by these Rules, this Court may refer the matter to counsel for investigation and the prosecution of a formal disciplinary proceeding or the formulation of such other recommendation as may be appropriate. If this Court determines that appointment of counsel is not necessary for a determination that probable cause exists to believe that discipline is warranted, the Court may give notice of the grounds for discipline without the appointment of counsel.
2. Should counsel conclude after investigation and review that a formal disciplinary proceeding should not be initiated against the respondent- attorney because sufficient evidence is not present, or because there is pending another proceeding against the respondent-attorney, the disposition of which in the judgment of the counsel should be awaited

40

before further action by this Court is considered or for any other valid reason, counsel shall file with the Court a recommendation for disposition of the matter, whether by dismissal, admonition, deferral, or otherwise setting forth the reasons therefor.

1. To initiate a formal disciplinary proceeding, when counsel has been appointed, counsel must demonstrate to the Court that there is probable cause to believe that discipline is warranted. If a finding of probable cause is made by the Court, counsel shall file, with the Court, a complaint which contains a short and plain statement of each ground for discipline. The complaint shall be served on the attorney who shall have 30 days thereafter to file an answer which shall identify any disputed issues of fact and any matters in mitigation.

If this Court determines that probably cause exists to believe that discipline is warranted without the appointment of counsel, the Court shall serve a complaint on the attorney in question containing a short and plain statement of each ground for discipline. The attorney shall have 30 days thereafter to file an answer which shall identify any disputed issues of fact and any matters in mitigation.

1. Upon the respondent-attorney=s answer to the complaint, if any issue of fact is raised or the respondent-attorney gives notice of issues on which the respondent-attorney wishes to be heard in mitigation***,*** this Court shall set the matter for prompt hearing before one or more judges of this Court, provided; however, that if the disciplinary proceeding is predicated upon the complaint of a judge of this Court, the hearing shall be conducted before a panel of three other judges of this Court appointed by the Chief Judge. If the Chief Judge is the complainant, the active district judge with the most seniority shall appoint the three judge panel. The judge or judges of this Court appointed to conduct a disciplinary hearing may consist of magistrate judges, active district judges or senior district judges. In the event the appointing judge determines that the disciplinary hearing involves issues related to practice before the Bankruptcy Court, the judge or judges appointed shall include at least one bankruptcy judge. The judge or judges appointed to conduct a disciplinary hearing shall report findings on disputed facts and issues heard in mitigation, together with its recommendation for appropriate discipline, if any, to the court. The court shall determine the appropriate discipline, if any.

**(e) Disbarment on Consent While Under Disciplinary Investigation or Prosecution.**

1. Any attorney admitted to practice before this Court who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may consent to disbarment, but only by delivering to this Court an affidavit stating that the attorney desires to consent to disbarment and that:

41

1. the attorney's consent is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of so consenting;
2. the attorney is aware that there is a presently pending investigation or proceeding involving allegations that there exist grounds for the attorney's discipline the nature of which the attorney shall specifically set forth;
3. the attorney acknowledges that the material facts so alleged are true; and
4. the attorney so consents because the attorney knows that if charges were predicated upon the matters under investigation, or if the proceeding were prosecuted, the attorney could not successfully defend himself.
5. Upon receipt of the required affidavit, this Court shall enter an order disbarring the attorney.
6. The order disbarring the attorney on consent shall be a matter of public record. However, the affidavit required under the provisions of this Rule shall not be publicly disclosed or made available for use in any other proceeding except upon order of this Court.
7. **(f)  Resignation While Under Disciplinary Investigation or Prosecution.**

An attorney admitted to practice before this Court who is the subject of an investigation into or a pending proceeding involving allegations of misconduct may voluntarily resign from the bar of the Court, but the resignation shall not automatically terminate the disciplinary proceeding against that attorney.

1. **(g)  Reinstatement**.
	1. **After Disbarment or Suspension.** An attorney suspended for three months or less shall be automatically reinstated at the end of the period of suspension upon the filing with the Chief Judge of the Court an affidavit of compliance with the provisions of the order of suspension. An attorney suspended for more than three months or disbarred may not resume practice until reinstated by order of the Court.
	2. **Time of Application Following Disbarment.** An attorney who has been disbarred, may not apply for reinstatement, without leave of Court, until the expiration of at least five years from the effective date of the disbarment.

42

1. **Deposit of Costs of Proceeding.** Petitions for reinstatement under this Rule shall be accompanied by an advance deposit, in an amount to be set from time to time by the Court, towards payment of anticipated costs of the reinstatement proceeding. The actual amount of the cost of the reinstatement proceeding shall be fixed by the Court at the conclusion of the proceeding.
2. **Petitions for Reinstatement.** Petitions for reinstatement by a disbarred attorney or an attorney suspended for more than three months under this Rule shall be filed with the Chief Judge of this Court. Upon receipt of the petition, the Chief Judge shall assign the petition to one or more judges of this Court to conduct appropriate proceedings and to recommend to the Court appropriate disposition. If the original disbarment or suspension resulted from the complaint of a judge of this Court, the petition for reinstatement shall be assigned to a judge or judges other than the complaining judge. In addition, the Court, after consulting with the judge or judges to whom the petition was assigned, may appoint counsel to investigate the petition on behalf of the Court.

If counsel is appointed under this Rule, the counsel appointed shall submit, within 45 days, a report and recommendation to the judge or judges to whom the petition has been assigned. After receipt of the report and recommendation of appointed counsel, the judge or judges to whom the petition has been assigned may schedule a hearing on the petition. If a hearing is scheduled, appointed counsel shall assure that all pertinent information bearing on the relief requested in the petition is presented to the Court. At the hearing, the disciplined attorney shall have the burden of demonstrating by clear and convincing evidence that the disciplined attorney has the necessary integrity, moral qualifications, and competency for readmission to practice before this Court. The judge or judges to whom the petition is assigned shall submit suggested findings and conclusions to the Court.

1. **Conditions of Reinstatement.** If the petitioning attorney is readmitted to practice before this Court, readmission may be subject to conditions. Conditions of reinstatement may include the payment of all or part of the costs of the proceedings, and may include partial or complete restitution to parties harmed by the attorney, and proof of competency to practice before this Court.
2. **Successive Petitions.** No petition for reinstatement under this Rule shall be filed within one year following an order rejecting a petition for reinstatement.

**(h) Service of Papers and Other Notices.**

43

Service of a complaint instituting a formal disciplinary proceeding shall be made by personal service or by registered or certified mail. Service of any papers or notices required by these Rules shall be deemed to have been made if such paper or notice is addressed to the respondent-attorney at the address shown on the most recent registration statement filed pursuant to Rule 83.5(i); or to counsel or the respondent-attorney at the address indicated in the most recent pleading or other document filed in the course of any proceeding; or at the respondent-attorney's last known address.

1. **Appointment of Counsel.**

Whenever counsel is to be appointed, pursuant to these Rules, to investigate allegations of misconduct; prosecute disciplinary proceedings or in conjunction with a reinstatement petition filed by a disciplined attorney, this Court shall make the appointment on such conditions as the Court approves. The Court may appoint as counsel the counsel of the disciplinary agency of the highest court of the State of Missouri wherein the Court sits, or one or more members of the Bar of this Court, or an Assistant United States Attorney, to investigate allegations of misconduct or to prosecute disciplinary proceedings under these rules, provided, however, that the respondent- attorney or disciplined attorney may move to disqualify counsel so appointed who is or has been engaged as an adversary of the said attorney in any matter. Counsel, once appointed, may not resign unless permission to do so is given by this Court.

1. **(j)  Payment of Fees and Costs.**

At the conclusion of any disciplinary investigation or prosecution, if any, under these Rules, counsel may make application to this Court for an order awarding reasonable fees and reimbursing costs expended in the course of such disciplinary investigation or prosecution. The Court may require counsel at any time to submit a budget for approval by the Court.

Additionally, any costs incurred by this Court in administering the provisions of this Rule shall be paid upon order of the Chief Judge of this Court. Any payments made under this Rule will be made by the Clerk of Court, as trustee, from funds collected pursuant Rule 83.5(i) hereof. Such payments may be taxed as costs against any attorney disciplined by the Court

1. **(k)  Certificate of Disciplinary Judgment and Notice by Clerk.**
	1. Upon being informed that an attorney admitted to practice before this Court has been convicted of any crime, the Clerk of this Court shall determine whether the clerk of the court in which such conviction occurred has forwarded a certificate of such conviction to this Court. If a certificate has not been so forwarded, the Clerk of this Court shall promptly obtain a certificate and file it with this Court.
	2. Upon being informed that an attorney admitted to practice before this 44

Court has been subjected to discipline by another court, the Clerk of this Court shall determine whether a certified or exemplified copy of the disciplinary judgment or order has been filed with this Court, and, if not, the Clerk shall promptly obtain a certified or exemplified copy of the disciplinary judgment or order and file it with this Court.

1. Whenever it appears that any person convicted of any crime and has been disbarred, suspended, censured, or disbarred on consent by this Court is admitted to practice law in any other jurisdiction or before any other court, the Clerk of this Court shall, within 14 days of that conviction, disbarment, suspension, censure, or disbarment on consent, transmit to the disciplinary authority in such other jurisdiction, or for such other court, a certificate of the conviction or a certified exemplified copy of the judgment or order of disbarment, suspension, censure, or disbarment on consent, as well as the last known office and residence addresses of the defendant or respondent.
2. The Clerk of this Court shall, likewise, promptly notify the National Discipline Data Bank operated by the American Bar Association of any order imposing public discipline upon any attorney admitted to practice before this Court.

**(l) Jurisdiction.** Nothing contained in this Rule shall be construed to deny to this Court such powers as are necessary for the Court to maintain control over proceedings conducted before it, such as proceedings for contempt under Title 18 of the United States Code or under Rule 42 of the Federal Rules of Criminal Procedure.

**(m) Unauthorized Practice.** An attorney who, before admission, unless specially authorized by one of the judges, or during disbarment or suspension exercises any of the privileges of a member of this Bar, or who pretends to be entitled to so do, is guilty of contempt of court and becomes subject to appropriate punishment therefor, to be instituted in the same manner as provided in Rule 83.6.

1. **Montana**
	1. **District of Montana**
		1. <http://www.mtd.uscourts.gov/rulesorders.html>

**83.2 Standards of Conduct.**

**(a) Professional Rules.** The standards of professional conduct of attorneys appearing in this court include the American Bar Association’s Model Rules of Professional Conduct and the Montana Rules of Professional Conduct. For a willful violation of any professional rules or standards in connection with any pending matter, an attorney is subject to appropriate disciplinary action and to referral of the matter to the appropriate authority for disciplinary proceedings.

**(b) Attorney Under Appointment of Court.**

1. (1)  *Compensation.* It is the duty of an attorney to act without compensation whenever the attorney is appointed by the court to represent an indigent person in any proceeding not covered by the provisions of 18 U.S.C. § 3006A, except as otherwise provided by statute or rule.
2. (2)  *Gratuities.* Attorneys appointed by the court to represent an indigent person may not, without specific approval of the court, accept or solicit any money for any purpose from any person on account of the

representation. Any attorney violating this rule will be disciplined by the court. If it comes to the attention of any attorney appointed to represent an indigent that the person is in fact not indigent or has sources of money for payment of fees or costs, that fact must be presented to the court, regardless of whether the attorney is permitted to accept or solicit money on account of the representation.

**(c)** Lawyers must wear appropriate professional attire for all proceedings before the court.

**APPENDIX B. ATTORNEY DISCIPLINE, SUSPENSION, AND DISBARMENT General Provisions.**

A. An attorney at law who appears in this court is subject to discipline under this rule for:

1. disciplinary sanction by a competent authority in any state, federal, territory, commonwealth or foreign jurisdiction;
2. conviction of any crime of which the elements or underlying facts may impact fitness to practice law;
3. any act or omission, including incompetence or incapacity, that violates L.R. 83.2;
4. violation of any court order; or
5. misrepresentation or concealment of a material fact made in any application for admission or readmission to the bar of this court.

B. This rule does not limit any inherent power of the court, such as contempt power, and does not preclude or condition imposition of sanctions for violation of professional standards or an order, rule, or other law.

C. Except as otherwise provided by this rule, or unless the Disciplinary Judge orders otherwise, proceedings under this rule are confidential.

D. Discipline imposed under this rule may consist of one or any combination of the following:

1. disbarment or suspension with or without conditions;
2. public censure or private reprimand;
3. probation with or without conditions;
4. restitution, fine, and/or assessment of costs; or

**2.**

1. All proceedings under this rule involve the exercise of discretionary judgment in inherently judicial functions. All persons participating on behalf of or at the request of the court in past, present or future matters are immune from civil liability.
2. Costs of all proceedings under this rule will initially be borne by the court, but payment of costs may be imposed on a disciplined attorney.
3. All documents submitted pursuant to this rule must be delivered to the clerk of court, not to a judge’s chambers, and may be enclosed in an envelope marked “Confidential Attorney Matter.”
4. “Disciplinary Judge” means the Chief Judge or another district judge designated by the Chief Judge to exercise authority in matters of attorney discipline, suspension, or disbarment.
5. The term “attorney” does not include a federal judge. Complaints against judges must be filed in compliance with procedures established by the Ninth Circuit Court of Appeals.

**Reciprocal Discipline.**

1. *Duty to Notify of Pending Disciplinary Actions.* Upon receiving notice from any jurisdiction that a disciplinary authority has found probable cause to believe conduct warranting discipline has occurred, an attorney must promptly notify the clerk of court of the matter and provide copies of documents issued in that action.
2. *Duty to Notify Clerk of Discipline Imposed in Another Jurisdiction.* Upon notice of the imposition of discipline in any jurisdiction, an attorney must promptly notify the clerk of court of the matter and provide copies of documents imposing discipline. Failure to comply with this requirement waives the right to object to imposition of reciprocal discipline in this court.
3. *Show-Cause Order*. Upon receiving notice of imposition of discipline in another jurisdiction, the Disciplinary Judge will issue a show-cause order to the disciplined attorney. The order will include:

i. a copy of any information received directly from the disciplining

jurisdiction;

1. an opportunity to show cause in no less than 21 days why the same discipline should not be imposed in this court;
2. a requirement that the attorney either produce a certified copy of the record from the other jurisdiction or show why the record is not required;
3. a notice that failure to respond will result in imposition of reciprocal discipline without further notice; and,
4. if the Disciplinary Judge did not receive notice from the attorney under 2(B), notice that the attorney may be deemed to have waived the right to object.

D. *Response by Attorney; Findings; Order*.

1. *Failure to Respond or Comply.* If the Disciplinary Judge finds the attorney did not respond to the show-cause order or did not comply with 2(B), the identical discipline will be imposed and the matter may be continued under subsections (3) or (4).
2. After considering the attorney’s response, the Disciplinary Judge will impose identical discipline unless:
	1. (a)  the attorney was deprived of fair notice or a fair opportunity to be heard in the other jurisdiction;
	2. (b)  the proof establishing the misconduct was so unreliable or lacking as to make a finding of misconduct insupportable; or
	3. (c)  other substantial reasons counsel against acceptance of the other jurisdiction’s conclusions.
3. If the Disciplinary Judge declines to impose identical discipline, lesser discipline may be imposed, or the matter may be continued under subsections (3) or (4) or closed without imposition of discipline.

**3.**

**Attorneys Convicted of Crimes.**

1. Upon receipt of reliable proof that an attorney has pled guilty or nolo contendere or been found guilty of a crime that may impact the attorney’s fitness to practice law, the Disciplinary Judge must immediately suspend the attorney from practice and issue an order to the attorney to show cause why suspension is inappropriate and why a lesser discipline or no discipline is appropriate.
2. When the availability of direct and discretionary appeal has been exhausted, a criminal conviction is conclusive evidence in any disciplinary proceeding that the attorney committed the crime.
3. Upon receipt of reliable proof that a criminal conviction has been reversed, the Disciplinary Judge must vacate any disciplinary order that is based solely on the fact of conviction.

**4.**

**Grievance Procedure.** The following procedures apply when a person files a grievance against an attorney.

1. *Grievances*.
	1. A grievance must specify grounds for discipline under subsection (1)(A) of this rule and must be filed under seal with the clerk of court. A grievance filed by any person other than a judge of this court must be signed under penalty of perjury and enclosed in an envelope marked “Confidential Attorney Matter.”
	2. The Disciplinary Judge may decide that no action is warranted, may refer the matter to another disciplinary authority, and/or may order an investigation.
2. *Investigation.*

i. The Disciplinary Judge may designate one or more members of the bar of

this court to investigate a disciplinary matter.
ii. The investigation must proceed expeditiously and must recommend:

(a) dismissal of the grievance; or

(b) intervention short of discipline; or

(c) filing of a formal complaint to initiate further proceedings.

1. Where there is more than one investigator, the report must be made jointly, but each investigator must make his or her own recommendation.
2. Investigators are authorized to administer oaths and to issue subpoenas.
3. The attorney must be given a reasonable opportunity to submit relevant evidence or statements.
4. The report must include copies of all witness statements, all relevant documentary evidence, and a summary of findings.

C. *Review by Disciplinary Judge*. After review of the investigative report, the Disciplinary Judge must:

1. dismiss the grievance; or
2. refer the matter to another disciplinary authority and/or, with the attorney’s consent, impose measures short of discipline; or
3. designate one or more members of the bar of this court to prosecute the matter.

D. *Prosecutor*.
i. The Disciplinary Judge may designate one or more members of the Bar

of this court to prosecute a disciplinary matter.

ii. Prosecutors are authorized to administer oaths and to issue subpoenas and may investigate the matter further before and after filing a complaint.

E. *Complaint and Hearing.*

i. The prosecutor’s filing of a complaint will initiate a civil action. The case must be assigned to an Article III judge who is not the Disciplinary Judge and who has not filed a grievance against the attorney.

1. The complaint must adequately inform the attorney of the alleged misconduct. It must be served pursuant to Fed. R. Civ. P. 4. A deficient complaint may be amended.
2. The presiding judge must promptly hold a conference to set a schedule for all proceedings.
3. The Federal Rules of Evidence apply. The presiding judge will determine whether and to what extent the Federal Rules of Civil Procedure apply.
4. Evidence must be presented in open court. Neither party has a right to a jury. Misconduct must be proved by clear and convincing evidence. The parties must be permitted to present evidence and argument as to the merits, mitigation, and appropriate discipline, if any.
5. Within a reasonable time after the close of the evidence, the presiding judge must issue Findings of Fact and Conclusions of Law and specify the disciplinary action to be taken, if any.

F. *Decision*. Entry of an order imposing discipline is final and appealable to the United States Court of Appeals for the Ninth Circuit. If disbarment, suspension, or public censure is imposed, the clerk of court must notify the clerk of the Court of Appeals for the Ninth Circuit and the disciplinary authorities in the jurisdictions in which the attorney is admitted to practice.

**5. Reinstatement.**

A. *Time for Petition*.

1. Any disbarred attorney may seek reinstatement at the expiration of the term specified in the order imposing disbarment or within ten years of entry of the order, whichever comes first.
2. Any attorney on suspension or probation may seek reinstatement after the attorney has served one-half the total term imposed.
3. If the attorney was disbarred, suspended, or placed on probation under subsection (2) of this rule, the attorney may seek reinstatement when the jurisdiction originating discipline recognizes a change in the attorney’s

status.

1. A petition for reinstatement must be filed with the clerk of court. The attorney must demonstrate qualification and fitness to practice law. The petition must be supported by competent evidence and the attorney may request an evidentiary hearing.
2. The Disciplinary Judge will hear the petition. Any expenses incurred by the court may be assessed against the attorney regardless of the decision.
3. The Disciplinary Judge may order full or conditional reinstatement or deny reinstatement.
4. The clerk of court must notify the clerk of the court of Appeals for the Ninth Circuit and the disciplinary authorities in the jurisdictions in which the attorney is admitted to practice of full or conditional reinstatement.
5. **Nebraska**
	1. **District of Nebraska**
		1. <http://www.ned.uscourts.gov/attorney/local-rules>

(2) Conduct. Attorneys must refrain from conduct unbecoming of a member of the bar. (A)  The court declines to adopt other codes of professional responsibility or ethics. (B)  However, and in addition to any other material, the court may consult other codes of professional responsibility or ethics to determine whether a lawyer has engaged in conduct unbecoming of a member of the bar.

Attorney Discipline.
(a) Assignment of Disciplinary Matters.

(1) Assignments to Chief District Judge. The chief district judge is assigned to resolve any attorney discipline matter that relates to (i) grand jury proceedings, (ii) an attorney convicted of a crime, (iii) an attorney who has been disbarred or suspended by another court, (iv) an open or closed criminal or civil case (including bankruptcy cases) in which the assigned judge is unable or unwilling to resolve the attorney discipline matter, or (v) any other instance not otherwise provided for by this rule. The chief district judge may reassign any such matter to any other judge of this court including a magistrate judge or a bankruptcy judge. If the chief district judge is unable or unwilling to resolve or reassign the matter, an active district judge selected at random will receive the assignment and, if there is no active district judge able or willing to accept the assignment, a senior district judge selected at random will receive the assignment.

(2) Assignments to Presiding Judge. The judge (including a bankruptcy judge or a magistrate judge) assigned to resolve an open or closed criminal or civil case is also assigned to resolve any attorney discipline matter that relates to that open or closed criminal or civil case. In cases in which a district judge and a magistrate judge have both been assigned to an open or closed criminal or civil case, the assignment of the disciplinary matter will be to the district judge. In an open or closed bankruptcy case, the assignment will be to the bankruptcy judge except where the alleged disciplinary violation occurred before a district judge (as in appeals or otherwise) and in that circumstance the assignment will be to the district judge. If the assigned judge is no longer a member of the court, the chief district judge will either handle the case or assign it to another judge.

(3) Assignments and Other Responsibilities of the Clerk. In accordance with this rule, the clerk of the district court will make assignments to judges of disciplinary matters. The clerk will establish and implement a separate attorney discipline docket. All filings regarding disciplinary matters will be included in that docket and sealed unless ordered otherwise. All filings regarding disciplinary matters will be made in an “Attorney Discipline” (“AD”) case and the clerk will “relate” that matter in the CM/ECF record keeping system with the civil, criminal, or bankruptcy cases in which the disciplinary matter arose, if any. “AD” cases involving the same attorney will also be “related.” The clerk may seek guidance from the chief district judge in the event a question arises regarding the construction or operation of this rule. The clerk shall follow the direction of the chief district judge, and the chief district judge’s decision is final.

(4) Assistance of Magistrate Judge. The chief district judge will assign one magistrate judge to assist in the handling of all attorney discipline matters and the clerk will make that magistrate judge the “referral judge” for purposes of the court’s CM/ECF recording keeping system. The judge to whom the attorney discipline matter has been assigned will determine what role the magistrate judge will perform in a particular case and the magistrate judge will take no action until authorized to do so by the assigned judge.

(b) Power of Assigned Judge. The judge to whom an attorney discipline matter has been assigned will determine the procedures to be followed for each attorney discipline case and may deviate from this rule in the judge’s discretion when necessary or appropriate. However, except where it is apparent that discipline will not be imposed, all disciplinary procedures will provide the accused attorney with notice and an opportunity to be heard by an impartial judge. A judge to whom an attorney discipline matter has been assigned, and not the court en banc, may alone impose discipline including suspension, disbarment, reprimand, or any other sanctions. However, before ordering disbarment, the assigned judge shall informally consult with the active and senior district judges and secure the concurrence of the majority of those judges for imposition of an order of disbarment. In the event of a tie, the decision of the Chief Judge shall prevail.

(c) Coordination with Nebraska’s Counsel on Discipline. Withthe agreement of the Nebraska Supreme Court, the Counsel for Discipline of the Nebraska Supreme Court (“Counsel for Discipline”) is authorized to disclose and refer to the judges and clerks of this court, including bankruptcy judges and the bankruptcy clerk, disciplinary complaints that are filed with its office and that are related to (i) open or closed federal criminal or civil cases including opened or closed bankruptcy cases, (ii) federal grand jury

On April 20, 2011, Magistrate Judge Zwart was appointed by Chief Judge Bataillon to serve in this capacity. That appointment is hereby confirmed. (Fall, 2011)

proceedings, or (iii) a federal case involving a lawyer who is a potential witness. This court and this court’s judges and staff will maintain such complaints and documents in confidence and as sealed records. The Counsel for Discipline will hold in abeyance the investigation of such a referred matter until a judge of this court informs the Counsel for Discipline of the resolution of the matter. After a judge of this court has resolved the referred matter, the Counsel for Discipline will take such further or other action as appropriate. Should a judge of this court not resolve the referred matter in a timely manner, the Counsel for Discipline will take further or other action as appropriate, without regard to the referral to a judge of this court.

(d) Attorneys Convicted of Crimes.

1. (1)  Suspension. When a certified copy of a judgment of conviction is filed with the court showing that an attorney admitted to practice in this court has been convicted of a serious crime in any court of the United States or the District of Columbia, or of any state, territory, commonwealth or possession of the United States, the judge enters an order immediately suspending the attorney. The judge enters the suspension order whether the conviction resulted from a plea of guilty or nolo contendere or from a verdict after trial, and regardless of the pendency of an appeal. The judge immediately serves the attorney with a copy of the suspension order. The judge may set aside the suspension order for good cause and in the interest of justice. The suspension is effective until the final disposition of the disciplinary proceeding required by this rule.
2. (2)  “Serious Crime” Defined. The phrase “serious crime” includes any felony. It also includes any lesser crime a necessary element of which, as determined by the statutory or common law definition of crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a serious crime.
3. (3)  Conclusive Evidence. A certified copy of a judgment of conviction of an attorney for any crime is considered conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based on the conviction.
4. (4)  Mandatory Disciplinary Proceeding. In addition to suspending an attorney convicted of a serious crime, the judge issues an order to show cause requiring the attorney to explain why the attorney should

not be immediately disbarred. If the attorney fails to respond, the attorney will be immediately disbarred. If the attorney responds, the judge may refer the matter to counsel for prosecution of a disciplinary proceeding before the judge or take such other action as may be appropriate to resolve the matter. The sole issue to be determined in this proceeding is the extent of the final discipline to be imposed as a result of the conduct resulting in the conviction. If the attorney responds to the order to show cause, the judge will not resolve the matter until the attorney has exhausted all direct appeals from the conviction.

1. (5)  Discretionary Disciplinary Proceeding. When a certified copy of a judgment of conviction is filed with the court showing that an attorney admitted to practice in this court has been convicted of a crime not constituting a serious crime as defined in this rule, the judge may refer the matter to counsel for whatever action counsel may consider warranted, including the institution of a disciplinary proceeding or the judge may take such further or other action as may be appropriate.
2. (6)  Reinstatement. An attorney suspended under this rule will be reinstated immediately upon the filing of a certificate showing a reversal of the underlying conviction of a serious crime. An attorney’s reinstatement does not terminate any disciplinary proceeding then pending against the attorney.

(e) Discipline Imposed by Other Courts.

1. (1)  Attorney’s Duty to Notify This Court. Any attorney admitted to practice in this court must promptly inform the clerk if any other court of the United States or the District of Columbia or a court of any state, territory, commonwealth or possession of the United States publicly disciplines the attorney.
2. (2)  Notice to Attorney. If a certified or exemplified copy of a judgment or order is filed demonstrating that an attorney admitted to practice in this court has been disciplined by another court, the judge issues a notice directed to the attorney, containing:
	1. (A)  a copy of the other court’s judgment or order; and
	2. (B)  an order directing the attorney to show cause why the court should not impose the same discipline.
3. (3)  Discipline Stayed. If the other jurisdiction has stayed its imposed discipline, the judge defers any reciprocal discipline until the stay expires.
4. (4)  Discipline Imposed. The judge imposes the same discipline imposed by another jurisdiction 30 days after service of the notice issued under this rule, unless the respondent/attorney shows, or the judge finds, that on the face of the record upon which the other jurisdiction’s discipline is based, it clearly appears:
	1. (A)  the procedure was so lacking in notice or opportunity to be heard that it resulted in a deprivation of due process;
	2. (B)  an infirmity of proof establishing the misconduct shows that the judge could not, consistent with his or her duty, accept as final the conclusion on that subject;
	3. (C)  the imposition of the same discipline would result in injustice;
	4. (D)  the established misconduct warrants substantially different discipline; or
	5. (E)  the conduct found to warrant discipline in the other jurisdiction would not constitute a violation of the ethical standards stated in Nebraska General Rule 1.7(b) and, accordingly, no discipline should be imposed in this court.

If the judge determines any of these elements exists, he or she may enter an appropriate order.

1. (5)  Conclusive Evidence. In all other respects, another court’s final adjudication that an attorney is guilty of misconduct conclusively establishes the misconduct in any disciplinary proceeding in this court.
2. (6)  Appointment of Prosecuting or Investigating Counsel. The judge may at any stage appoint counsel to prosecute the disciplinary proceedings or to conduct an investigation and report the results of that investigation to the judge.

(f) Disbarment on Consent or Resignation in Other Courts.

(1) Disbarment. When a certified copy of a judgment or order accepting an attorney’s disbarment on consent or resignation is filed with the court showing that an attorney admitted to practice in this court will be

disbarred on consent or resign from the bar of any other court of the United States or the District of Columbia or from the bar of any state, territory, commonwealth or possession of the United States while an investigation into allegations of misconduct is pending, the attorney is no longer allowed to practice in this court and is stricken from the court’s roll of attorneys.

(2) Attorney’s Duty to Notify This Court. Any attorney admitted to practice in this court must promptly inform the clerk of a disbarment on consent or resignation from the bar of any other court of the United States or the District of Columbia or from the bar of any state, territory, commonwealth, or possession of the United States while an investigation into allegations of misconduct is pending.

(g) Violation of Ethical Standards.

1. (1)  Jurisdiction. This court has disciplinary jurisdiction to investigate and, if appropriate, discipline any attorney admitted to practice in this court, and any attorney specially admitted to this court for a particular case, with respect to the attorney’s alleged misconduct arising during or in the preparation of a case pending in this court. This court also has jurisdiction to investigate and, if appropriate, discipline any attorney admitted to practice in this court, and any attorney specially admitted to this court for a particular case, with respect to the attorney’s alleged misconduct in any matter or circumstance that reasonably bears upon the attorney’s fitness to practice law in this court.
2. (2)  Disciplinary Action. Misconduct, as defined in these rules, may result in disciplinary action against an attorney if, after providing the attorney with notice and opportunity to be heard, good cause is shown to support a finding of misconduct. An attorney subject to the court’s disciplinary jurisdiction may be disbarred, suspended from practice before the court, reprimanded, or subjected to other appropriate disciplinary action.
3. (3)  “Misconduct” Defined. Acts or omissions by an attorney, acting individually or in concert with any other person or persons, that violate the ethical standards stated in Nebraska General Rule 1.7(b) constitute misconduct and are grounds for discipline, whether or not the act or omission occurred in the course of an attorney/client relationship.

 (4) Suggested Disciplinary Procedure. Where a more specific procedure has not otherwise been provided for in this rule, the following procedure may be used in investigating alleged misconduct occurring within the court’s disciplinary jurisdiction. The following procedure does not limit or govern the court’s exercise of additional powers necessary to maintain control over proceedings conducted before it, such as proceedings for contempt under Title 18 of the United States Code or Federal Rule of Criminal Procedure 42. In addition, the following procedure does not limit the power of a judge to establish such further or other procedures as are necessary or appropriate in any attorney disciplinary case.

(A) Initial Review. When a judge of this court learns by complaint or otherwise of an attorney’s alleged misconduct that, if substantiated, would warrant discipline, the judge may conduct an initial review of the matter, or refer it to the magistrate judge for initial review and recommendation. The judge or magistrate judge may solicit the views of the accused attorney and anyone else before concluding the initial review. If, after initial review, it appears that no discipline is warranted, the judge may enter an appropriate order.

(B) Further Action. When a judge of this court learns by complaint or otherwise of an attorney’s alleged misconduct that, if substantiated, would warrant discipline, the judge may (i) impose an appropriate sanction if the judge concludes that the misconduct is substantiated by the record before him or her, (ii) refer the matter to counsel for investigation and the prosecution of further disciplinary proceedings or other appropriate recommendation, or (iii) take such further or other action as the judge deems appropriate. At any time, the judge may solicit the views of the accused attorney and anyone else.

(C) Investigating Counsel. If the complaint alleges misconduct that, if substantiated, may warrant discipline and the judge believes an investigation of the facts by counsel would be helpful, the judge may appoint counsel under this rule to investigate the allegations of misconduct and prosecute disciplinary proceedings if appropriate.

(D) Investigating Counsel’s Recommendation. After investigation, investigating counsel may file a recommendation indicating that the matter should be (i) dismissed because insufficient evidence exists to support the imposition of

 (E)

discipline, or (ii) deferred because another proceeding is pending against the respondent/attorney, the disposition of which should be awaited before the judge considers additional action. Investigating counsel may also recommend other courses of action.

Order to Show Cause. To initiate additional disciplinary proceedings, and upon a showing of probable cause, investigating counsel must obtain an order from the judge requiring the respondent/attorney to show cause why the attorney should not be disciplined. If an order to show cause is issued, investigating counsel will proceed to prosecute the disciplinary matter as prosecuting counsel.

(F) Hearing After an Order to Show Cause. If the respondent/attorney answers the order to show cause, the judge will set a hearing if (i) the answer raises an issue of fact or (ii) the respondent/attorney wishes to be heard in mitigation. If the attorney fails to respond, or the response fails to raise an issue of fact and fails to request the opportunity to be heard in mitigation, the judge proceeds, without a hearing, to take such action as may be warranted under the circumstances.

(5) Disbarment on Attorney’s Consent.

(A) Attorney’s Affidavit; Contents. An attorney admitted or specially admitted to practice before this court who is the subject of an investigation or pending proceeding involving allegations of misconduct in any jurisdiction, including this court, may consent to disbarment by this court, but only by delivering to the court an affidavit stating that the attorney consents to disbarment and:

1. (i)  the attorney freely and voluntarily consents, is not under coercion or duress, and is fully aware of the implications of consenting;
2. (ii)  the attorney is aware of a presently pending investigation or proceeding involving allegations that grounds exist for the attorney's discipline, the nature of which the attorney must specifically state;
3. (iii)  the attorney acknowledges that the alleged material facts are true; and

 (B) (C)

(iv) the attorney consents because the attorney knows that if charges were brought based on the matters under investigation or if the proceeding were prosecuted, the attorney could not present a successful defense.

Court Order. Upon receiving the attorney’s affidavit, a judge will order the attorney disbarred.

Public Disclosure of Affidavit and Order. An order disbarring the attorney on consent is a matter of public record; however, the affidavit required under this rule must not be publicly disclosed or made available for use in any other proceeding except upon the judge’s order.

(6) Reinstatement.

1. (A)  After Disbarment or Suspension. An attorney suspended for 3 months or less is automatically reinstated at the end of the suspension period upon filing an affidavit of compliance with the provisions of the order. An attorney suspended for more than 3 months or disbarred may not resume practice until a judge orders the attorney reinstated.
2. (B)  Time of Application After Disbarment. A person disbarred after hearing or by consent may not apply for reinstatement until 5 years from the disbarment’s effective date.
3. (C)  Petition for Reinstatement. A disbarred or suspended attorney must file a petition for reinstatement with the chief judge. After receiving the petition, the chief judge may:
	1. (i)  waive further proceedings under this rule and order the disbarred or suspended attorney reinstated;
	2. (ii)  assign the matter for disposition before a judge without the appointment of investigating counsel under this rule; or
	3. (iii)  appoint investigating counsel under this rule, and assign the matter for disposition before a judge.
4. (D)  Investigating Counsel’s Duty. In reinstatement proceedings where investigating counsel has been appointed, investigating

 (E)

(F)

counsel cross-examines the respondent/attorney’s witnesses and submits any evidence opposing the petition.

Deposit for Costs of Proceeding. A respondent/attorney seeking reinstatement must include with the petition an advance cost deposit in an amount to be set from time to time by the court to cover anticipated costs of the reinstatement proceeding.

Conditions of Reinstatement. If the petitioner is found unfit to resume the practice of law, the petition is dismissed. If the petitioner is found fit to resume the practice of law, the judgment reinstates the petitioner, if the petitioner:

1. (i)  pays all or part of the costs of the proceedings;
2. (ii)  makes partial or complete restitution to parties harmed by the petitioner’s conduct that led to the suspension or disbarment; and
3. (iii)  furnishes proof of competency and learning in the law, in the discretion of the judge before whom the matter is heard, if the petitioner has been suspended or disbarred for 5 years or more. Proof may include certification by bar examiners from another state or jurisdiction that the attorney successfully completed an examination for admission to practice after the suspension or disbarment date.

Successive Petitions. No petition for reinstatement under this rule may be filed within 1 year of an adverse judgment on a petition for reinstatement filed by or on behalf of the same person.

(G)

1. (7)  Service of Documents and Other Notices. Service of documents or other notices required or permitted under this rule will be made in a manner reasonably calculated to provide prompt advice to the intended recipient of the contents of the documents or other notice. No particular form of service is required.
2. (8)  Prosecuting or Investigating Counsel’s Appointment. When counsel is appointed under this rule, the judge appoints one or more members of this court’s bar provided that lawyers employed with the Nebraska Counsel for Discipline should not be appointed. The

respondent/attorney may move to disqualify an appointed attorney. Counsel will not be removed unless the respondent/attorney shows by the greater weight of the evidence that the prosecuting or investigating counsel is unlikely to perform his or her duties consistently with the ethical standards stated in Nebraska General Rule 1.7(b). Once appointed, counsel may not resign without the judge’s permission. The Federal Practice Fund pays counsel’s fees and expenses.

(h) Policy on Uncivil and Unprofessional Conduct.

1. (1)  Generally. Any attorney admitted to practice in this court, or any attorney who has applied for and been specially admitted to this court for a particular case, together with the judges of this court, are strongly encouraged to follow the court’s Policy on Uncivil and Unprofessional Conduct. However, this policy is aspirational only.
2. (2)  Policy. The court’s Policy on Uncivil and Unprofessional Conduct states:
	* the litigation process, although adversarial in nature, should be nondiscriminatory and professional; all participants should be accorded fair, equal, and respectful treatment; to this end, the conduct of judges and lawyers should be characterized at all times by personal courtesy and professional integrity in the fullest sense of those terms;
	* nondiscriminatory and professional conduct includes, as those terms are used in this policy, reasonable attempts by all participants to recognize and accommodate persons for family emergencies and responsibilities, as well as making reasonable accommodation for professional conflicts; and
	* conduct that may be characterized as uncivil, abrasive, abusive, hostile, or obstructive impedes the fundamental goal of resolving disputes rationally, peacefully, and efficiently, and such conduct tends to delay and often to deny justice.

(i) Clerk’s Duties.

1. (1)  Attorneys Convicted of Crimes. When the clerk learns that an attorney admitted to practice before this court has been convicted of a crime, the clerk must determine whether the clerk of the court in which the conviction occurred has forwarded a certificate of the conviction to this court. If a certificate has not been forwarded, the clerk must promptly obtain a certificate and file it.
2. (2)  Discipline Imposed by Other Courts. When the clerk learns that another court has disciplined an attorney admitted to practice before this court, the clerk must determine whether a certified or exemplified copy of the disciplinary judgment or order has been filed with this court, and if not, the clerk must promptly obtain a certified or exemplified copy of the disciplinary judgment or order and file it with this court.
3. (3)  Notice to Other Courts. If a person is still admitted to practice law in another jurisdiction or before another court after being (A) convicted of a crime by this court, or (B) disbarred, suspended, censured, or disbarred on consent by this court, the clerk must, within 14 days of that conviction, disbarment, suspension, censure, or disbarment on consent, send to the disciplinary authority in the other jurisdiction or court a certificate of the conviction or a certified or exemplified copy of the judgment or order of disbarment, suspension, censure, or disbarment on consent. The clerk must include in this notice the person’s last known address.
4. (4)  Notice to National Discipline Data Bank. The clerk must likewise promptly notify the National Discipline Data Bank operated by the American Bar Association of any order imposing public discipline on an attorney admitted to practice before this court.
5. **Nevada**
	1. **District of Nevada**
		1. <http://www.nvd.uscourts.gov>

Model Rules. An attorney admitted to practice under any of these rules must adhere to the standards of conduct prescribed by the Model Rules of Professional Conduct as adopted and amended from time to time by the Supreme Court of Nevada, except as these standards may be modified by this court. An attorney who violates these standards of conduct, or who fails to comply with this court’s rules or orders, may be disbarred, suspended from practice before this court for a definite time, reprimanded, or subjected to other discipline as the court deems proper. This subsection does not restrict the court’s contempt power.

Conviction. For the purpose of this rule, “conviction” means a judgment by a jury verdict, bench trial, or entry of a guilty plea.

If an attorney admitted to practice under these rules is subjected to professional disciplinary action or convicted of any felony or other misconduct that reflects adversely on the attorney’s honesty, trustworthiness, or fitness as an attorney in Nevada or in another jurisdiction, the attorney must immediately inform the clerk in writing of the action. Failure to make this report is grounds for discipline under these rules.

Upon the clerk’s receipt of a copy of an order or judgment of suspension, disbarment, transfer to disability inactive status, or of a judicial declaration of incompetency or conviction of any felony or other misconduct that reflects adversely on an attorney’s honesty, trustworthiness, or fitness as an attorney concerning a member of the bar of this court, or any other attorney admitted to practice before this court, the clerk must bring the order to the court’s attention, and the court must enter the order under subsection (e), (f), or (g) of this rule.

Reciprocal Discipline

(1) The court must enter an order to show cause why the court should not enter an order of suspension or disbarment if it receives reliable information that a member of the bar of this court or any attorney

appearing pro hac vice: (A) has been suspended or disbarred from the practice of law by the order of any United States Court, or by the bar, Supreme Court of Nevada, or other governing authority of any state, territory or possession, or the District of Columbia; or (B) has resigned from the bar of any United States Court or of any state, territory or possession, or the District of Columbia, while an investigation or proceedings for suspension or disbarment was pending.

1. (2)  If the attorney files a response stating that imposition of an order of suspension or disbarment from this court is not contested, or if the attorney does not respond to the order to show cause within the time specified, then the Chief Judge must enter an order of suspension or disbarment on behalf of the court.
2. (3)  If the attorney files a written response to the order to show cause within the time specified contesting the entry of an order of suspension or disbarment, then the Chief Judge or other district judge who may be assigned must determine whether an order of suspension or disbarment should be entered. If the attorney has been suspended or disbarred by another bar, or has resigned from another bar while the disciplinary proceedings were pending, in the response to the order to show cause the attorney must set forth facts establishing one or more of the following by clear and convincing evidence: (A) the procedure in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; (B) there was such an infirmity of proof establishing the misconduct as to give rise to a clear conviction that the court should not accept as final the other jurisdiction’s conclusion(s) on that subject; (C) imposition of like discipline would result in a grave injustice; or (D) other substantial reasons justify not accepting the other jurisdiction’s conclusion(s). In addition, at the time the response is filed, the attorney must file a certified copy of the entire record from the other jurisdiction or bear the burden of persuading the court that less than the entire record will suffice.
3. (4)  If an attorney admitted to practice under any of these rules is transferred to disability inactive status on the grounds of incompetency or disability by any court of the United States, the Supreme Court of Nevada, or the highest court of another state, commonwealth, territory, or the District of Columbia, the court must enter an order requiring the attorney to show cause why this court should not enter an order placing the attorney on disability inactive status.

(f) Conviction of Felony or Other Misconduct

(1) An attorney admitted to practice in this court who is convicted of any felony or other misconduct that reflects adversely on the attorney’s

honesty, trustworthiness, or fitness as an attorney in any court of the United States, the District of Columbia, or of any state, territory, commonwealth, or possession of the United States, must report the conviction to this court within 14 days of its entry. Upon receiving notice of an attorney’s conviction, regardless of whether sentencing has occurred, the court will immediately disbar the attorney from practice before this court. The Chief Judge must file the order.

1. (2)  The Chief Judge will issue an order to show cause at the time of disbarment directing the disbarred attorney to demonstrate why the attorney should be reinstated to practice before the court during the pendency of any appeal of the conviction.
2. (3)  If the attorney is permitted to practice before this court pending an appeal, within 14 days of the conviction becoming final, the attorney must again report the conviction and advise the court that it is now final. Once the court receives notice of the final conviction, the Chief Judge will issue an order to show cause directing the attorney to demonstrate why the court should not enter an order of disbarment.

(g) Original Discipline

1. (1)  Initiation. When the clerk or a district, magistrate, or bankruptcy judge of this district believes an attorney’s conduct may warrant disbarment, reprimand, or other discipline by this court, other than those matters addressed in sections (e) and (f), the clerk or judge may issue a written report and recommendation for the initiation of disciplinary proceedings (the “recommendation”). The Chief Judge, or another district judge if the Chief Judge is the judge recommending this action be taken (the “reviewing judge”), must review the recommendation to determine if clear and convincing evidence exists for the initiation of disciplinary proceedings. If the reviewing judge determines that disciplinary proceedings should be initiated, the reviewing judge must issue an order to show cause under this rule that identifies the basis for and nature of possible discipline.
2. (2)  Response. An attorney against whom an order to show cause is issued under section (g)(1) has 30 days from the date of the order to file a response. The attorney may include in the response a request (i) to submit the matter on the recommendation, affidavits, briefs, and the record or

(ii) for a hearing. The failure to request a hearing will be deemed a waiver of any right to a hearing. The failure to file a timely response may result in the imposition of discipline by the court without further notice.

1. (3)  Hearing. If a hearing is requested by the attorney, the reviewing judge must conduct a hearing on the recommendation. If a hearing is not

requested, the matter will be determined by the reviewing judge on the record submitted. At any hearing under this rule, the attorney may be represented by counsel, who must file a notice of appearance with the reviewing judge and with any attorney appointed by the court to prosecute the matter.

1. (4)  Appointment of Counsel to Prosecute Charges. In appropriate cases, the reviewing judge may appoint an attorney to prosecute charges of misconduct and must provide notice of that appointment to the attorney and his counsel, if any. The court may solicit recommendations from the Lawyer Representatives of the District of Nevada on an appropriate appointment. Actual out-of-pocket costs incurred by the attorney prosecuting the charges will be reimbursed from the non-appropriated fund after the court’s review and approval.
2. (5)  Determination and Entry of Order. Upon the completion of the hearing, if any, and the review of the record, the reviewing judge must provide a decision, either orally from the bench or in a written order, which will be entered as a final order.
3. (h)  The clerk must distribute copies of any order of disbarment, transfer to disability inactive status, or other disciplinary order entered under this rule to the attorney affected, to all the judges in this district, to the clerk of the Nevada Supreme Court, to the Nevada State Bar Counsel and Executive Director, and to the American Bar Association’s National Disciplinary Data Bank.
4. (i)  Reinstatement. An attorney who is the subject of an order of disbarment, suspension, or transfer to disability inactive status may petition for reinstatement to practice before this court or for modification of the order as may be supported by good cause and the interests of justice. To be readmitted, a disbarred attorney must file a petition for reinstatement with the clerk. The petition must contain a concise statement of the circumstances of the disciplinary proceedings, the discipline imposed by the court, and the grounds that justify the attorney’s reinstatement. If this court imposed reciprocal discipline under section (e) of this rule, and if the attorney was readmitted by the supervising court or the discipline imposed by the supervising court was modified or satisfied, the petition must explain the situation with specificity, including a description of any restrictions or conditions imposed on readmission by the supervising court. The petition will be referred to the Chief Judge or another district judge at the Chief Judge’s discretion who will file a determination.
5. (j)  An attorney who, before admission to practice before this court, or during any period of disbarment, suspension, or transfer to disability inactive status from such practice, exercises any of the privileges of an attorney admitted to practice before this court, or who pretends to be entitled to do so, is guilty of contempt of court and subject to appropriate punishment.

21

(k)

(l)

**LR IA 11-8.**

Unless the court orders otherwise, the disciplined attorney must effect service of the notice of suspension or disbarment on all clients in all active cases, if any, before this court and must file proof of service of the notice in those cases, which must include the client’s last known address. Further, the judge presiding over each individual case retains the discretion to take any action deemed appropriate.

Nothing in this rule limits an individual judge’s power to impose sanctions authorized under applicable law. Nothing in this rule is intended to limit the inherent authority of any judge of this court to suspend an attorney from practicing before that judge on a case-by-case basis after appropriate notice and an opportunity to be heard.

**SANCTIONS**

The court may, after notice and an opportunity to be heard, impose any and all appropriate sanctions on an attorney or party who:

1. (a)  Fails to appear when required for pretrial conference, argument on motion, or trial;
2. (b)  Fails to prepare for a presentation to the court;
3. (c)  Fails to comply with these rules; or
4. (d)  Fails to comply with any order of this court.
5. **New Hampshire**
	1. **District of New Hampshire**
		1. <http://www.nhd.uscourts.gov/content/local-rules>

**DR-1 Standards for Professional Conduct.**

The Standards for Professional Conduct adopted by this court are the Rules of Professional Conduct as adopted by the New Hampshire Supreme Court, as the same may from time to time be amended by that court, and any standards of conduct set forth in these rules. Attorneys who are admitted or permitted to practice before this court shall comply with the Standards for Professional Conduct, and the court expects attorneys to be thoroughly familiar with such standards before appearing in any matter. Attorneys prosecuting criminal cases are also held to the standards of conduct established by law for prosecutors.

**83.5 Disciplinary Rules
DR-1 Standards for Professional Conduct.**

The Standards for Professional Conduct adopted by this court are the Rules of Professional Conduct as adopted by the New Hampshire Supreme Court, as the same may from time to time be amended by that court, and any standards of conduct set forth in these rules. Attorneys who are admitted or permitted to practice before this court shall comply with the Standards for Professional Conduct, and the court expects attorneys to be thoroughly familiar with such standards before appearing in any matter. Attorneys prosecuting criminal cases are also held to the standards of conduct established by law for prosecutors.

**DR-2 Attorneys Convicted of Crimes or Arrested for Crimes Involving a Deadly Weapon.**

(a) Any attorney permitted to practice before this court who is convicted of a felony or misdemeanor in any court of the United States, the District of Columbia, or any state, territory, commonwealth or possession of the United States, shall inform the clerk of such conviction by filing a certified copy of the judgment of conviction within twenty- one (21) days from the date of conviction. Any attorney permitted to practice before this court who is arrested for any offense involving the use of a firearm or other deadly weapon shall inform the clerk of such arrest by filing a copy of the complaint(s), indictment(s) or other charging document(s) related to the arrest within twenty-one (21) days of the date of the arrest.

(b) If a reported conviction involves a “serious crime” as hereafter defined, the court shall enter an order immediately suspending that attorney, whether the conviction resulted from a plea of guilty or nolo contendere, or from a verdict after trial or otherwise, and regardless of the pendency of any appeal, until final disposition of any disciplinary proceeding that may be commenced upon such conviction. A copy of the suspension order shall immediately be served upon the attorney as provided in DR-9 of these rules. Upon good cause shown, the court may set aside such order when it appears in the interest of justice to do so.

(c) The term “serious crime” shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves a firearm or other deadly weapon, criminal threatening, false swearing, misrepresentation, fraud, willful failure to file or filing false income tax returns, deceit, bribery, extortion, misappropriation, theft or an attempt or a conspiracy or solicitation of another to commit a “serious crime.”

(d) A certified copy of a judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.

(e) Upon the filing of a copy of the complaint(s), indictment(s) or other charging document(s) related to an arrest involving the use of a firearm or other deadly weapon, the Court shall inform the office of the United States Marshal and the Marshal’s Office

45

may immediately suspend or revoke any “Bar card” permitting the attorney to access the Courthouse without inspection.

(f) Upon the filing of a certified copy of a judgment of conviction of an attorney for a serious crime, the court may, in addition to suspending that attorney in accordance with the provisions of this rule, (i) refer the matter to special counsel for the institution of a disciplinary proceeding before one or more judges of the court in which the sole issue to be determined shall be the extent of the final discipline to be imposed as a result of the conduct resulting in the conviction, provided that a disciplinary proceeding so instituted will not be brought to final hearing until all appeals from the conviction are concluded; or (ii) stay the imposition of final discipline pending the outcome of a disciplinary proceeding in another court and pending the issuance of an order to show cause pursuant to DR-3(b)(2).

(g) Upon the filing of a certified copy of a judgment of conviction of an attorney for a crime not constituting a “serious crime,” the court may refer the matter to special counsel for whatever action counsel may deem warranted, including the institution of a disciplinary proceeding before the court provided, however, that the court may in its discretion make no reference with respect to convictions for minor offenses.

(h) An attorney suspended under the provisions of this rule will be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed but the reinstatement will not terminate any disciplinary proceeding then pending against the attorney, the disposition of which shall be determined by the court on the basis of all available evidence pertaining to both guilt and the extent of discipline to be imposed.

(§ (d) amended 1/1/99; § (a) added, former §§ (a)-(f) relettered accordingly, and new §§ (b), (c) and (e) amended 12/1/11; title and §§ (a) and (b) amended, new § (e) added, former § (e) amended and relettered, former §§ (g) and (h) relettered 12/1/13)

**DR-3 Discipline Imposed By Other Courts.**

(a) Any attorney admitted to practice before this court shall, upon being subjected to public discipline by any other court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth or possession of the United States, promptly inform the clerk of this court of such action.

(b) Upon the filing of a certified or exemplified copy of a judgment or order demonstrating that any attorney admitted to practice before this court has been disciplined by another court, this court may forthwith issue a notice directed to the attorney containing:

(1) a copy of the judgment or order from the other court; and

(2) an order to show cause directing that the attorney inform this court within thirty (30) days after service of that order upon the attorney, personally or by mail, of any claim by the attorney predicated upon the grounds set forth in

46

subsection (d) hereof that the imposition of the identical discipline by the court would be unwarranted and the reasons therefor.

(c) In the event the discipline imposed in the other jurisdiction has been stayed there, any reciprocal discipline imposed in this court shall be deferred until such stay expires.

(d) Upon the expiration of thirty (30) days from service of the notice issued pursuant to the provisions of DR-3(b)(2) above, this court shall impose the identical discipline unless the respondent-attorney demonstrates, or this court finds, that upon the face of the record upon which the discipline in another jurisdiction is predicated it clearly appears:

(1) that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

(2) that there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this court could not, consistent with its duty, accept as final the conclusion on that subject; or

(3) that the imposition of the same discipline by this court would result in grave injustice; or

(4) that the misconduct established is deemed by this court to warrant substantially different discipline.

Where this court determines that any of said elements exist, it shall enter such other order as it deems appropriate.

(e) In all other respects, a final adjudication in another court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in this court.

(f) This court may at any stage appoint special counsel to prosecute the disciplinary proceedings.

(§ (b) amended 1/1/03)

**DR-4 Disbarment on Consent or Resignation in Other Courts.**

(a) Any attorney admitted to practice before this court who shall be disbarred on consent or resign from the bar of any other court of the United States or the District of Columbia or from the bar of any state, territory, commonwealth or possession of the United States while an investigation into allegations of misconduct is pending, shall, upon the filing with this court of a certified or exemplified copy of the judgment or order accepting such disbarment on consent or resignation, cease to be permitted to practice before this court and be stricken from the roll of attorneys admitted to practice before this court.

(b) Any attorney admitted to practice before this court shall, upon being disbarred on consent or resigning from the bar of any other court of the United States or the District

47

of Columbia or from the bar of any state, territory, commonwealth or possession of the United States while an investigation into allegations of misconduct is pending, promptly inform the clerk of this court of such disbarment on consent or resignation.

**DR-5 Misconduct.**

(a) For misconduct defined in these rules, and for good cause shown, and after notice and opportunity to be heard, any lawyer admitted or permitted to practice before this court may be disbarred, suspended from practice before this court, or subjected to such other public or private disciplinary action as the circumstances may warrant.

(b) Acts or omissions by a lawyer admitted or permitted to practice before this court, individually or in concert with any other person or persons, which violate the Standards for Professional Conduct adopted by this court shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship.

**DR-6 Disciplinary Proceedings.**

(a) When misconduct or allegations of misconduct which, if substantiated, would warrant discipline of an attorney admitted or permitted to practice before this court shall come to the attention of this court, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by these rules, the judge may follow either or both of the following procedures:

(1) refer the matter to any appropriate disciplinary agency with jurisdiction over said attorney with a request that the agency report its actions to the court provided, however, that in addressing any misconduct matter the court may consider such agency’s actions but shall not be bound thereby;

(2) appoint one or more members of the bar of this court to act as special counsel to investigate the matter, to prosecute the matter in a formal disciplinary proceeding under these rules, to make such other recommendation as may be appropriate, or to perform any other functions required by the court in its order of appointment.

(b) Should special counsel conclude after investigation and review that a formal disciplinary proceeding should not be initiated against the respondent-attorney because sufficient evidence is not present, or because there is another proceeding pending against the respondent-attorney, the disposition of which in the judgment of the counsel should be awaited before further action by this court is considered, or for any other valid reason, counsel shall file with the court a recommendation for disposition of the matter, setting forth the reasons therefore.

(c) To initiate formal disciplinary proceedings, special counsel shall, upon a showing of probable cause, obtain leave of this court to institute a disciplinary proceeding by filing a complaint against the respondent-attorney setting forth the allegations of misconduct. If leave of the court is obtained, the complaint and summons shall be promptly served as provided in DR-9.

48

(d) The respondent-attorney shall file an answer to the complaint within thirty (30) days after service. If any issue of fact is raised in the answer or if the respondent- attorney wishes to be heard in mitigation, this court shall set the matter for prompt hearing before one or more judges of this court provided, however, that if the disciplinary proceeding is predicated upon the complaint of a judge of this court, the hearing shall be conducted before a panel of three judges of this court appointed by the Chief Judge or, if there are less than three judges of this court eligible to serve or if the Chief Judge is the complainant, by the Chief Judge of the Court of Appeals.

**DR-7 Disbarment on Consent While Under Disciplinary Investigation or Prosecution.**

(a) Any attorney admitted to practice before this court who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may consent to disbarment but only by delivering to this court an affidavit stating that the attorney desires to consent to disbarment and that:

(1) the attorney’s consent is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of so consenting;

(2) the attorney is aware that there is a presently pending investigation or proceeding involving allegations that there exist grounds for the attorney’s

discipline, the nature of which the attorney shall specifically set forth;

(3) the attorney acknowledges that the material facts so alleged are true; and

(4) the attorney so consents because the attorney knows that if charges were predicated upon the matters under investigation or if the proceedings were prosecuted, the attorney could not successfully defend himself.

(b) Upon receipt of the required affidavit, this court shall enter an order disbarring the attorney.

(c) The order disbarring the attorney on consent shall be a matter of public record. However, the affidavit required under the provisions of this rule shall not be publicly disclosed or made available for use in any other proceeding except upon order of this court.

**DR-8 Reinstatement.**

(a) After disbarment or suspension. An attorney suspended for three (3) months or less shall be automatically reinstated at the end of the period of suspension upon the filing with the court of an affidavit of compliance with the provisions of the order of suspension. An attorney suspended for more than three (3) months or disbarred may not resume practice until reinstated by order of this court.

(b) Time of application following disbarment. A person who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least five (5) years from the effective date of the disbarment. A lawyer who has been

49

suspended for more than six (6) months may not apply for reinstatement until six (6) months before the period of suspension has expired.

(c) Hearing on application. Petitions for reinstatement by a disbarred or suspended attorney under this rule shall be filed with the Chief Judge of the court. Upon receipt of the petition, the Chief Judge may (i) reinstate the petitioner on the basis of the petition itself, (ii) refer the petition to special counsel, and/or (iii) assign the matter for hearing before one or more judges of this court provided, however, that if the disciplinary proceeding was predicated upon the complaint of a judge of this court, the hearing shall be conducted before one or more other judges of this court or, if there are not judges of this court eligible to serve, before a district judge of this Circuit appointed by the

Chief Judge of the Court of Appeals. If the assigned judge orders a hearing, the hearing shall be scheduled within thirty (3) days of the filing of the petition for reinstatement.

(d) Standard for reinstatement. An attorney petitioning for reinstatement must demonstrate by clear and convincing evidence that he or she has the moral qualifications, competency, and learning in the law required for admission to practice law before this court and that his or her resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice or subversive of the public interest.

(e) Duty of special counsel. In all proceedings upon a petition for reinstatement, cross-examination of the witnesses of the respondent-attorney and the submission of evidence, if any, in opposition to the petition shall be conducted by counsel.

(f) Deposit for costs of proceeding. Petitions for reinstatement under this rule shall be accompanied by an advance cost deposit in an amount to be set from time to time by the court to cover anticipated costs of the reinstatement proceeding.

(g) Conditions of reinstatement. If the petitioner is found unfit to resume the practice of law, the petition shall be dismissed. If the petitioner is found fit to resume the practice of law, the judgment shall reinstate him or her, provided that the judgment may make reinstatement conditional upon the payment of all or part of the costs of the proceedings and upon the making of partial or complete restitution to parties harmed by the petitioner whose conduct led to the suspension or disbarment. Provided further, that if the petitioner has been suspended or disbarred for five (5) years or more, reinstatement may be conditioned, in the discretion of the judge or judges before whom the matter is heard, upon the furnishing of proof of competency and learning in the law, which proof may include certification by the bar examiners of a state or other jurisdiction of the attorney’s successful completion of an examination for admission to

practice subsequent to the date of suspension or disbarment.

(h) Successive petitions. No petition for reinstatement under this rule shall be filed within one (1) year following an adverse judgment upon a petition for reinstatement filed by or on behalf of the same person.

1. **New Jersey**
	1. **District of New Jersey**
		1. <http://www.njd.uscourts.gov/court-info/local-rules-and-orders>

(d) Standards for Professional Conduct

(1) For misconduct defined in these Rules and for good cause shown, and after notice and opportunity to be heard, any attorney admitted to practice before this Court may be disbarred, suspended from practice before this Court, reprimanded or subjected to such other disciplinary action as the circumstances may warrant. (2) An act or omission by an attorney admitted to practice before this Court, individually or in concert with any other person or persons, which violates the applicable Rules of Professional Conduct referred to in L.Civ.R. 103.1 shall constitute misconduct and be grounds for discipline whether or not the act or omission occurred in the course of an attorney-client relationship.

(e) Disciplinary Proceedings

(1) Every attorney authorized to practice law or appearing before this Court, including those specially authorized for a limited purpose or in connection with a particular proceeding pursuant to L.Civ.R. 101.1, shall be subject to the disciplinary jurisdiction of this Court.

(2) When misconduct or allegations of misconduct which, if substantiated, would warrant discipline of an attorney, shall come to the attention of a Judge of this Court, and the applicable procedure is not otherwise mandated by these Rules, that Judge shall refer the matter in writing to the Chief Judge. The Chief Judge may refer the matter to the appropriate State disciplinary body or, if the Chief Judge concludes that further investigation is warranted, he or she shall direct the Clerk to refer the matter to an attorney ("investigating counsel") who is admitted to practice before this Court to conduct such an investigation in order to determine whether a formal order to show cause should issue.

(3) The Clerk's order of reference to investigating counsel and all other papers filed in the matter shall be placed under seal and shall remain under seal unless and until an order to show cause and complaint are issued under L.Civ.R. 104.1(e)(7), at which point an order shall be entered unsealing the entire file.

(4) Investigating counsel shall promptly, and with reasonable particularity, notify the respondent-attorney ("respondent") in writing of the pendency and nature of the investigation and solicit comments thereon in furtherance of the preliminary investigation. Every attorney, as set forth in L.Civ.R. 104.1(e)(1), has the affirmative obligation to cooperate in an investigation. Such cooperation shall include the production of documents and submission to interviews conducted by the investigating counsel as follows:

(A) Respondent shall serve upon investigating counsel a response to the inquiry within 30 days of service of the inquiry.

(B) Investigating counsel may conduct such discovery as is reasonable necessary to complete the investigation, which may include interviews of the respondent, depositions, requests for production of documents and requests for admissions.

(C) Respondent shall serve upon investigating counsel a response to any request for production of documents or request for admissions within 30 days of service of the request.

(D) The time within which to respond pursuant to (A) and (C) above may be extended by investigating counsel for good cause shown.

(E) If respondent fails to respond or otherwise fails to cooperate with investigating counsel, investigating counsel shall apply to the Chief Judge for appropriate relief which may include, but is not limited to, temporary suspension, pending compliance with this rule.

(F) Failure to cooperate may constitute an independent basis for the imposition of discipline unless it is based upon the proper assertion of a legal or constitutional right.

(5) Conclusion of No Formal Disciplinary Proceeding. Should investigating counsel conclude after investigation and review that a formal disciplinary proceeding should not be initiated against the respondent because (A) sufficient evidence of misconduct is not present, or (B) there is pending another proceeding against the respondent, the disposition of which in the judgment of the investigating counsel should be concluded before further action by this Court, or (C) any other valid reason exists, investigating counsel shall submit a report to the Chief Judge containing his or her findings and recommendations for disposition of the matter. If the Chief Judge concludes that no further action is required or that the matter should be deferred pending conclusion of another proceeding against the respondent, the Chief Judge shall instruct investigating counsel to so notify the respondent. If the Chief Judge concludes that further investigation is required he or she shall remand the matter to investigating counsel for further investigation in accordance with the Chief Judge's directive.

(6) Conclusion of Discipline by Consent. Should investigating counsel conclude after investigation and review that a private reprimand or public discipline should be issued to the respondent, and the respondent consents to the recommendation of investigating counsel, the investigating counsel shall submit a written report to the Chief Judge containing his or her findings and recommendations. If the Chief Judge approves the recommendation of investigating counsel, he or she shall submit the report to the full Court for review and disposition. If the Chief Judge or the full Court concludes that further investigation is required, the matter shall be remanded to investigating counsel for further investigation in accordance with the Chief Judge's or the full Court's directive. If the respondent does not consent to the issuance of either a private reprimand or public discipline as recommended by the investigating counsel, the investigating counsel shall proceed in accordance with the provisions of L.Civ.R. 104.1(e)(7).

(7) Conclusion of Public Discipline. Should investigating counsel conclude that sufficient evidence of misconduct exists warranting the imposition of public discipline, investigating counsel shall submit a written report and application to the Chief Judge for the issuance of a Complaint and an order to show cause signed by the Chief Judge requiring the respondent to show cause why such discipline should not be imposed.

(8) Upon the Chief Judge’s issuance of a complaint and order to show cause as set forth in L.Civ.R. 104.1(e)(7), the respondent shall file an answer within 21 days of the receipt of the complaint and order to show cause. In the answer respondent may set forth all affirmative defenses, including all claims of mental and physical disability, if any, and whether they are alleged to be causally related to the offense charged. Within 30 days of the filing of an answer, the respondent and investigating counsel may serve demands for discovery.

(9) Upon the filing of a complaint and order to show cause, as set forth in L.Civ.R. 104.1(e)(7), the Chief Judge shall set the matter for prompt hearing before a Judge, provided, however, that if the disciplinary proceeding is predicated upon the complaint of a Judge of this Court, the hearing shall be conducted before a different Judge appointed by the Chief Judge, or if the Chief Judge is the complainant, by the next active Judge senior in commission.

(10) The hearing referred to in L.Civ.R. 104.1(e)(9) shall be presented by the investigating counsel. A stenographic record shall be made of the proceeding. At the conclusion of the hearing, the Judge assigned to the matter shall submit his or her findings of fact, conclusions of law and recommendations, if any, to the full Court for action, with a copy to the respondent and to investigating counsel.

(11) The full Court shall review the findings of fact, conclusions of law and recommendations of the Judge designated by the Chief Judge to hear the matter, the transcript of the hearings and the briefs previously filed with the Court. The record may be supplemented by the filing of briefs pursuant to a schedule fixed by the Chief Judge for review on the record and briefs, without oral argument, by the full Court. The full Court shall take whatever action it deems appropriate including, but not limited to, the dismissal of the action, private reprimand, the issuance of a public reprimand, suspension or disbarment.

(12) If a respondent desires legal representation, but claims to be unable to retain counsel by reason of indigence, the respondent may make application to the Chief Judge for appointment of counsel. Upon exceptional circumstances having been shown, the Judge to whom the matter has been assigned shall designate an attorney who is admitted to practice before this Court to represent respondent in the matter.

(13) In furtherance of the investigation proceeding pursuant to L.Civ.R. 104.1(e)(4), investigating counsel may seek the issuance of a subpoena ad testificandum or a subpoena duces tecum by making an application to the Chief Judge. After an order to show cause has been issued by the Chief Judge pursuant to L.Civ.R. 104.1(e)(7), investigating counsel and respondent may seek the issuance of the aforesaid subpoenas by way of application to the Judge designated to hear the matter.

(14) The standard of proof in proceedings before the Judge designated to hear the matter and the full Court shall be clear and convincing evidence, and the burden of proof under that standard shall be on the investigating counsel.

(f) Disbarment on Consent While Under Disciplinary Investigation or Prosecution

(1) Any attorney admitted to practice before this Court who is the subject of an investigation into or a pending proceeding involving allegations of misconduct may consent to disbarment, but only by delivering to this Court an affidavit or other document complying with 28 U.S.C. § 1746 stating that the attorney desires to consent to disbarment and that:

(A) the attorney's consent is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of such consent;

(B) the attorney is aware that there is presently pending an investigation or proceeding involving allegations that there exist grounds for the attorney's discipline, the nature of which the attorney shall specifically set forth;

(C) the attorney acknowledges that the material facts so alleged are true; and

(D) the attorney so consents because the attorney knows that if charges were predicated upon the matters under investigation, or if the proceeding were prosecuted, the attorney could not successfully defend.

(2) Upon receipt of the required affidavit or other document complying with 28 U.S.C. § 1746, this Court shall enter an order disbarring the attorney signed by the Chief Judge, unless unavailable, at which time the order shall be signed by the next active Judge senior in commission.

(3) The order disbarring the attorney on consent shall be a matter of public record; however, the affidavit or other document complying with 28 U.S.C. § 1746 required by this Rule shall not be publicly disclosed or made available for use in any other proceeding except upon order of this Court.

(g) Reinstatement

(1) After Disbarment or Suspension

An attorney suspended for three months or less shall be automatically reinstated at the end of the period of suspension upon filing with the Court an affidavit or other document complying with 28 U.S.C. § 1746 of compliance with the provisions of the order. An attorney suspended for more than three months or disbarred may not resume practice until reinstated by order of this Court.

(2) Time of Application Following Disbarment

A person who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment.

(3) Hearing on Application

Filing, service and notice of the petition shall be in accordance with the rules and regulations promulgated by the Disciplinary Review Board appointed by the Supreme Court of New Jersey. See New Jersey Court Rule 1:20-21. Petitions for reinstatement under this Rule by a disbarred or suspended attorney shall be filed with the Clerk. Upon receipt of the petition, the Clerk shall refer the petition to counsel and shall assign the matter for prompt hearing before a Judge, provided however that if the disciplinary proceeding was predicated upon the complaint of a Judge of this Court the hearing shall be conducted before a different Judge appointed by the Chief Judge, or if the Chief Judge was the complainant, by the next active Judge senior in commission. The Judge assigned to the matter shall, within 30 days after referral, schedule a hearing at which the petitioner shall have the burden of demonstrating by clear and convincing evidence that he or she has the moral qualifications, competency and learning in the law required for admission to practice law before this Court and that his or her resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or subversive of the public interest.

(4) Duty of Counsel

In all proceedings upon a petition for reinstatement, cross-examination of the witnesses of the petitioner and the submission of evidence, if any, in opposition to the petition shall be conducted by counsel.

(5) Conditions of Reinstatement

If the petitioner is found unfit to resume the practice of law, the petition shall be dismissed. If the petitioner is found fit to resume the practice of law, the judgment shall reinstate that person, provided that the judgment may make reinstatement conditional upon the payment of all or part of the costs of the proceedings, and upon the making of partial or complete restitution to parties harmed by the petitioner whose conduct led to the suspension or disbarment. If the petitioner has been suspended or disbarred for five years or more, reinstatement may be conditioned, in the discretion of the Judge before whom the matter is heard, upon the furnishing of proof of competency and learning in the law, which proof may include certification by the bar examiners of a state or other jurisdiction of the attorney's successful completion of an examination for admission to practice subsequent to the date of suspension or disbarment.

(6) Successive Petitions

No petition for reinstatement under this Rule shall be filed within one year following an adverse judgment upon a petition for reinstatement filed by or on behalf of the same person.

(h) Attorneys Specially Admitted

Whenever an attorney applies to be admitted or is admitted to practice before this Court for purposes of a particular proceeding (pro hac vice), the attorney shall be deemed thereby to have conferred disciplinary jurisdiction upon this Court for any alleged misconduct of that attorney arising in the course of or in the preparation for such proceeding.

(i) Service of Papers and Other Notices

Service of an order to show cause instituting a formal disciplinary proceeding shall be made by personal service or by registered or certified mail addressed to the respondent at the address shown in the roll of attorneys of this Court or the most recent edition of the New Jersey Lawyers Diary and Manual. Service of any other papers or notices required by these Rules shall be deemed to have been made if such paper or notice is addressed to the respondent at the address shown on the roll of attorneys of this Court or the most recent edition of the New Jersey Lawyers Diary and Manual, or to the respondent's attorney at the address indicated in the most recent pleading or other document filed in the course of any proceeding.

1. **New Mexico**
	1. **District of New Mexico**
		1. <http://www.nmd.uscourts.gov/court-info/local-rules-and-orders>

**83.10**

**Rules of Professional Conduct.** The Rules of Professional Conduct adopted by the Supreme Court of the State of New Mexico apply except as otherwise provided by local rule or by Court order. *See, e.g.*, D.N.M.LR-Civ. 83.4(c). Lawyers appearing in this District must comply with the section for lawyers of "A Creed of Professionalism of the New Mexico Bench and Bar."

**Attorney Discipline**.

1. **(a)  Disbarment or Suspension of an Attorney.** The Court, *sua sponte* or upon

determining that a member of the Bar of this District Court has been disciplined, suspended or disbarred by any state or has been convicted of a felony, may discipline, suspend or disbar the attorney. The Chief District Judge will appoint a panel of judges to review any state disciplinary proceedings or felony convictions and, if necessary, conduct a hearing to determine whether discipline, suspension or disbarment is appropriate.

1. **(b)  Procedure for Readmission.** An attorney disbarred or suspended must file a written application setting forth, in detail, the grounds for readmission. An attorney disbarred or suspended under (a) who files a certification that the conviction has been vacated or reversed, may seek readmission review in accordance with the procedures in (a) to determine if disbarment or suspension may be appropriate even though the conviction has been vacated or reversed.
2. **New York**
	1. **Eastern District of New York**
		1. <https://www.nyed.uscourts.gov/court-info/local-rules-and-orders>

the Federal Rules of Civil Procedure; (c) the Federal Rules of Criminal Procedure; (d) the Federal Rules of Evidence; (e) the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York; and (f) the New York State Rules of Professional Conduct as adopted from time to time by the Appellate Divisions of the State of New York; and (7) that applicant will faithfully adhere to all rules applicable to applicant’s conduct in connection with any activities in this Court.

**LocalCivilRule1.5. Discipline of Attorneys**

(a) Committee on Grievances. The Chief Judge shall appoint a committee of the Board of Judges known as the Committee on Grievances, which under the direction of the Chief Judge shall have charge of all matters relating to the discipline of attorneys. The Chief Judge shall appoint a panel of attorneys who are members of the bar of this Court to advise or assist the Committee on Grievances. At the direction of the Committee on Grievances or its chair, members of this panel of attorneys may investigate complaints, may prepare and support statements of charges, or may serve as members of hearing panels.

(b) Grounds for Discipline or Other Relief. Discipline or other relief, of the types set forth in paragraph (c) below, may be imposed, by the Committee on Grievances, after notice and opportunity to respond as set forth in paragraph (d) below, if any of the following grounds is found by clear and convincing evidence:

(1) Any member of the bar of this Court has been convicted of a felony or misdemeanor in any federal court, or in a court of any state or territory.

(2) Any member of the bar of this Court has been disciplined by any federal court or by a court of any state or territory.

(3) Any member of the bar of this Court has resigned from the bar of any federal court or of a court of any state or territory while an investigation into allegations of misconduct by the attorney was pending.

(4) Any member of the bar of this Court has an infirmity which prevents the attorney from engaging in the practice of law.

(5) In connection with activities in this Court, any attorney is found to have

engaged in conduct violative of the New York State Rules of Professional Conduct as adopted from time to time by the Appellate Divisions of the State of New York. In interpreting the Code, in the absence of binding authority from the United States Supreme Court or the United States Court of Appeals for the Second Circuit, this Court, in the interests of comity and predictability, will give due regard to decisions of the New York Court of Appeals and other New York State courts, absent significant federal interests.

(6) Any attorney not a member of the bar of this Court has appeared at the bar of this Court without permission to do so.
(c) Types of Discipline or Other Relief.

(1) In the case of an attorney admitted to the bar of this Court, discipline imposed pursuant to paragraph (b)(1), (b)(2), (b)(3), or (b)(5) above may consist of a letter of reprimand or admonition, censure, suspension, or an order striking the name of the attorney from the roll of attorneys admitted to the bar of this Court.

(2) In the case of an attorney not admitted to the bar of this Court, discipline imposed pursuant to paragraph (b)(5) or (b)(6) above may consist of a letter of reprimand or admonition, censure, or an order precluding the attorney from again appearing at the bar of this Court.

(3) Relief required pursuant to paragraph (b)(4) above shall consist of suspending the attorney from practice before this Court.
(d) Procedure.

(1) If it appears that there exists a ground for discipline set forth in paragraph (b)(1), (b)(2), or (b)(3), notice thereof shall be served by the Committee on Grievances upon the attorney concerned by first class mail, directed to the address of the attorney as shown

on the rolls of this Court and to the last known address of the attorney (if any) as shown in the complaint and any materials submitted therewith. Service shall be deemed complete upon mailing in accordance with the provisions of this paragraph.

In all cases in which any federal court or a court of any state or territory has entered an order disbarring or censuring an attorney or suspending the attorney from practice, whether or not on consent, the notice shall be served together with an order by the Clerk of this Court, to become effective twenty-four days after the date of service upon the attorney, disbarring or censuring the attorney or suspending the attorney from practice in this Court upon terms and conditions comparable to those set forth by the other court of record. In all cases in which an attorney has resigned from the bar of any federal court or of a court of any state or territory while an investigation into allegations of misconduct by the attorney was pending, even if the attorney remains admitted to the bar of any other court, the notice shall be served together with an order entered by the Clerk for this Court, to become effective twenty-four days after the date of service upon the attorney, deeming the attorney to have resigned from the bar of this Court. Within twenty days of the date of service of either order, the attorney may file a motion for modification or revocation of the order. Any such motion shall set forth with specificity the facts and principles relied upon by the attorney as showing cause why a different disposition should be ordered by this Court.
The timely filing of such a motion will stay the effectiveness of the order until further order by this Court. If good cause is shown to hold an evidentiary hearing, the Committee on Grievances may direct such a hearing pursuant to paragraph (d)(4) below. If good cause is not shown to hold an evidentiary hearing, the Committee on Grievances may proceed to impose discipline or to take such other action as justice and this rule may require. If an

evidentiary hearing is held, the Committee may direct such interim relief pending the hearing as justice may require.

In all other cases, the notice shall be served together with an order by the Committee on Grievances directing the attorney to show cause in writing why discipline should not be imposed. If the attorney fails to respond in writing to the order to show cause, or if the response fails to show good cause to hold an evidentiary hearing, the Committee on Grievances may proceed to impose discipline or to take such other action as justice and this rule may require. If good cause is shown to hold an evidentiary hearing, the Committee on Grievances may direct such a hearing pursuant to paragraph (d)(4) below. If an evidentiary hearing is held, the Committee may direct such interim relief pending the hearing as justice may require.

(2) In the case of a ground for discipline set forth in paragraph (b)(2) or (b)(3) above, discipline may be imposed unless the attorney concerned establishes by clear and convincing evidence (i) that there was such an infirmity of proof of misconduct by the attorney as to give rise to the clear conviction that this Court could not consistent with its duty accept as final the conclusion of the other court, or (ii) that the procedure resulting in the investigation or discipline of the attorney by the other court was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process, or (iii) that the imposition of discipline by this Court would result in grave injustice.

(3) Complaints in writing alleging any ground for discipline or other relief set forth in paragraph (b) above shall be directed to the Chief Judge, who shall refer such complaints to the Committee on Grievances. The Committee on Grievances, by its chair, may designate an attorney, who may be selected from the panel of attorneys established pursuant to paragraph (a) above, to investigate the complaint, if it deems investigation necessary or warranted, and to prepare a statement of charges, if the Committee deems that necessary or

warranted. Complaints, and any files based on them, shall be treated as confidential unless otherwise ordered by the Chief Judge for good cause shown.

(4) A statement of charges alleging a ground for discipline or other relief set forth in paragraph (b)(4), (b)(5), or (b)(6) shall be served upon the attorney concerned by certified mail, return receipt requested, directed to the address of the attorney as shown on the rolls of this Court and to the last known address of the attorney (if any) as shown in the complaint and any materials submitted therewith, together with an order by the Committee on Grievances directing the attorney to show cause in writing why discipline or other relief should not be imposed. Upon the respondent attorney's answer to the charges the matter will be designated by the Committee on Grievances for a prompt evidentiary hearing before a Magistrate Judge of the Court or before a panel of three attorneys, who may be selected from the panel of attorneys established pursuant to paragraph (a) above. The Magistrate Judge or panel of attorneys conducting the hearing may grant such pre-hearing discovery as they determine to be necessary, shall hear witnesses called by the attorney supporting the charges and by the respondent attorney, and may consider such other evidence included in the record of the hearing as they deem relevant and material. The Magistrate Judge or panel of attorneys conducting the hearing shall report their findings and recommendations in writing to the Committee on Grievances and shall serve them upon the respondent attorney and the attorney supporting the charges. After affording the respondent attorney and the attorney supporting the charges an opportunity to respond in writing to such report, or if no timely answer is made by the respondent attorney, or if the Committee on Grievances determines that the answer raises no issue requiring a hearing, the Committee on Grievances may proceed to impose discipline or to take such action as justice and this rule may require.

 (e) Reinstatement. Any attorney who has been suspended or precluded from appearing in this Court or whose name has been struck from the roll of the members of the bar of this Court may apply in writing to the Chief Judge, for good cause shown, for the lifting of the suspension or preclusion or for reinstatement to the rolls. The Chief Judge shall refer such application to the Committee on Grievances. The Committee on Grievances may refer the application to a Magistrate Judge or hearing panel of attorneys (who may be the same Magistrate Judge or panel of attorneys who previously heard the matter) for findings and recommendations, or may act upon the application without making such a referral. Absent extraordinary circumstances, no such application will be
granted unless the attorney seeking reinstatement meets the requirements for admission set forth in Local Civil Rule 1.3(a).

(f) Remedies for Misconduct. The remedies provided by this rule are in addition to the remedies available to individual District Judges and Magistrate Judges under applicable law with respect to lawyers appearing before them. Individual District Judges and Magistrate Judges may also refer any matter to the Chief Judge for referral to the Committee on Grievances to consider the imposition of discipline or other relief pursuant to this rule.

(g) Notice to Other Courts. When an attorney is known to be admitted to practice in the court of any state or territory, or in any other federal court, and has been convicted of any crime or disbarred, precluded from appearing, suspended or censured in this court, the Clerk shall send to such other court or courts a certified or electronic copy of the judgment of conviction or order of disbarment, preclusion, suspension or censure, a certified or electronic copy of the Court’s opinion, if any, and a statement of the attorney's last known office and residence address.

(h) Duty of Attorney to Report Discipline.

 (1) In all cases in which any federal, state or territorial court, agency or tribunal has entered an order disbarring or censuring an attorney admitted to the bar of this Court, or suspending the attorney from practice, whether or not on consent, the attorney shall deliver a copy of said order to the Clerk of this Court within fourteen days after the entry of the order.

(2) In all cases in which any member of the bar of this Court has resigned from the bar of any federal, state or territorial court, agency or tribunal while an investigation into allegations of misconduct against the attorney was pending, the attorney shall report such resignation to the Clerk of this Court within fourteen days after the submission of the resignation.

(3) In all cases in which this Court has entered an order disbarring or censuring an attorney, or suspending the attorney from practice, whether or not on consent, the attorney shall deliver a copy of said order within fourteen days after the entry of the order to the clerk of each federal, state or territorial court, agency and tribunal in which such attorney has been admitted to practice.

(4) Any failure of an attorney to comply with the requirements of this Local Civil Rule 1.5(h) shall constitute a basis for discipline of said attorney pursuant to Local Civil Rule 1.5(c).

**COMMITTEE NOTE**

Because Local Civil Rule 1.5 has been the subject of a recent review by the Courts, the Committee has not proposed any substantive changes therein. An amendment is recommended to Local Civil Rule 1.5(g) to recognize the fact that today the Clerks of the Courts often give notice of disciplinary actions to other courts by electronic means.

* 1. **Northern District of New York**
		1. <http://www.nynd.uscourts.gov/local-rules>

**Could not locate Professional Ruled of Conduct**

**83.4 Discipline of Attorneys
(a)** The Chief Judge shall have charge of all matters relating to discipline of members of the bar of this Court.

**(b)** Any member of the bar of this Court who is convicted of a felony in any State, Territory, other District, Commonwealth, or Possession shall be suspended from practice before this Court and, upon the judgment of conviction becoming final, shall cease to be a member of the bar of this Court.

On the presentation to the Court of a certified or exemplified copy of a judgment of conviction, the attorney shall be suspended from practicing before this Court and, on presentation of proof that judgment of conviction is final, the name of the attorney convicted shall, by order of the Court, be struck from the roll of members of the bar of this Court.

**(c)** Any member of the bar of the Northern District of New York who shall resign from the bar of any State, Territory, other District, Commonwealth or Possession while an investigation into allegations of misconduct is pending shall cease to be a member of the bar of this Court.

[Table of Contents] 61 [IX: District Court & Clerks]

On the presentation to the Court of a certified or exemplified copy of an order accepting resignation, the name of the attorney resigning shall, by order of the Court, be struck from the roll of members of the bar of this Court.

**(d)** Any member of the bar of the Northern District of New York who shall be disciplined by a court in any State, Territory, other District, Commonwealth, or Possession shall be disciplined to the same extent by this Court unless an examination of the record resulting in the discipline discloses

1. **that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;**
2. **that there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this Court should not accept as final the conclusion on that subject;**
3. **that this Court’s imposition of the same discipline would result in grave injustice; or**
4. **that this Court has held that the misconduct warrants substantially different discipline**

On the filing of a certified or exemplified copy of an order imposing discipline, this Court shall, by order, discipline the attorney to the same extent. It is provided, however, that within thirty (30) days of service on the attorney of the Court’s order of discipline, either the attorney or a bar association that the Chief Judge designated in the order imposing discipline shall apply to the Chief Judge for an order to show cause why the discipline imposed in this District should not be modified on the basis of one or more of the grounds set forth in this Rule. The term “bar association” as used in this Rule shall mean the following: The New York State Bar Association or any city or county bar association.

**(e)** The Court may disbar, suspend or censure any member of the bar of this Court who is convicted of a misdemeanor in any State, Territory, other District, Commonwealth, or Possession, upon such conviction.

Upon the filing of a certified or exemplified copy of a judgment of conviction, the Chief Judge may designate a bar association to prosecute a proceeding against the attorney. The bar association shall obtain an order requiring the attorney to show cause within thirty (30) days after service, personally or by mail, why the attorney should not be disciplined. The Chief Judge may, for good cause, temporarily suspend the attorney pending the determination of the proceeding. Upon receiving the attorney's answer to the order to show cause, the Chief Judge may set the matter for prompt hearing before a court of one or more judges or shall appoint a master to hear and to report findings and a recommendation. After a hearing and report, or if the attorney makes no timely answer or the answer raises no issue requiring a hearing, the Court shall take action as justice requires. In all proceedings, a certificate of conviction shall constitute conclusive proof of the attorney's guilt of the conduct for which the attorney was convicted.

**(f)** Any attorney who has been disbarred from the bar of a state in which the attorney was admitted to practice shall have his or her name stricken from the roll of attorneys of this Court or, if suspended from practice for a period at such bar, shall be suspended automatically for a like period from practice in this Court.

**(g) (1)** In addition to any other sanctions imposed in any particular case under these Rules, any person admitted to practice in this Court may be prohibited from practicing in this Court or otherwise disciplined for cause.

**(2)** Complaints alleging any cause for discipline shall be directed to the Chief Judge and must

be in writing. If the Chief Judge deems the conduct alleged in the complaint sanctionable, the [Table of Contents] 62 [IX: District Court & Clerks]

Chief Judge shall appoint a panel attorney to investigate and, if necessary, support the complaint. At the same time, the Chief Judge shall refer the matter to a Magistrate Judge for all pre-disposition proceedings.

**(3)** The Chief Judge shall appoint a panel of attorneys who are members of the bar of this Court to investigate complaints and, if the complaint is supported by the evidence, to prepare statements of charges and to support such charges at any hearing. In making appointments to the panel, the Chief Judge may solicit recommendations from the Federal Court Bar Association and other bar associations and groups. The Chief Judge shall appoint attorneys to the panel for terms not to exceed four years without limitation as to the number of terms an attorney may serve. The Court may reimburse an attorney from this panel whom the Chief Judge appoints to investigate and support a complaint in accordance with subsection (3) below (“panel attorney”) for expenses incurred in performing such duties from the Pro Bono Fund to the extent and in the manner provided in L.R. 83.3(g).

**(4)** If the panel attorney determines after investigation that the evidence fails to establish probable cause to believe that any violation of the Rules of Professional Conduct has occurred, the panel attorney shall submit a report of such findings and conclusions to the Chief Judge for the consideration of the active and senior district judges.

**(5)** If the panel attorney determines after investigation that the evidence establishes probable cause to believe that one or more violations of the Rules of Professional Conduct has occurred, the panel attorney shall prepare a statement of charges alleging the grounds for discipline. The Clerk shall cause the Statement of Charges to be served upon the attorney concerned (“responding attorney”) by certified mail, return receipt requested, directed to the address of the attorney as shown on the rolls of this Court and, if different, to the last known address of the attorney as shown in any other source together with a direction from the Clerk that the responding attorney shall show cause in writing within thirty days why discipline should not be imposed.

**(6)** If the responding attorney fails to respond to the statement of charges, the charges shall be deemed admitted. If the responding attorney denies any charge, the assigned Magistrate Judge shall schedule a prompt evidentiary hearing. The Magistrate Judge may grant such pre-hearing discovery as deemed necessary, shall hear witnesses called by the panel attorney supporting the charges and by the responding attorney, and may consider such other evidence included in the record of the hearing that the Magistrate Judge deems relevant and material. A disciplinary charge may not be found proven unless supported by clear and convincing evidence. The Magistrate Judge shall report his or her findings and recommendations in writing to the Chief Judge and shall serve them upon the responding attorney and the panel attorney. The responding attorney and the panel attorney may file objections to the Magistrate Judge’s report and recommendations within twenty-one days of the date thereof.

**(7)** An attorney may not be found guilty of a disciplinary charge except upon a majority vote of the district judges, including senior district judges, that such charge has been proven by clear and convincing evidence. Any discipline imposed shall also be determined by a majority vote of the district judges, including senior district judges, except that in the event of a tie vote, the Chief Judge shall cast a tie-breaking vote. If the District Judge submitted the complaint under subsection (2) above giving rise to the disciplinary proceeding, that judge shall be recused from participating in the decisions regarding guilt and discipline.

**(8)** Unless the Court orders otherwise, all documents, records, and proceedings concerning a [Table of Contents] 63 [IX: District Court & Clerks]

disciplinary matter shall be filed and conducted confidentially except that, without further order of the Court, the Clerk may notify other licensing jurisdictions of the imposition of any sanctions.

**(h)** A visiting attorney permitted to argue or try a particular cause in accordance with L.R. 83.1 who is found guilty of misconduct shall be precluded from again appearing in this Court. On entry of an order of preclusion, the Clerk shall transmit to the court of the State, Territory, District, Commonwealth, or Possession where the attorney was admitted to practice a certified copy of the order and of the Court's opinion.

**(i)** Unless the Court orders otherwise, no action shall be taken pursuant to L.R. 83.4(e) and (f) in any case in which disciplinary proceedings against the attorney have been instituted in the State.

**(j)** The Court shall enforce the New York Rules of Professional Conduct, in construing which the Court as a matter of comity will follow decisions of the New York State Court of Appeals and other New York state courts absent an over-arching federal interest and as interpreted and applied by the United States Court of Appeals for the Second Circuit.

**(k)** Nothing in this Rule shall limit the Court's power to punish contempts or to sanction counsel in accordance with the Federal Rules of Civil or Criminal Procedure or the Court's inherent authority to enforce its rules and orders.

**(l)** If an attorney fails to respond or cooperate with any disciplinary investigation or proceeding conducted under these Rules, the Court may treat such behavior as a waiver of procedural rights, and impose discipline or take any other action as justice and this Rule may require, including suspension or removal of the attorney from the bar of the Northern District of New York without further process.

**83.5 Contempt
(a)** A proceeding to adjudicate a person in civil contempt of court, including a case provided for in Fed.

R. Civ. P. 37(b), shall be commenced by the service of a notice of motion or order to show cause.

The affidavit on which the notice of motion or order to show cause is based shall set out with particularity the misconduct complained of, the claim, if any, for resulting damages, and evidence as to the amount of damages that is available to the moving party. A reasonable attorney’s fee, necessitated by the contempt proceeding, may be included as an item of damages. Where the alleged contemnor has appeared in the action by an attorney, the notice of motion or order to show cause and the papers on which it is based shall be served on the contemnor's attorney; otherwise service shall be made personally in the manner provided by the Federal Rules of Civil Procedure for the service of summons. If an order to show cause is sought, the order may, on necessity shown, embody a direction to the United States Marshal to arrest and hold the alleged contemnor on bail in an amount fixed by the order, conditioned upon appearance at the hearing and further conditioned upon the alleged contemnor's amenability to all orders of the Court for surrender.

**(b)** If the alleged contemnor puts in issue the alleged misconduct or the resulting damages, the alleged contemnor shall, on demand, be entitled to have oral evidence taken either before the Court or before a master whom the Court appoints. When by law the alleged contemnor is entitled to a trial by jury, the contemnor shall make a written demand on or before the return day or adjourned day of the application; otherwise the Court will deem that the alleged contemnor has waived a trial by jury.

**(c)** If the Court finds that the alleged contemnor is in contempt of the Court, the Court shall issue and enter an order

[Table of Contents] 64 [IX: District Court & Clerks]

**1.** Reciting or referring to the verdict or findings of fact on which the adjudication is based;

1. **Setting forth the amount of the damages to which the complainant is entitled;**
2. **Fixing the fine, if any, imposed by the Court, which fine shall include the damages found and naming the person to whom the fine shall be payable;**
3. **Stating any other conditions, the performance of which shall operate to purge the contempt;**
4. **Directing, in the Court's discretion, the Marshal to arrest and confine the contemnor until the performance of the condition fixed in the order and payment of the fine or until the contemnor is otherwise discharged pursuant to law. The order shall specify the place of confinement. No party shall be required to pay or to advance to the Marshal any expenses for the upkeep of the prisoner. On an order of contempt, no person shall be detained in prison by reason of the non-payment of the fine for a period exceeding six months. A certified copy of the order committing the contemnor shall be sufficient warrant to the Marshal for the arrest and confinement. The aggrieved party shall also have the same remedies against the property of the contemnor as if the order awarding the fine were a final judgment.**

**(d)** If the alleged contemnor is found not guilty of the charges, the contemnor shall be discharged from the proceeding and, in the discretion of the Court, shall have judgment against the complainant for costs, disbursements and a reasonable attorney’s fee.

* 1. **Southern District of New York**
		1. <http://www.nysd.uscourts.gov/courtrules.php>

(5) In connection with activities in this Court, any attorney is found to have engaged in conduct violative of the New York State Rules of Professional Conduct as adopted from time to time by the Appellate Divisions of the State of New York. In interpreting the Code, in the absence of binding authority from the United States Supreme Court or the United States Court of Appeals for the Second Circuit, this Court, in the interests of comity and predictability, will give due regard to decisions of the New York Court of Appeals and other New York State courts, absent significant federal interests.

**LocalCivilRule1.5. Discipline of Attorneys**

(a) Committee on Grievances. The Chief Judge shall appoint a committee of the Board of Judges known as the Committee on Grievances, which under the direction of the Chief Judge shall have charge of all matters relating to the discipline of attorneys. The Chief Judge shall appoint a panel of attorneys who are members of the bar of this Court to advise or assist the Committee on Grievances. At the direction of the Committee on Grievances or its chair, members of this panel of attorneys may investigate complaints, may prepare and support statements of charges, or may serve as members of hearing panels.

(b) Grounds for Discipline or Other Relief. Discipline or other relief, of the types set forth in paragraph (c) below, may be imposed, by the Committee on Grievances, after notice and opportunity to respond as set forth in paragraph (d) below, if any of the following grounds is found by clear and convincing evidence:

(1) Any member of the bar of this Court has been convicted of a felony or misdemeanor in any federal court, or in a court of any state or territory.

(2) Any member of the bar of this Court has been disciplined by any federal court or by a court of any state or territory.

(3) Any member of the bar of this Court has resigned from the bar of any federal court or of a court of any state or territory while an investigation into allegations of misconduct by the attorney was pending.

(4) Any member of the bar of this Court has an infirmity which prevents the attorney from engaging in the practice of law.

(5) In connection with activities in this Court, any attorney is found to have

engaged in conduct violative of the New York State Rules of Professional Conduct as adopted from time to time by the Appellate Divisions of the State of New York. In interpreting the Code, in the absence of binding authority from the United States Supreme Court or the United States Court of Appeals for the Second Circuit, this Court, in the interests of comity and predictability, will give due regard to decisions of the New York Court of Appeals and other New York State courts, absent significant federal interests.

(6) Any attorney not a member of the bar of this Court has appeared at the bar of this Court without permission to do so.
(c) Types of Discipline or Other Relief.

(1) In the case of an attorney admitted to the bar of this Court, discipline imposed pursuant to paragraph (b)(1), (b)(2), (b)(3), or (b)(5) above may consist of a letter of reprimand or admonition, censure, suspension, or an order striking the name of the attorney from the roll of attorneys admitted to the bar of this Court.

(2) In the case of an attorney not admitted to the bar of this Court, discipline imposed pursuant to paragraph (b)(5) or (b)(6) above may consist of a letter of reprimand or admonition, censure, or an order precluding the attorney from again appearing at the bar of this Court.

(3) Relief required pursuant to paragraph (b)(4) above shall consist of suspending the attorney from practice before this Court.
(d) Procedure.

(1) If it appears that there exists a ground for discipline set forth in paragraph (b)(1), (b)(2), or (b)(3), notice thereof shall be served by the Committee on Grievances upon the attorney concerned by first class mail, directed to the address of the attorney as shown

on the rolls of this Court and to the last known address of the attorney (if any) as shown in the complaint and any materials submitted therewith. Service shall be deemed complete upon mailing in accordance with the provisions of this paragraph.

In all cases in which any federal court or a court of any state or territory has entered an order disbarring or censuring an attorney or suspending the attorney from practice, whether or not on consent, the notice shall be served together with an order by the Clerk of this Court, to become effective twenty-four days after the date of service upon the attorney, disbarring or censuring the attorney or suspending the attorney from practice in this Court upon terms and conditions comparable to those set forth by the other court of record. In all cases in which an attorney has resigned from the bar of any federal court or of a court of any state or territory while an investigation into allegations of misconduct by the attorney was pending, even if the attorney remains admitted to the bar of any other court, the notice shall be served together with an order entered by the Clerk for this Court, to become effective twenty-four days after the date of service upon the attorney, deeming the attorney to have resigned from the bar of this Court. Within twenty days of the date of service of either order, the attorney may file a motion for modification or revocation of the order. Any such motion shall set forth with specificity the facts and principles relied upon by the attorney as showing cause why a different disposition should be ordered by this Court.
The timely filing of such a motion will stay the effectiveness of the order until further order by this Court. If good cause is shown to hold an evidentiary hearing, the Committee on Grievances may direct such a hearing pursuant to paragraph (d)(4) below. If good cause is not shown to hold an evidentiary hearing, the Committee on Grievances may proceed to impose discipline or to take such other action as justice and this rule may require. If an

evidentiary hearing is held, the Committee may direct such interim relief pending the hearing as justice may require.

In all other cases, the notice shall be served together with an order by the Committee on Grievances directing the attorney to show cause in writing why discipline should not be imposed. If the attorney fails to respond in writing to the order to show cause, or if the response fails to show good cause to hold an evidentiary hearing, the Committee on Grievances may proceed to impose discipline or to take such other action as justice and this rule may require. If good cause is shown to hold an evidentiary hearing, the Committee on Grievances may direct such a hearing pursuant to paragraph (d)(4) below. If an evidentiary hearing is held, the Committee may direct such interim relief pending the hearing as justice may require.

(2) In the case of a ground for discipline set forth in paragraph (b)(2) or (b)(3) above, discipline may be imposed unless the attorney concerned establishes by clear and convincing evidence (i) that there was such an infirmity of proof of misconduct by the attorney as to give rise to the clear conviction that this Court could not consistent with its duty accept as final the conclusion of the other court, or (ii) that the procedure resulting in the investigation or discipline of the attorney by the other court was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process, or (iii) that the imposition of discipline by this Court would result in grave injustice.

(3) Complaints in writing alleging any ground for discipline or other relief set forth in paragraph (b) above shall be directed to the Chief Judge, who shall refer such complaints to the Committee on Grievances. The Committee on Grievances, by its chair, may designate an attorney, who may be selected from the panel of attorneys established pursuant to paragraph (a) above, to investigate the complaint, if it deems investigation necessary or warranted, and to prepare a statement of charges, if the Committee deems that necessary or

warranted. Complaints, and any files based on them, shall be treated as confidential unless otherwise ordered by the Chief Judge for good cause shown.

(4) A statement of charges alleging a ground for discipline or other relief set forth in paragraph (b)(4), (b)(5), or (b)(6) shall be served upon the attorney concerned by certified mail, return receipt requested, directed to the address of the attorney as shown on the rolls of this Court and to the last known address of the attorney (if any) as shown in the complaint and any materials submitted therewith, together with an order by the Committee on Grievances directing the attorney to show cause in writing why discipline or other relief should not be imposed. Upon the respondent attorney's answer to the charges the matter will be designated by the Committee on Grievances for a prompt evidentiary hearing before a Magistrate Judge of the Court or before a panel of three attorneys, who may be selected from the panel of attorneys established pursuant to paragraph (a) above. The Magistrate Judge or panel of attorneys conducting the hearing may grant such pre-hearing discovery as they determine to be necessary, shall hear witnesses called by the attorney supporting the charges and by the respondent attorney, and may consider such other evidence included in the record of the hearing as they deem relevant and material. The Magistrate Judge or panel of attorneys conducting the hearing shall report their findings and recommendations in writing to the Committee on Grievances and shall serve them upon the respondent attorney and the attorney supporting the charges. After affording the respondent attorney and the attorney supporting the charges an opportunity to respond in writing to such report, or if no timely answer is made by the respondent attorney, or if the Committee on Grievances determines that the answer raises no issue requiring a hearing, the Committee on Grievances may proceed to impose discipline or to take such action as justice and this rule may require.

 (e) Reinstatement. Any attorney who has been suspended or precluded from appearing in this Court or whose name has been struck from the roll of the members of the bar of this Court may apply in writing to the Chief Judge, for good cause shown, for the lifting of the suspension or preclusion or for reinstatement to the rolls. The Chief Judge shall refer such application to the Committee on Grievances. The Committee on Grievances may refer the application to a Magistrate Judge or hearing panel of attorneys (who may be the same Magistrate Judge or panel of attorneys who previously heard the matter) for findings and recommendations, or may act upon the application without making such a referral. Absent extraordinary circumstances, no such application will be
granted unless the attorney seeking reinstatement meets the requirements for admission set forth in Local Civil Rule 1.3(a).

(f) Remedies for Misconduct. The remedies provided by this rule are in addition to the remedies available to individual District Judges and Magistrate Judges under applicable law with respect to lawyers appearing before them. Individual District Judges and Magistrate Judges may also refer any matter to the Chief Judge for referral to the Committee on Grievances to consider the imposition of discipline or other relief pursuant to this rule.

(g) Notice to Other Courts. When an attorney is known to be admitted to practice in the court of any state or territory, or in any other federal court, and has been convicted of any crime or disbarred, precluded from appearing, suspended or censured in this court, the Clerk shall send to such other court or courts a certified or electronic copy of the judgment of conviction or order of disbarment, preclusion, suspension or censure, a certified or electronic copy of the Court’s opinion, if any, and a statement of the attorney's last known office and residence address.

(h) Duty of Attorney to Report Discipline.

 (1) In all cases in which any federal, state or territorial court, agency or tribunal has entered an order disbarring or censuring an attorney admitted to the bar of this Court, or suspending the attorney from practice, whether or not on consent, the attorney shall deliver a copy of said order to the Clerk of this Court within fourteen days after the entry of the order.

(2) In all cases in which any member of the bar of this Court has resigned from the bar of any federal, state or territorial court, agency or tribunal while an investigation into allegations of misconduct against the attorney was pending, the attorney shall report such resignation to the Clerk of this Court within fourteen days after the submission of the resignation.

(3) In all cases in which this Court has entered an order disbarring or censuring an attorney, or suspending the attorney from practice, whether or not on consent, the attorney shall deliver a copy of said order within fourteen days after the entry of the order to the clerk of each federal, state or territorial court, agency and tribunal in which such attorney has been admitted to practice.

(4) Any failure of an attorney to comply with the requirements of this Local Civil Rule 1.5(h) shall constitute a basis for discipline of said attorney pursuant to Local Civil Rule 1.5(c).

**COMMITTEE NOTE**

Because Local Civil Rule 1.5 has been the subject of a recent review by the Courts, the Committee has not proposed any substantive changes therein. An amendment is recommended to Local Civil Rule 1.5(g) to recognize the fact that today the Clerks of the Courts often give notice of disciplinary actions to other courts by electronic means.

* 1. **Western District of New York**
		1. <http://www.nywd.uscourts.gov/rules-individual-local-federal>

Attorneys practicing in this Court shall faithfully adhere to the New York Rules of Professional Conduct. In interpreting the New York Rules of Professional Conduct, absent binding authority from the United States Supreme Court or the United States Court of Appeals for the Second Circuit or significant federal interests, this Court, in the interests of comity and predictability, will give due regard to decisions of the New York Court of Appeals and other New York State courts.

1. (b)  In addition to any other sanctions imposed under these Local Rules, any person admitted to practice in this Court may be disbarred or otherwise disciplined, for cause, after hearing. The Chief Judge of the District may appoint a Magistrate Judge or attorney(s) to investigate, advise, or assist as to grievances or complaints from any source and as to applications by attorneys for relief from discipline. Other than provided by subparagraphs (b) and (c) of this Rule, no censure, suspension, or disbarment shall be applied without notice and an opportunity to be heard and the approval of a majority of the District Judges of the Court in both active and senior service, except that any Judge of this Court may, for cause, revoke an admission pro hac vice they previously granted. Complaints or grievances, and any related documents, shall be treated as confidential. Discipline shall be imposed only upon suitable order of the Court, and the Court, in its discretion, shall determine whether the order will be made available to the public, or published, or circulated.

(c) (1)

Any Member of the bar of this Court who is convicted of a felony, as defined in subsection (b)(3), must submit the record of conviction to the Clerk of Court within thirty (30) days thereafter. When the Court is informed of the conviction, by the Member or otherwise, the Chief Judge will issue an order suspending that attorney from practice before this Court. The order shall be sent to the last known business address of the attorney by certified mail. An application to set aside the order of suspension must be filed with the Clerk of Court within thirty (30) days from issuance of the order. The Court, in its discretion, may consider the application on the papers submitted, schedule oral argument, or hold an evidentiary hearing. Upon good cause shown, a majority of the active and senior District Judges may set aside the suspension when it is in the interest of justice to do so.

(2) When the Court is informed that a judgment of conviction for a felony, as defined in subsection (b)(3), is final, the Chief Judge will order that the

attorney’s name be struck from the roll of Members of the bar of this Court. “Final” for purposes of this subsection means either that the time within which to appeal has lapsed or that the judgment of conviction for a felony has been affirmed on direct appeal. The order of disbarment shall be sent to the last known business address of the attorney by certified mail. An application to set aside the order of disbarment must be filed with the Clerk of Court within thirty (30) days from issuance of the order. The Court, in its discretion, may consider the application on the papers submitted, schedule oral argument, or hold an evidentiary hearing. Upon good cause shown, a majority of the active and senior District Judges may set aside the disbarment when it is in the interest of justice to do so.

(3) For purposes of this subsection, the term felony shall mean any criminal offense classified as a felony under federal law; any criminal offense classified as a felony under New York law; or any criminal offense committed in any other state, commonwealth, or territory of the United States and classified as a felony therein which, if committed within New York State, would constitute a felony in New York State.

1. (d)  Any Member of the bar of this Court who has been suspended, disbarred, or disciplined in any way in any district, state, commonwealth, or territory, or who has resigned from the bar of any such court while an investigation into allegations of misconduct by the attorney was pending, must notify the Clerk of Court of such action, in writing, within thirty (30) days thereafter, and must submit with the notification a copy of any order issued in the other jurisdiction.

Upon receipt of a copy of an order imposing discipline, the Chief Judge will issue an order disciplining the attorney to the same extent as imposed in the other jurisdiction. The order shall be sent to the last known business address of the attorney by certified mail. An application to set aside the order, along with the record of the underlying disciplinary proceeding, must be filed with the Clerk of Court within thirty (30) days from issuance of the order. A majority of the active and senior District Judges may set aside the order when an examination of the record resulting in that discipline discloses, by clear and convincing evidence, that:

* 1. (1)  the procedure in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;
	2. (2)  there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this Court should not accept as final the conclusion on that subject; or
	3. (3)  this Court’s imposition of the same discipline would result in grave injustice.
1. (e)  A disbarred or suspended attorney who seeks reinstatement to practice before this Court must file a motion with the Clerk’s Office returnable before the Chief Judge.

The motion shall attach all orders from any court regarding disbarment or suspension of the attorney and any order reinstating the attorney to the practice of law.

RULE 83.4

CONTEMPTS

1. (a)  A proceeding to adjudicate a person in civil contempt of court, including a case provided for in Fed.R.Civ.P. 37(b)(1) and 37(b)(2)(A), shall be commenced by the service of a notice of motion or order to show cause.

The affidavit upon which such notice of motion or order to show cause is based shall set forth with particularity the misconduct complained of, the claim, if any, for damages occasioned thereby, and such evidence as to the amount of damages as may be available to the moving party. Reasonable attorney’s fees necessitated by the contempt proceeding may be included as an item of damage. Where the alleged contemnor has appeared in the action by an attorney, the notice of motion or order to show cause and the papers upon which it is based may be served upon the attorney; otherwise, service shall be made personally, in the manner provided in Fed.R.Civ.P. 4 for the service of a summons. If an order to show cause is sought, such order may upon good cause shown embody a direction to the United States Marshal to arrest the alleged contemnor and hold him or her in bail in an amount fixed by the order, conditioned upon his or her appearance at the hearing and upon his or her holding himself or herself amenable thereafter to all orders of the Court for surrender.

1. (b)  If the alleged contemnor puts in issue the alleged misconduct or the damages thereby occasioned, they shall upon demand be entitled to have oral evidence taken on the issues, either before the Court or before a master appointed by the Court. When by law the alleged contemnor is entitled to a trial by jury, they shall make a written demand therefor on or before the return day or adjourned day of the application; otherwise, they will be deemed to have waived a trial by jury.
2. (c)  In the event the alleged contemnor is found to be in contempt of court, an order shall be made and entered:
	1. (1)  reciting or referring to the verdict or findings of fact upon which the adjudication is based;
	2. (2)  setting forth the amount of the damages to which the complainant is entitled;
	3. (3)  fixing the fine, if any, imposed by the Court, which fine shall include the damages found, and naming the person to whom such fine shall be payable;
3. (4)  stating any other conditions, the performance of which will operate to purge the contempt; and
4. (5)  directing the arrest of the contemnor by the United States Marshal, and their confinement until the performance of the condition fixed in the order and the payment of the fine, or until the contemnor be otherwise discharged pursuant to law.

The order shall specify the place of confinement. No party shall be required to pay or to advance to the Marshal any expenses for the upkeep of the prisoner. Upon such an order, no person shall be detained in prison by reason of the non- payment of the fine for a period exceeding six (6) months. A certified copy of the order committing the contemnor shall be sufficient warrant to the Marshal for the arrest and confinement. The aggrieved party shall also have the same remedies against the property of the contemnor as if the order awarding the fine were a final judgment.

(d) In the event the alleged contemnor shall be found not guilty of the charges made against them, they shall be discharged from the proceeding and, in the discretion of the Court, may have judgment against the complainant for their costs and disbursements and a reasonable counsel fee.

1. **North Carolina**
	1. **Eastern District of North Carolina**
		1. <http://www.nced.uscourts.gov/rules/Default.aspx>
2. **Form of Discipline.**

For misconduct defined in these local rules, and for good cause shown, and after notice and opportunity to be heard, any attorney admitted to practice before this court, may be disbarred, suspended from practice before this court, reprimanded or subjected to such other disciplinary action as the circumstances may warrant.

1. **(b)  Grounds for Discipline.**

Acts or omissions by an attorney admitted to practice before this court, individually or in concert with any other person or persons, which violate the Rules of Professional Conduct adopted by this court shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship. The Rules of Professional Conduct adopted by this court are the North Carolina State Bar Revised Rules of Professional Conduct adopted by the Supreme Court of North Carolina, except as may be otherwise provided by specific rule of this court.

**Referral by the Court.**

When misconduct or allegations of misconduct in any case or proceeding in this court on the part of an attorney admitted to practice before this court which, if substantiated, would warrant discipline of such attorney shall come to the attention of a judge of this court, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by these local rules, the judge shall refer the matter to counsel in accordance with Local Civil Rule 83.7b(f) for investigation and if warranted the prosecution of a formal disciplinary proceeding or the formulation of such other recommendation as may be appropriate.

**Rule 83.7f**

1. **(b)  Recommendation for Disposition.**

Should counsel conclude after investigation and review that a formal disciplinary proceeding should not be initiated against the respondent- attorney because sufficient evidence is not present, or because there is pending another proceeding against the respondent-attorney, the disposition of which in the judgment of counsel should be awaited before further action by this court is considered or for any other valid reason, counsel shall file with the court a recommendation for disposition of the matter, whether by dismissal, admonition, deferral, or otherwise, setting forth the reasons therefor.

1. **(c)  Initiation of Disciplinary Proceedings.**

To initiate formal disciplinary proceedings, counsel shall obtain an order of this court upon a showing of probable cause requiring the respondent- attorney to show cause within 30 days after service of that order upon that attorney, personally or by mail, why the attorney should not be disciplined.

1. **(d)  Procedure for Hearing.**

Upon the respondent-attorney’s answer to the order to show cause, if any issue of fact is raised or the respondent-attorney wishes to be heard in mitigation, this court shall set the matter for prompt hearing before one or more judges of this court; provided however that, if the disciplinary proceeding is predicated upon the complaint of a judge of this court, the hearing shall be conducted before another judge of this court appointed by the Chief Judge, or if the Chief Judge is the complainant, by the next senior judge of this court.

**Disbarment on Consent While Under Disciplinary Investigation or Prosecution**

**(a)**

**Consent to Disbarment.**

Any attorney practicing before this court who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may consent to disbarment by delivering to this court an affidavit stating that the attorney desires to consent to disbarment and that:

**Rule 83.7g**

1. **(i)**the attorney’s consent is freely given,
2. **(ii)**the attorney is aware of the pending investigation or proceeding,
3. **(iii)**the attorney acknowledges the material facts of misconduct, and
4. **(iv)**the attorney consents because the attorney knows that he or she could not defend successfully against charges of misconduct.
5. **(b)  Order of Disbarment.**

Upon receipt of the required affidavit, this court shall enter an order disbarring the attorney.

1. **(c)  Record.**

The order disbarring the attorney on consent shall be a matter of public record. However, the affidavit required under the provisions of this rule shall not be publicly disclosed or made available for use in any other proceeding except upon order of this court.

**Reinstatement**

**(a)**

**(b)**

**Automatic Reinstatement; Reinstatement by Order.**

An attorney suspended for three months or less shall be automatically reinstated at the end of the period of suspension upon filing with the court an affidavit of compliance with the provisions of the suspension order. An attorney suspended for more than three months or disbarred may not resume practice until reinstated by order of this court.

**Time for Petition.**

An attorney who has been disbarred after hearing or by consent may not petition for reinstatement until the expiration of at least three years from the effective date of disbarment.

**Return to Table of Contents**

 **(c) Procedure.**

Petitions for reinstatement by a disbarred or suspended attorney under this rule shall be filed with the court. Upon receipt of the petition, the Chief Judge may assign the matter for a prompt hearing before a judge (or judges) of the court and may, in the Chief Judge’s discretion, refer the petition to counsel for investigation in accordance with Local Civil Rule 83.7b(f). The judge assigned to the matter shall schedule a hearing at which petitioner shall have the burden of demonstrating by clear and convincing evidence that the attorney has the moral qualifications, competency, and learning of the law required for admission to practice law before this court, and that the attorney’s resumption of the practice of law will not be detrimental to the integrity and standing of the Bar or the administration of justice or subversive of the public interest. In all proceedings upon a petition for reinstatement, cross-examination of the witnesses of the attorney and the submission of evidence, if any, in opposition to the petition shall be conducted by counsel if the matter has been referred to counsel by the court in accordance with Local Civil Rule 83.7b(f).

1. **(d)  Costs.**

Petitions for reinstatement under this rule shall be accompanied by an advanced cost deposit made payable to the Clerk, United States District Court in the amount of the current attorney admission fee. The court may later impose costs related to the reinstatement proceeding.

1. **(e)  Order of Reinstatement.**

If the petitioner is found to be unfit to resume the practice of law, the petition shall be dismissed. If the petitioner is found to be fit to resume the practice of law, the judgment shall reinstate the petitioner, provided that the judgment may make reinstatement conditional upon the payment of all or part of the costs of the proceedings, and upon the making of partial or complete restitution to parties harmed by the petitioner whose conduct led to the suspension or disbarment.

**Rule 83.7h**

**(f) Successive Petitions.**

No petition for reinstatement under this rule shall be filed within one year following an adverse judgment upon a petition for reinstatement filed by or on behalf of the same person.

* 1. **Middle District of North Carolina**
		1. <http://www.ncmd.uscourts.gov/court-info/local-rules-and-orders>

**Standards for Conduct.** Acts or omissions by an attorney practicing before this Court which violate the Code of Professional Responsibility adopted by this Court shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship. The Code of Professional Responsibility adopted by this Court is the Code of Professional Responsibility adopted by the Supreme Court of North Carolina, as amended from time to time by that state court, except as otherwise provided by a specific rule of this Court.

The Court, in furtherance of its inherent power and responsibility to supervise attorneys who practice before it, adopts these rules of disciplinary enforcement.

**LR 83.10b ATTORNEYS CONVICTED OF A CRIME**

**(a) Suspension Upon Filing of Judgment.** Upon the filing of a certified copy of a judgment of conviction demonstrating that any attorney practicing before the Court has been convicted in any court of the United States, or the District of Columbia, or of any state, territory, commonwealth or possession of the United States, of a serious crime as herein defined, the Court may enter an order immediately suspending that attorney from practice until final disposition of a disciplinary proceeding before this Court, or until final disposition is made by the appropriate state bar.

**(b) Definition of Serious Crime.** "Serious crime" shall include any felony and also any other crime which involves false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy of solicitation of another to commit a "serious crime."

**(c) Conviction of Serious Crime.** Upon the filing of a certified copy of a judgment of conviction of an attorney for a serious crime, the Court may refer the matter to counsel for institution of a disciplinary proceeding before the Court, providing that a disciplinary proceeding so instituted will not be brought to final hearing until all appeals from the conviction are concluded. Alternatively, the Court may refer the matter to the appropriate state bar.

**(d) Conviction of Other Crime.** Upon the filing of a certified copy of a judgment of conviction of an attorney for a crime not constituting a "serious crime," the Court may refer the matter to counsel for whatever action counsel may deem warranted, including the institution of a disciplinary proceeding before the Court. Alternatively, the Court may refer the matter to the appropriate state bar. The Court is not restricted from taking such other disciplinary action as is within the inherent authority of the Court.

**(e) Reinstatement after Suspension.** An attorney suspended under the provisions of this rule will be reinstated immediately upon the filing of a certificate demonstrating that the conviction of a serious crime has been reversed, but the reinstatement will not terminate any disciplinary proceeding then pending, the disposition of which shall be determined by the Court on the basis of all available evidence pertaining to both guilt and the extent of discipline to be imposed.

**LR 83.10c DISCIPLINE IMPOSED BY ANOTHER COURT OR BY A STATE BAR**

**(a) Duty to Inform the Clerk.** Any attorney practicing before this Court shall, upon being subjected to public discipline by any court or by the state bar of any state, promptly inform the clerk of such action.

**(b) Show Cause Order.** Upon the filing of a certified copy of a judgment or order demonstrating that an attorney has been disciplined by another court or by a state bar, this Court shall forthwith issue a notice containing a copy of the judgment or order and an order to show cause directing that the attorney inform this Court within 21 days

why imposition of the identical discipline by this Court would be unwarranted and the reasons therefor.

**(c) Imposition of Discipline.** Upon expiration of 21 days from service of the show cause order, this Court will presume the misconduct to have been established and will impose the identical discipline unless the attorney demonstrates that upon the face of the record upon which the discipline in another jurisdiction is predicated it clearly appears:

1. (1)  that the attorney was deprived of due process; or
2. (2)  that there was such an infirmity of proof that this Court could not

accept as final the conclusion on that subject; or

1. (3)  that the imposition of the same discipline by this Court would result

in grave injustice; or

1. (4)  that the misconduct established is deemed by this Court to warrant

substantially different discipline. Where this Court determines that any of said elements exist, it shall enter such order as it deems appropriate. The grant of a stay of discipline by the other jurisdiction shall constitute grounds for a similar grant by this Court.

**LR 83.10d
COURT OR BEFORE A STATE BAR**

**DISBARMENT ON CONSENT OR RESIGNATION IN ANOTHER**

Any attorney practicing before this Court who shall be disbarred on consent or resign from the bar of any court or state while an investigation into allegations of misconduct is pending, shall promptly inform the clerk, and upon the filing with this Court of a certified copy of the judgment or order accepting such disbarment on consent or resignation, shall cease to be permitted to practice before this Court.

**LR 83.10e STANDARDS FOR PROFESSIONAL CONDUCT**

**(a) Disciplinary Enforcement.** For misconduct defined in these rules, and after notice of an opportunity to be heard, any attorney practicing before this Court may be disbarred, suspended from practice, reprimanded, or subjected to such other disciplinary action as the circumstances may warrant.

**(b) Standards for Conduct.** Acts or omissions by an attorney practicing before this Court which violate the Code of Professional Responsibility adopted by this Court shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship. The Code of Professional Responsibility adopted by this Court is the Code of Professional Responsibility adopted by the Supreme Court of North Carolina, as amended from time to time by that state court, except as otherwise provided by a specific rule of this Court.

**LR 83.10f DISCIPLINARY PROCEEDINGS**

**(a) Referral of Complaints to Counsel or to a State Bar.** When allegations of misconduct by an attorney practicing before this Court come to the attention of a Judge of this Court, whether by complaint or otherwise, the Judge may refer the matter to counsel for investigation and the prosecution of a formal disciplinary proceeding or the formulation of such other recommendation as may be appropriate. Alternatively, the Judge may refer the matter to the appropriate state bar. The Court is not restricted from taking such other disciplinary action as is within the inherent authority of the Court.

**(b) Recommendation by Counsel.** Should counsel conclude after investigation that a formal disciplinary proceeding should not be initiated against the attorney, counsel shall file with the Court a recommendation for disposition of the matter, whether by dismissal, admonition, or deferral and shall set forth the reasons for such recommendation.

**(c) Initiation of Disciplinary Proceedings.** To initiate formal disciplinary proceedings, counsel shall obtain an order of the Court upon a showing of probable cause requiring the attorney to show cause within 21 days after service of the order why the attorney should not be disciplined.

**(d) Hearing.** Upon the attorney's answer to the order to show cause, if any issue of fact is raised or the attorney wishes to be heard, the Court shall set the matter for prompt hearing.

**LR 83.10g DISBARMENT ON CONSENT WHILE UNDER DISCIPLINARY INVESTIGATION OR PROSECUTION**

**(a) Consent to Disbarment.** Any attorney practicing before this Court who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may consent to disbarment by delivering to this Court an affidavit stating that the attorney desires to consent to disbarment and that:

(1) the attorney's consent is freely given,
(2) the attorney is aware of the pending investigation or proceeding, (3) the attorney acknowledges the material facts of misconduct, and (4) the attorney consents because the attorney knows that he or she

could not defend successfully against charges of misconduct.
**(b) Order of Disbarment.** Upon receipt of the required affidavit, this Court

shall enter an order disbarring the attorney.
**(c) Record.** The order disbarring the attorney on consent shall be a matter of

public record. However, the affidavit required under the provisions of this rule shall not be publicly disclosed or made available for use in any other proceeding except upon order of this Court.

**LR 83.10h REINSTATEMENT**

**(a) Automatic Reinstatement; Reinstatement by Order.** An attorney suspended for 3 months or less shall be automatically reinstated at the end of the period of suspension upon filing with the Court an affidavit of compliance with the provisions of the suspension order. An attorney suspended for more than three months or disbarred may not resume practice until reinstated by order of this Court.

**(b) Time for Petition.** An attorney who has been disbarred after hearing or by consent may not petition for reinstatement until the expiration of at least 5 years from the effective date of disbarment.

**(c) Procedure.** Petitions for reinstatement by a disbarred or suspended attorney under this rule shall be filed with the Court. Upon receipt of the petition, the Chief Judge shall assign the matter for a prompt hearing before a Judge (or Judges) of the Court and may, in the Chief Judge's discretion, refer the petition to counsel for investigation. The Judge assigned to the matter shall schedule a hearing at which petitioner shall have the burden of demonstrating by clear and convincing evidence that the attorney has the moral qualifications, competency, and learning of the law required for admission to practice law before this Court, and that the attorney's resumption of the practice of law will not be detrimental to the integrity and standing of the Bar or the administration of justice or subversive of the public interest. In all proceedings upon a petition for reinstatement, cross-examination of the witnesses of the attorney and the submission of evidence, if any, in opposition to the petition shall be conducted by counsel if the matter has been referred to counsel by the Court.

**(d) Costs.** The Petitioner shall pay the ordinary fee for admission, together with any other costs assessed by the Court for the reinstatement proceeding.

**(e) Order of Reinstatement.** If the petitioner is found to be unfit to resume the practice of law, the petition shall be dismissed. If the petitioner is found to be fit to resume the practice of law, the judgment shall reinstate the petitioner, provided that the judgment may make reinstatement conditional upon the payment of all or part of the costs of the proceedings, and upon the making of partial or complete restitution to parties harmed by the petitioner whose conduct led to the suspension or disbarment. Provided further that if the petitioner has been suspended or disbarred for 5 years or more, reinstatement may be conditioned, in the discretion of the Judge, upon the furnishing of proof of competency and learning in the law, which proof may include certification by the bar examiners of North Carolina of the attorney's successful completion of an examination for admission to practice subsequent to the date of suspension or disbarment.

**(f) Successive Petitions.** No petition for reinstatement under this rule shall be filed within 1 year following an adverse judgment upon a petition for reinstatement filed by or on behalf of the same person.

**LR 83.10i ATTORNEYS SPECIALLY APPEARING**

Whenever an attorney appears for purposes of a particular proceeding, the attorney shall be deemed thereby to have conferred disciplinary jurisdiction upon this Court for any alleged misconduct of that attorney arising in the course of or in preparation for such proceeding.

**LR 83.10j SERVICE OF PAPERS AND OTHER NOTICES**

Service of an order to show cause instituting a formal disciplinary proceeding shall be made by personal service or by registered or certified mail addressed to the attorney. Service of any other papers or notices required by these rules shall be deemed to have been made if such paper or notice is addressed to the attorney or to the attorney's counsel and is posted by regular mail.

**LR 83.10k APPOINTMENT OF COUNSEL**

Whenever counsel is to be appointed by these rules to investigate allegations of misconduct or to prosecute disciplinary proceedings or in conjunction with a reinstatement petition, the Court may appoint as counsel the disciplinary agency of the Supreme Court of North Carolina or any other disciplinary agency having jurisdiction. Alternatively, the Court may appoint as counsel one or more members of the Bar, provided, however, that the respondent-attorney may move to disqualify an attorney so appointed who is or who has been engaged as an adversary of the respondent-attorney in any manner. Counsel, once appointed, may not resign unless permission to do so is given by the Court. Nothing in this rule limits the Court's authority to refer any matter to the appropriate state bar for investigation, prosecution of disciplinary proceedings, or reinstatement.

**LR 83.10l DUTIES OF THE CLERK**

**(a) Obtaining Certificate of Conviction.** Upon being informed that an attorney practicing before this Court has been convicted of any crime, the clerk shall determine whether the clerk of the Court in which such conviction occurred has forwarded a certificate of such conviction to this Court. If certificate has not been so forwarded, the clerk shall promptly obtain a certificate and file it with this Court.

**(b) Obtaining Certificate of Disciplinary Judgment or Order.** Upon being informed that an attorney practicing before this Court has been subjected to discipline by another court or a state bar, the clerk shall determine whether a certified copy of the disciplinary judgment or order has been filed with this Court, and, if not, the clerk shall

promptly obtain a certified copy of the disciplinary judgment or order and file it with this

Court. **(c) Clerk to Inform Other Jurisdictions.** Whenever it appears that any attorney convicted of any crime, disbarred, suspended, censured, or disbarred on consent by this Court is admitted to practice law in any other jurisdiction or before any other court, the clerk shall, within 14 days of that conviction, disbarment, suspension, censure, or disbarment on consent, transmit to the disciplinary authority in such other jurisdiction, or for such other court, a certificate of the conviction or a certified copy of the judgment or order of disbarment, suspension, censure, or disbarment on consent, as well as the last known office and residence addresses of the attorney.

**(d) Clerk to Inform the National Discipline Data Bank.** The clerk shall, likewise, promptly notify the National Discipline Data Bank operated by the American Bar Association of any order imposing public discipline upon any attorney practicing before this Court.

**LR 83.10m JURISDICTION**

Nothing contained in these rules shall be construed to deny to this Court such powers as are necessary for the Court to maintain control over proceedings conducted before it, such as proceedings for contempt under Title 18 of the United States Code or under Rule 42 of the Federal Rules of Criminal Procedure or other sanctions under the Federal Rules of Civil Procedure or these Local Rules.

**LR 83.10n PUBLIC DISCIPLINARY RECORD**

The general order imposing disciplinary action or reinstating an attorney shall be a matter of public record. All other records pertaining to attorney disciplinary action(s), which are not already public records, shall not be publicly disclosed or made available for use in any other proceeding except upon order of this Court.

* 1. **Western District of North Carolina**
		1. <http://www.ncwd.uscourts.gov/court-info/local-rules-and-orders/local-rules>

Counsel representing governmental or tribal agencies who are members in

good standing of the Bar of a United States District Court, the Bar of the highest Court of any state, or the District of Columbia, are neither required to associate local counsel nor required to pay an attorney admission fee. By making an appearance, such attorney agrees to abide by the Local Rules, the North Carolina Rules of Professional Conduct, and to submit themselves to this Court for the enforcement of such rules.

Could not find discipline section

1. **North Dakota**
	1. **District of North Dakota**
		1. <http://www.ndd.uscourts.gov/court-info/local-rules-and-orders>

Could not find standards of professional conduct

DISCIPLINARY ENFORCEMENT

1. (1)  Any member of the bar of this court may be disbarred, suspended from practice for a definite time, reprimanded, or subjected to such other discipline as the court may deem proper, upon a showing of good cause and after the court has afforded the opportunity for a hearing on the matter. Pending a hearing, the court may temporarily suspend an attorney or impose other restrictions the court deems appropriate under the circumstances.
2. (2)  Where it is shown to the court that any attorney admitted to practice before this court may have been convicted of a serious crime, subject to public discipline, disbarred by the bar used as the basis for admission under D.N.D. Gen. L. R. 1.3(B), or otherwise breached standards of professional conduct, the court may enter an order requiring the attorney to appear before the court and show good cause why that attorney should not be suspended or disbarred from practice before the court. The clerk must immediately serve a copy of the show cause order upon the attorney.
3. (3)  Following the issuance of a show cause order, the court may refer the matter to the United States Attorney or other attorney appointed by the court for investigation and prosecution or the formulation of other recommendations as may be appropriate. The clerk must serve any suspension order of the court on the attorney by certified mail at the address shown in the clerk’s records. The order may require the respondent-attorney to show cause within thirty (30) days after service, why the attorney should not be disciplined. If the attorney responds, the matter must promptly be set for a hearing before one or more judges of this court. If the attorney fails to respond within the required time, the court may take disciplinary action as is appropriate under the circumstances.
4. (4)  An attorney may be subject to appropriate disciplinary action if, before admission to the bar of this court or after disbarment or suspension, the attorney exercises any of the privileges of a member of the bar in any action or proceedings in this court or pretends to be entitled to do so.

 (G) CONTINUED DUTIES

1. (5)  A prosecuting attorney may file a motion requesting the award of reasonable fees and costs expended in the course of a disciplinary investigation or prosecution. Reasonable fees and costs, if awarded, may be taxed against the respondent-attorney for immediate payment.
2. (6)  The clerk must promptly notify the National Discipline Data Bank operated by the American Bar Association of any order imposing public discipline on any attorney admitted to practice before this court.

(I) REINSTATEMENT

1. (1)  A disbarred or suspended attorney may file a petition for reinstatement with the clerk. Upon receipt of the petition, the court may refer the petition to the United States Attorney or other attorney appointed by the court for investigation and report. The matter must promptly be set for a hearing before one or more judges of this court. The petitioner has the burden of demonstrating by clear and convincing evidence that the attorney maintains the moral qualification, competency, and learning in the law required for admission to practice law before this court. The petitioner must also demonstrate that the attorney’s resumption of the practice of law will not be detrimental to the integrity of the bar or to the administration of justice, or subversive to the public interest.
2. (2)  An attorney who has been suspended or permanently disbarred by the bar used as the basis for admission under D.N.D. Gen. L. R. 1.3(B) and thereafter reinstated by that court may not, solely by reason of reinstatement, be permitted to practice in this court.
3. (3)  An attorney who has been reinstated to practice may file a petition for reinstatement to the bar of this court supported by a certified copy of the order of reinstatement with the clerk in the Bismarck clerk’s office.
4. (4)  The petitioner must set forth in a brief, the grounds of the suspension or disbarment, the reason for reinstatement, and any other fact in substantiation of the petition for reinstatement to practice in this court.
5. (5)  Upon receiving the final determination by the court of the petition for reinstatement, the clerk must file and enter the order and advise all interested parties.
6. **Ohio**
	1. **Northern District of Ohio**
		1. <http://www.ohnd.uscourts.gov/home/rules-and-orders/local-civil-rules/>

**Standards for Professional Conduct.** Attorneys admitted to practice in this Court shall be bound by the ethical standards of the Ohio Rules of Professional Conduct adopted by the Supreme Court of the State of Ohio, so far as they are not inconsistent with federal law (see LR 83.5(b) and (f)).

**(b) Failure to Comply.**

(1) For misconduct defined in this Rule, and for good cause shown, and after notice and opportunity to be heard, any attorney admitted to practice before this Court may be subjected to such disciplinary action as the circumstances warrant.

(2) Acts or omissions by an attorney admitted to practice before this Court, individually or in concert with any other person or persons, which violate the Ohio Rules of Professional Conduct adopted by this Court shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship.

**(c) Attorneys Specially Admitted.** Whenever an attorney applies to be admitted or is admitted to this Court for purposes of a particular proceeding (pro hac vice), the attorney shall be deemed thereby to have conferred disciplinary jurisdiction upon this Court for any alleged professional misconduct of that attorney.

**(d) Disciplinary Proceedings.**

(1) When misconduct or allegations of misconduct which, if substantiated, would warrant discipline on the part of an attorney admitted to practice before this Court come to the attention of a Judge of this Court, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by this Rule, the Judge shall refer the matter to the Court’s Committee on Complaints and Policy Compliance (“the Committee”), with notification to the Clerk of Court, for investigation and the prosecution of a formal disciplinary proceeding or the formulation of such other recommendation as is appropriate.

(2) If the Committee concludes after investigation, review and findings that a formal disciplinary proceeding should not be initiated against the respondent-attorney, the Committee shall make a written recommendation to the Court for disposition of the matter by dismissal, admonition, referral, or otherwise.

(3) To initiate formal disciplinary proceedings, the Committee shall issue by regular U.S. mail an order of this Court requiring the respondent-attorney to show cause as noticed why the attorney should not be disciplined.

(4) Upon the respondent-attorney’s answer to the order to show cause, if any issue of fact is raised or the respondent-attorney wishes to be heard in mitigation, the matter shall be set for hearing before the Committee, provided, however, that if the disciplinary proceeding is predicated upon the complaint of a judge of this Court who is a member of the Committee, that judge shall not participate in such hearing or in any action of this Court relative to said respondent-attorney.

(5) After a disciplinary proceeding, the Committee shall make a written recommendation to

the Court for disposition, including, but not limited to, suspension from practice before this Court, reprimand, censure, restitution of funds, satisfactory completion of educational programs, compliance with treatment programs, assignment of a mentor, and community service.

(6) Counsel appointed pursuant to the authority set forth in section (f) of this Rule, *Discipline Imposed By Other Courts*, shall have the authority to investigate, prosecute before the Committee and otherwise assist the Committee in any matters involving a respondent-attorney.

**(e) Attorneys Convicted of, Pleading Guilty or Nolo Contendere to Crimes.**

(1) Serious Crimes

(a) If an attorney admitted to practice before this Court is found guilty by verdict at trial in any Court of record, or enters a plea of guilty or nolo contendere, to a serious crime, as herein after defined, the Chief Judge, on behalf of this Court, shall immediately enter an order of interim suspension of that attorney, regardless of the pendency of any appeal, until final disposition of a disciplinary proceeding to be commenced upon such conviction. A copy of such order shall be served upon the attorney by regular U.S. mail. Upon good cause shown, the Court may set aside such order when it appears in the interest of justice to do so.

(b) The Court shall, in addition to ordering an interim suspension of that attorney, refer the matter to the Committee on Complaints and Policy Compliance for the institution of a disciplinary proceeding on behalf of the Court. The sole issue to be determined shall be the extent of the final discipline to be imposed. A disciplinary proceeding so instituted will not be brought to final hearing until all appeals from the conviction are concluded.

(2) Other Crimes

If an attorney admitted to practice before this Court is found guilty by verdict at trial in any Court of record, or enters a plea of guilty or nolo contendere

to a crime not constituting a serious crime, the Court may refer the matter to the Committee on Complaints and Policy Compliance for whatever action the Committee deems warranted, including the institution of a disciplinary proceeding.

(3) The term “serious crime” shall include, but not be limited to, any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, tax evasion, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a “serious crime.”

(4) A certified copy of an official document from any Court of record indicating that the Court has found an attorney guilty by verdict or trial, or has accepted a plea of guilty or nolo contendere, for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney.

(5) An attorney suspended under the provisions of this Rule will be reinstated upon the filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed. However, the reinstatement will not terminate any disciplinary proceeding then pending against the attorney.

**(f) Discipline Imposed By Other Courts.**

(1) Any attorney admitted to practice before this Court shall, upon being subjected to public discipline by any other Court of record, promptly inform the Clerk of this Court of such action. If the Committee becomes aware of any public discipline to which any attorney admitted to practice before this Court is subjected, the Committee shall inform the Clerk of this Court.

(2) Upon the filing of a certified or exemplified copy of a judgment or order demonstrating that an attorney admitted to practice before this Court has been disciplined by another Court, this Court shall issue by regular U.S. mail a notice directed to the attorney containing:

(A) a copy of the judgment or order from the other Court; and

(B) an order to show cause directing that the attorney inform this Court within 30 days after service of that order upon the attorney, personally or by mail, of any claim by the attorney, predicated upon the grounds set forth in (3) hereof that the imposition of the identical discipline by the Court would be unwarranted and the reasons therefor. If any issue of fact is raised, the matter shall be set for hearing before the Committee.

(3) This Court shall impose the identical discipline unless this Court finds that from the face of the record upon which the discipline in another jurisdiction is predicated, it clearly appears:

(A) that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

(B) that there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this Court could not, consistent with its duty, accept as final the conclusion on that subject; or

(C) that the imposition of the same discipline by this Court would result in grave injustice.

Where this Court determines that any of said elements exist, it shall enter such other order as it deems appropriate.

(4) In all other respects, a final adjudication in another Court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in this Court.

(5) This Court, acting through the Committee, may at any stage appoint counsel to prosecute the disciplinary proceedings.

**(g) Disbarment on Consent or Resignation in Other Courts.**

(1) Any attorney admitted to practice before this Court who is disbarred on consent or resigns from the bar of any other Court of record while an investigation into allegations of misconduct is pending shall be stricken from the roll of attorneys admitted to practice before this Court upon the filing of a certified or exemplified copy of the judgment or order or upon notification by the attorney.

(2) It is the duty of any attorney admitted to practice before this Court who is disbarred on consent, or resigns from the bar of any other Court of record while an investigation into allegations of misconduct is pending, to notify the Clerk of this Court of such disbarment.

**(h) Disciplinary Action on Consent While Under Disciplinary Investigation or Prosecution.**

(1) Any attorney admitted to practice before this Court who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may consent to disciplinary action, but only by delivering to the Clerk of this Court an affidavit stating that the attorney desires to consent to disciplinary action and that:

(A) the attorney’s consent is freely and voluntarily given; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of so consenting;

(B) the attorney is aware that there is presently pending an investigation or proceeding involving allegations that grounds exist for the attorney’s discipline, the nature of which the attorney shall specifically set forth;

(C) the attorney acknowledges that the material facts alleged are true; and

(D) the attorney consents because the attorney knows that if charges were predicated upon the matters under investigation, or if the proceeding were prosecuted, the attorney could not successfully defend himself or herself.

(2) Upon receipt of such affidavit, this Court shall enter an order striking the attorney from the roll of attorneys admitted to practice before this Court.

**(i) Reinstatement.**

(1) After Suspension. An attorney suspended for three months or less shall be automatically reinstated at the end of the period of suspension upon filing with the Clerk of Court of an affidavit of compliance with the provisions of the order. An attorney suspended for more than three months may not resume practice until reinstated by order of this Court.

(2) Time of Application. A person who has been stricken from the roll of attorneys admitted to practice before this Court due to disbarment may not apply for reinstatement until the expiration of at least five years from the effective date of being removed from the roll of attorneys.

(3) Hearing on Application. Applications for reinstatement under this Rule shall be filed with the Clerk of Court. The attorney’s application must include an affidavit stating that the jurisdiction which entered the order of discipline on which this Court based its discipline has reinstated the attorney. Upon receipt of a properly filed application, the Clerk shall refer the application to the Committee which shall schedule a hearing. At the hearing the attorney shall have the burden of demonstrating by clear and convincing evidence that he/she has the moral qualifications, competency and learning in the law required for admission to practice law before this Court and that his/her resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or subversive of the public interest. If the disciplinary proceeding which led to the suspension and/or removal from the roll of attorneys

was predicated upon the complaint of a Judge of this Court who is a member of the Committee, that Judge shall not participate in such hearing or in any action of this Court relative to said attorney.

(4) Duty of Counsel. In all proceedings upon an application for reinstatement, cross-examination of the witnesses of the attorney and the submission of evidence, if any, in opposition to the application shall be conducted by members of the Committee, unless the Committee has appointed counsel in which case such cross-examination shall be conducted by that counsel.

(5) Conditions of Reinstatement. If the attorney is found unfit to resume practice in this Court, the application shall be dismissed. If the attorney is found fit to resume practice in this Court, the judgment shall reinstate him/her, provided that the judgment may make reinstatement conditional upon the making of partial or complete restitution to parties harmed by the attorney whose conduct led to the disciplinary action. In addition, if the attorney has been suspended and/or removed from the roll of attorneys for two years or more, reinstatement is conditioned upon the attendance of the attorney at a Federal Court Practice Seminar. If the attorney has been suspended and/or removed from the roll of attorneys for five years or more, reinstatement may be conditioned upon furnishing proof of competency and learning in the law, which proof may include certification by the bar examiners of a state or other jurisdiction of the attorney’s successful completion of an examination for admission to practice subsequent to the date of suspension or disbarment.

(6) Successive Applications. No application for reinstatement under this Rule shall be filed within one year following an adverse judgment upon an application for reinstatement filed by or on behalf of the same attorney.

**(j) Appointment of Counsel.** Whenever counsel is to be appointed pursuant to this Rule to investigate allegations of misconduct or prosecute disciplinary proceedings or in conjunction with a reinstatement application filed by a disciplined attorney, this Court or the Committee may appoint as counsel the disciplinary agency of the Supreme Court of Ohio or other state or local disciplinary agency having jurisdiction. If no such disciplinary agency exists or such disciplinary agency declines appointment, or if the Committee determines it more appropriate, the Committee may appoint as counsel one or more members of the Bar of this Court to investigate allegations of misconduct or to prosecute disciplinary proceedings under this Rule, provided, however, that the respondent-attorney may move to disqualify an attorney so appointed who is or has been engaged as an adversary of the respondent-attorney in any matter. Counsel, once appointed, may not resign unless permission to do so is given by this Court.

**(k) Service.** Service of orders, notices or any other papers shall be made by regular U.S. mail addressed to the respondent-attorney at the last known office address of the respondent-attorney. Any attorney admitted to practice before this Court who fails to comply with LR 83.5(i) and LCrR 57.5(i), which require the submission of a written

notice of a change of business address and/or email address to the Clerk upon a change of address, makes the Clerk of Court his or her agent for the service of any notice provided in any disciplinary matter proceeding before this Court.

**(l) Public Record.** The general order imposing disciplinary action or reinstating an attorney shall be a matter of public record. All other records pertaining to attorney disciplinary action(s), which are not already public records, shall not be publicly disclosed or made available for use in any other proceeding except upon order of this Court.

**(m) Jurisdiction.** Nothing contained in this Rule shall be construed to deny to this Court such powers as are necessary for the Court to maintain control over proceedings conducted before it, such as proceedings for contempt under Title 18 of the United States Code or under Rule 42 of the Federal Rules of Criminal Procedure.

**(n) Applicability.** This Rule shall apply only to disciplinary actions initiated on or after April 4, 2011.

* 1. **Southern District of Ohio**
		1. <http://www.ohsd.uscourts.gov/local-rules>

The Southern District of Ohio seems to have adopted the Model Federal Rules for discipline and standards of professional conduct

Rule IV. Standards for Professional Conduct

(A)For misconduct defined in these Rules, and for good cause shown, and after notice and opportunity to be heard, any attorney admitted to practice before this Court may be disbarred, suspended from practice before this Court, reprimanded or subjected to such other disciplinary action as the circumstances may warrant.

(B) Acts or omissions by an attorney admitted to practice before this Court, individually or in concert with any other person or persons, which violate the Rules of Professional Conduct adopted by this Court shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship. The Rules of Professional Conduct adopted by this court are the Rules of Professional Conduct adopted by the highest court of the state in which this Court sits, as amended from time to time by that state court, except as otherwise provided by specific Rule of this Court after consideration of comments by representatives or bar associations within the state.

MODEL FEDERAL RULES OF DISCIPLINARY ENFORCEMENT

The United States District Court for the Southern District of Ohio, in furtherance of its inherent power and responsibility to supervise the conduct of attorneys who are admitted to practice before it, or admitted for the purpose of a particular proceeding (pro hac vice) promulgates the following Rules of Disciplinary Enforcement superseding all of its other Rules pertaining to disciplinary enforcement heretofore promulgated.

Rule I. Attorneys Convicted of Crimes

(A)Upon the filing with this Court of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before the Court has been convicted in any Court of the United States, or the District of Columbia, or of any state, territory, commonwealth or possession of the United States of a serious crime as hereinafter defined, the Court shall enter an order immediately suspending that attorney, whether the conviction resulted from a plea of guilty, or nolo contendere or from a verdict after trial or otherwise, regardless of the pendency of any appeal, until final disposition of a disciplinary proceeding to be commenced upon such conviction. A copy of such order shall immediately be served upon the attorney. Upon good cause shown, the Court may set aside such order when it appears in the interest of justice to do so.

(B)The term “serious crime” shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a “serious crime”.

(C)A certified copy of a judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.

(D)Upon the filing of a certified copy of a judgment of conviction of an attorney for a serious crime, the Court shall in addition to suspending that attorney in accordance with the provisions of this Rule, also refer the matter to counsel for the institution of a disciplinary proceeding before the Court in which the sole issue to be determined shall be the extent of the final discipline to be imposed as a result of the conduct resulting in the conviction, provided that a disciplinary proceeding so instituted will not be brought to final hearing until all appeals from the conviction are concluded.

(E) Upon the filing of a certified copy of a judgment of conviction of an attorney for a crime not constituting a “serious crime,” the Court may refer the matter to counsel for whatever action counsel may deem warranted, including the institution of a disciplinary proceeding before the Court; provided, however, that the Court may in its discretion make no reference with respect to convictions for minor offenses.

 (F) An attorney suspended under the provisions of this Rule will be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed but the reinstatement will not terminate any disciplinary proceeding then pending against the attorney, the disposition of which shall be determined by the Court on the basis of all available evidence pertaining to both guilt and the extent of discipline to be imposed.

Rule II. Discipline Imposed by Other Courts

(A)Any attorney admitted to practice before this Court shall, upon being subjected to public discipline by any other Court of the United States or the District of Columbia, or by a court of any State, territory, commonwealth or possession of the United States, promptly inform the Clerk of this Court of such action.

1. (B)  Upon the filing of a certified or exemplified copy of a judgment or order demonstrating that an attorney admitted to practice before this Court has been disciplined by another Court, this Court shall forthwith issue a notice directed to the attorney containing:
	1. (1)  a copy of the judgment or order from the court; and
	2. (2)  an order to show cause directing that the attorney inform this Court within thirty (30) days after service of that order upon the attorney, personally or by mail, of any claim by the attorney predicated upon the grounds set forth in (D) hereof that the imposition of the identical discipline by the Court would be unwarranted and the reasons therefor.
2. (C)  In the event the discipline imposed in the other jurisdiction has been stayed there, any reciprocal discipline imposed in this Court shall be deferred until such stay expires.

(D)Upon the expiration of thirty (30) days from service of the notice issued pursuant to the provisions of (B) above, this Court shall impose the identical discipline unless the respondent-attorney demonstrates, or this Court finds, that upon the face of the record upon which the discipline in another jurisdiction is predicated it clearly appears:

1. (1)  that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
2. (2)  that there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this Court could not, consistent with its duty, accept as final the conclusion on that subject; or
3. (3)  that the imposition of the same discipline by this Court would result in grave injustice; or

 (4) that the misconduct established is deemed by this Court to warrant substantially different discipline.

Where this Court determines that any of said elements exist, it shall enter such other order as it deems appropriate.

1. (E)  In all other respects, a final adjudication in another court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in this Court.
2. (F)  This Court may at any stage appoint counsel to prosecute the disciplinary proceedings.

Rule III. Disbarment on Consent or Resignation in Other Courts

(A)Any attorney admitted to practice before this Court who shall be disbarred on consent or resign from the bar of any other Court of the United States or the District of Columbia, or from the bar of any State, territory, commonwealth or possession of the United States while an investigation into allegations of misconduct is pending, shall, upon the filing with this Court of a certified or exemplified copy of the judgment or order accepting such disbarment on consent or resignation, cease to be permitted to practice before this Court and be stricken from the roll of attorneys admitted to practice before this Court.

(B)Any attorney admitted to practice before this Court shall, upon being disbarred on consent or resigning from the bar of any other Court of the United States or the District of Columbia, or from the bar of any State, territory, commonwealth or possession of the United States while an investigation of misconduct is pending, promptly inform the Clerk of this Court of such disbarment on consent or resignation.

Rule V. Disciplinary Proceedings

(A)When misconduct or allegations of misconduct which, if substantiated, would warrant discipline on the part of an attorney admitted to practice before this Court shall come to the attention of a Judge of this Court, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by these Rules, the Judge shall refer the matter to counsel for investigation and the prosecution of a formal disciplinary proceeding or the formulation of such other recommendation as may be appropriate.

(B)Should counsel conclude after investigation and review that a formal disciplinary proceeding should not be initiated against the respondent-attorney because sufficient evidence is not present, or because there is pending another proceeding against the respondent-attorney, the disposition of which in the judgment of the counsel should be awaited before further action by this court is considered or for any other valid reason, counsel shall file with the court a recommendation for disposition of the matter, whether by dismissal, admonition, referral, or otherwise setting forth the reasons therefor.

(C) To initiate formal disciplinary proceedings, counsel shall obtain an order of this Court upon a showing of probable cause requiring the respondent-attorney to show cause within thirty (30) days after service of that order upon that attorney, personally or by mail, why the attorney should not be disciplined.

(D)Upon the respondent-attorney’s answer to the order to show cause, if any issue of fact is raised or the respondent attorney wishes to be heard in mitigation this Court shall set the matter for prompt hearing before one or more Judges of this Court, provided however that the disciplinary proceeding is predicated upon the complaint of a Judge of this Court, the hearing shall be conducted before a panel of three other Judges of this Court appointed by the Chief Judge, or, if there are less than three Judges eligible to serve or the Chief Judge is the complainant, by the Chief Judge of the Court of Appeals for this Circuit.

Rule VI. Disbarment on Consent While Under Disciplinary Investigation or Prosecution

(A) Any attorney admitted to practice before this Court who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may consent to disbarment, but only by delivering to this Court an affidavit stating that the attorney desires to consent to disbarment and that:

(1) the attorney’s consent is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of so consenting;

54

1. (2)  the attorney is aware that there is a presently pending investigation or proceeding involving allegations that there exist grounds for the attorney’s discipline the nature of which the attorney shall specifically set forth;
2. (3)  the attorney acknowledges that the material facts so alleged are true; and
3. (4)  the attorney so consents because the attorney knows that if charges were predicated upon the matters under investigation, or if the proceeding were prosecuted, the attorney could not successfully defend himself.

(B)Upon receipt of the required affidavit, this Court shall enter an order disbarring the attorney.

(C) The order disbarring the attorney on consent shall be a matter of public record. However, the affidavit required under the provisions of this Rule shall not be publicly disclosed or made available for use in any other proceeding except upon order of this Court.

Rule VII. Reinstatement

(A)After Disbarment or Suspension. An attorney suspended for three months or less shall be automatically reinstated at the end of the period of suspension upon the filing with the court of an affidavit of compliance with the provisions of the order. An attorney suspended for more than three months or disbarred may not resume practice until reinstated by order of this Court.

(B) Time of Application Following Disbarment. A person who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment.

(C)Hearing on Application. Petitions for reinstatement by a disbarred or suspended attorney under this Rule shall be filed with the Chief Judge of this Court. Upon receipt of the petition, the Chief Judge shall promptly refer the petition to counsel and shall assign the matter for prompt hearing before one or more Judges of this Court, provided however that if the disciplinary proceeding was predicated upon the complaint of a Judge of this Court the hearing shall be conducted before a panel of three other Judges of this Court appointed by the Chief Judge, or, if there are less than three Judges eligible to serve or the Chief Judge was the complainant, by the Chief Judge of the Court of Appeals for this Circuit. The Judge or Judges assigned to the matter shall within thirty (30) days after referral schedule a hearing at which the petitioner shall have the burden of demonstrating by clear and convincing evidence that he has the moral qualifications, competency and learning in the law required for admission to practice law before this Court and that his resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or subversive of the public interest.

55

(D)Duty of Counsel. In all proceedings upon a petition for reinstatement, cross-examination of the witnesses of the respondent-attorney and the submission of evidence, if any, in opposition to the petition shall be conducted by counsel.

(E) Deposit for Costs of Proceedings. Petitions for reinstatement under this Rule shall be accompanied by an advance cost deposit in an amount to be set from time to time by the Court to cover anticipated costs of the reinstatement proceeding.

(F) Conditions of Reinstatement. If the petitioner is found unfit to resume the practice of law, the petition shall be dismissed. If the petitioner is found fit to resume the practice of law, the judgment shall reinstate him, provided that the judgment may make reinstatement conditional upon the payment of all or part of the costs of the proceedings, and upon the making of partial or complete restitution to parties harmed by the petitioners whose conduct led to the suspension or disbarment. Provided further, that if the petitioner has been suspended or disbarred for five years or more, reinstatement may be conditioned, in the discretion of the Judge or Judges before whom the matter is heard, upon the furnishing of proof of competency and learning in the law, which proof may include certification by the bar examiners of a state or other jurisdiction of the attorney’s successful completion of an examination for admission to practice subsequent to the date of suspension or disbarment.

(G)Successive Petitions. No petition for reinstatement under this Rule shall be filed within one year following an adverse judgment upon a petition for reinstatement filed by or on behalf of the same person.

1. **Oklahoma**
	1. **Eastern District of Oklahoma**
		1. <http://www.oked.uscourts.gov/court-info/local-rules-and-orders>

(b)  **Standard Governing Attorney Conduct.** The Court adopts the Oklahoma Rules of Professional Conduct as adopted and amended from time to time by the Supreme Court of Oklahoma as the standard governing attorney conduct in this Court.

**CvR 83.6 Discipline by the Court.**

1. (a)  **Discipline by Other Courts; Criminal Convictions.** Whenever any member admitted to practice in this Court, including a person admitted pro hac vice, has been suspended, disbarred or resigned pending disciplinary proceedings from the practice of law by the Supreme Court of Oklahoma or by any other court of competent jurisdiction or has been convicted of a felony or any crime involving moral turpitude in any court, such disbarment, suspension, or conviction shall operate as an automatic disbarment of the attorney's right to practice in this Court, and an order of disbarment shall be issued by the Court. Any attorney subject to this rule must notify the Court immediately upon any such suspension, disbarment or resignation. The automatic disbarment from this Court shall remain in effect unless the attorney has by motion to the Court shown good cause as to why disbarment should not remain in effect. The Chief Judge or his designee shall rule on such motion.
2. (b)  **Standard Governing Attorney Conduct.** The Court adopts the Oklahoma Rules of Professional Conduct as adopted and amended from time to time by the Supreme Court of Oklahoma as the standard governing attorney conduct in this Court.
3. (c)  **Misconduct.** Complaints of professional misconduct by counsel are subject to Fed. R. Civ. P. 11. Complaints of professional misconduct may be submitted by a judge of the Court, at his or her discretion, to the Committee on Admissions and Grievances. Upon receipt of a complaint regarding the professional conduct of an attorney, the Committee on Admissions

and Grievances shall, after notice and opportunity to be heard, report and recommend to the Court whether:

* 1. (1)  The inquiry should be terminated because the question raised is unsupported or

insubstantial;

* 1. (2)  The alleged professional misconduct justifies further inquiry and, for members of the

Oklahoma Bar Association, the matter should be referred to the Office of the General Counsel of the Oklahoma Bar Association for investigation and prosecution by that Office, if warranted;

(3) (4)

The alleged professional misconduct warrants consideration of prompt disciplinary action by this Court regarding the attorney’s right to practice before the Court;

The alleged professional misconduct of an attorney not a member of the Oklahoma Bar Association justifies further inquiry by the Court. Any attorney whose conduct in this Court is under investigation by the Committee on Admissions and Grievances shall not be admitted pro hac vice until the pending investigation is concluded. Any action taken by the Court pursuant to a report and recommendation by the Committee on Admissions and Grievances shall be by a majority vote of the active judges.

Nothing contained in this Local Rule shall limit the right of an individual judge to manage the cases assigned to that judge, which right shall include, without limitation, the authority to impose any sanctions, penalties or other restrictions which may be appropriate in a particular case, or the authority to refer a matter for consideration to the Committee on Admissions and Grievances on an advisory basis.

1. (d)  **Right to a Hearing.** This Court shall not impose any disciplinary action affecting an attorney's right to practice before the Court for two (2) years or more until after a hearing on the matter has been held before a judge or panel of judges. The attorney may waive the right to a hearing. At the hearing, the attorney whose conduct is the subject of the complaint shall be afforded an opportunity to appear in person and/or by counsel, to present oral and documentary evidence, to compel the attendance of witnesses or the production of documents, to cross-examine witnesses, and to present argument orally or in writing. If not called by the attorney whose conduct is being investigated, it is within the discretion of the judge or panel to call the complaining party to appear at the hearing.
2. (e)  **Sanctions.** Discipline by this Court may include disbarment, suspension from practice for a definite time, reprimand, or other discipline which the Court deems proper. Referral of a

complaint to the Office of the General Counsel of the Oklahoma Bar Association for investigation shall not constitute such discipline as to entitle the attorney to a hearing in this Court on the propriety of the referral.

1. (f)  **Contempt of Court.** Disciplinary proceedings under this rule shall not affect or be affected by any proceeding for contempt under Title 18 of the United States Code or under Fed. R. Crim. P. 42.
2. (g)  **Unauthorized Practice.** Any person who before admission to the bar of this Court or who during disbarment or suspension exercises any of the privileges bestowed upon members of

this bar, or who pretends to be entitled to such privileges, or who otherwise engages in the unauthorized practice of law before the Court, shall be guilty of contempt of this Court and shall be subject to punishment therefor and shall be subject to any other discipline which the Court may impose.

(h) **Reinstatement.** Persons disbarred indefinitely from practice before this Court may not petition for reinstatement until three (3) years following disbarment or until two (2) years following an adverse decision upon a previous petition for reinstatement; provided, however, that a person disbarred under subsection (a) may apply for reinstatement at any time upon being reinstated by the Oklahoma Bar Association. Persons suspended indefinitely must satisfy all conditions to reinstatement imposed by the Court at the time of suspension.

* 1. **Northern District of Oklahoma**
		1. [**https://www.oknd.uscourts.gov**](https://www.oknd.uscourts.gov)
1. Standard Governing Attorney Conduct. The Court adopts the Oklahoma Rules of Professional Conduct as adopted and amended from time to time by the Supreme Court of Oklahoma as the standard governing attorney conduct in this Court.

LCvR83.6 Discipline by the Court.
(a) Discipline by Other Courts; Criminal Convictions. Whenever any member admitted to

practice in this Court, including a person admitted pro hac vice, has been suspended, disbarred or resigned pending disciplinary proceedings from the practice of law by the Supreme Court of Oklahoma or by any other court of competent jurisdiction or has been convicted of a felony or any crime involving moral turpitude in any court, such disbarment, suspension, or conviction shall operate as an automatic suspension of the attorney’s right to practice in this Court, and an order of suspension shall be issued by the Court. Any attorney subject to this rule must notify the Court immediately upon any such suspension, disbarment or resignation. The automatic suspension from this Court shall remain in effect unless the attorney has by motion to the Court within twenty-eight (28) days of the order of suspension shown good cause as to why the

suspension should not remain in effect. The Chief Judge or his or her designee shall rule on such motion. If the attorney was disbarred, resigned or was convicted as stated above, an order of disbarment will issue if no motion for good cause has been filed within the required time period.

1. (b)  Standard Governing Attorney Conduct. The Court adopts the Oklahoma Rules of Professional Conduct as adopted and amended from time to time by the Supreme Court of Oklahoma as the standard governing attorney conduct in this Court.
2. (c)  Misconduct. Complaints of professional misconduct by counsel are subject to Fed. R. Civ. P. 11 Complaints of professional misconduct may be submitted by a judge of the Court, at his or her discretion, to the Committee on Admissions and Grievances. Upon receipt of a complaint regarding the professional conduct of an attorney, the Committee on Admissions and Grievances shall, after notice and opportunity to be heard, report and recommend to the Court whether:
3. (1)  The inquiry should be terminated because the question raised is unsupported or insubstantial;
4. (2)  The alleged professional misconduct justifies further inquiry and, for members of the Oklahoma Bar Association, the matter should be referred to the Office of the General Counsel of the Oklahoma Bar Association for investigation and prosecution by that Office, if warranted;
5. (3)  The alleged professional misconduct warrants consideration of prompt disciplinary action by this Court regarding the attorney’s right to practice before the Court;
6. (4)  The alleged professional misconduct of an attorney not a member of the Oklahoma Bar

Association justifies further inquiry by the Court. Any attorney whose conduct in this Court is under investigation by the Committee on Admissions and Grievances shall not be admitted pro hac vice until the pending investigation is concluded. Any action taken by the Court pursuant to a report and recommendation by the Committee on Admissions and Grievances shall be by a majority vote of the active judges.

Nothing contained in this Local Rule shall limit the right of an individual judge to manage the cases assigned to that judge, which right shall include, without limitation, the authority to impose any sanctions, penalties or other restrictions which may be appropriate in a particular case, or the authority to refer a matter for consideration to the Committee on Admissions and Grievances on an advisory basis.

1. (d)  Right to a Hearing. Except as otherwise provided under subsection (a), this Court shall not impose any disciplinary action affecting an attorney’s right to practice before the Court until after a hearing on the matter has been held before a judge or panel of judges. The attorney may waive the right to a hearing. At the hearing, the attorney whose conduct is the subject of the complaint shall be afforded an opportunity to appear in person and/or by counsel, to present oral and documentary evidence, to compel the attendance of witnesses or the production of documents, to cross-examine witnesses, and to present argument orally or in writing. If not called by the attorney whose conduct is being investigated, it is within the discretion of the judge or panel to call the complaining party to appear at the hearing.
2. (e)  Sanctions. Discipline by this Court may include disbarment, suspension from practice for a definite time, reprimand, or other discipline which the Court deems proper. Referral of a complaint to the Office of the General Counsel of the Oklahoma Bar Association for investigation shall not constitute such discipline as to entitle the attorney to a hearing in this Court on the propriety of the referral.
3. (f)  Contempt of Court. Disciplinary proceedings under this rule shall not affect or be affected by any proceeding for contempt under Title 18 of the United States Code or under Fed. R. Crim. P. 42.
4. (g)  Unauthorized Practice. Any person who before admission to the bar of this Court or who during disbarment or suspension exercises any of the privileges bestowed upon members of this bar, or who pretends to be entitled to such privileges, or who otherwise engages in the unauthorized practice of law before the Court, shall be guilty of contempt of this Court and shall be subject to punishment therefor and shall be subject to any other discipline which the Court may impose.
5. (h)  Reinstatement. Persons disbarred indefinitely from practice before this Court may not petition for reinstatement until three (3) years following disbarment or until two (2) years following an adverse decision upon a previous petition for reinstatement; provided, however, that a person disbarred under subsection (a) may apply for reinstatement at any time upon being reinstated by the disciplining body. Persons suspended indefinitely must satisfy all conditions to reinstatement imposed by the Court at the time of suspension.
	1. **Western District of Oklahoma**
		1. <http://www.okwd.uscourts.gov/rules-procedures/local-rules/>

Standard Governing Attorney Conduct. The court adopts the Oklahoma Rules of Professional Conduct as adopted and amended from time to time by the Supreme Court of Oklahoma as the standard governing attorney conduct in this court.

LCvR83.6 Discipline by the Court.
(a) Discipline by Other Courts; Criminal Convictions. Whenever it appears to

the court that any member admitted to practice in this court, including those persons admitted pro hac vice, has been suspended, disbarred, or resigned pending disciplinary proceedings from the practice of law by the Supreme Court of Oklahoma or by any other court of competent jurisdiction or has been convicted of a felony or any crime involving moral turpitude in any court, such disbarment, suspension, or conviction shall operate as an automatic disbarment of the attorney’s right to practice in this court, and an order of disbarment shall be issued by the court. The order of disbarment shall remain in effect unless, within 30 days from the date of the order of disbarment, the attorney has, by motion to the court, shown good cause as to why disbarment should not be imposed.

(b) Standard Governing Attorney Conduct. The court adopts the Oklahoma Rules of Professional Conduct as adopted and amended from time to time by the Supreme Court of Oklahoma as the standard governing attorney conduct in this court.

(c) Misconduct. Complaints of professional misconduct, including those referred by judges, shall be submitted to the Chief Judge in writing and shall state with particularity the circumstances out of which the charges arose. Complaints submitted by counsel are subject to Fed. R. Civ. P. 11. All other complaints of professional misconduct, except those submitted by judicial officers of this court, shall be under oath.

-36-

Upon receipt of a complaint regarding the professional conduct of an attorney, the Chief Judge or the designee of the Chief Judge shall determine whether:

(1) The inquiry should be terminated because the question raised is unsupported or insubstantial;

(2) The alleged professional misconduct justifies further inquiry and, for members of the Oklahoma Bar Association, the matter should be referred to the Office of the General Counsel of the Oklahoma Bar Association for investigation and prosecution by that Office, if warranted;

(3) The alleged professional misconduct warrants consideration of prompt disciplinary action by this court regarding the attorney’s right to practice before the Court, and the matter should be referred to the Court’s Committee on Discipline for investigation, notwithstanding concurrent reference of the matter to the Office of the General Counsel of the Oklahoma Bar Association;

(4) The alleged professional misconduct of an attorney not a member of the Oklahoma Bar Association justifies further inquiry by the court and should be referred to a committee on discipline appointed by the court for investigation. Any attorney whose conduct in this court is under investigation by the Committee on Discipline shall not be admitted pro hac vice until the pending investigation is concluded.

Upon determination that an action is appropriate under subsections (c)(2), (3), or (4) above, the Chief Judge or the designee of the Chief Judge shall provide a copy of the written allegations to the attorney whose conduct is the subject of the complaint. Nothing herein contained in this rule shall limit the right of an individual judge to refer a matter to any bar association for disciplinary action or otherwise address the matter.

(d) Right to a Hearing. Except as provided in subsection (a) above, this court shall not impose any disciplinary action affecting an attorney’s right to practice before the court until after a hearing on the matter has been held before a 3-judge panel as designated by the Chief Judge and upon a showing of good cause. In no instance shall a judge who referred the charge of misconduct sit on the 3-judge panel. The attorney may waive the right to a hearing. At the

-37-

hearing, the attorney whose conduct is the subject of the complaint shall be afforded an opportunity to appear in person and/or by counsel, to present oral and documentary evidence, to compel the attendance of witnesses or the production of documents, to cross-examine witnesses, and to present argument orally or in writing. If not called by the attorney whose conduct is being investigated, it is within the discretion of the 3-judge panel to call the complaining party to appear at the hearing. This rule shall not apply to sanctions, penalties, or other restrictions imposed by a judge which are applicable only to a particular case pending before that judge.

(e) Sanctions. Discipline by this court may include disbarment, suspension from practice for a definite time, reprimand, or other discipline which the court deems proper. Referral of a complaint to the Office of the General Counsel of the Oklahoma Bar Association for investigation shall not constitute such discipline as to entitle the attorney to a hearing in this court on the propriety of the referral.

(f) Committee on Discipline. The Committee on Admissions and Grievances shall act as the Committee on Discipline. The Committee shall have the power to investigate all charges of professional misconduct referred to it by the Chief Judge. At the request of the Committee, the clerk shall issue subpoenas and subpoenas duces tecum as may be required by the investigation.

The Committee shall complete its investigation within 8 weeks from the date of referral from the Chief Judge. Upon good cause shown, the Committee may obtain extensions of time for investigation.

At the close of the investigation, the Committee shall make a written report to the Chief Judge stating the discipline or other action recommended by the Committee. All disciplinary proceedings shall be in camera unless the 3-judge panel shall direct otherwise.

(g) Contempt of Court. Disciplinary proceedings under this rule shall not affect or be affected by any proceeding for contempt under Title 18 of the United States Code or under Fed. R. Crim. P. 42.

-38-

(h) Unauthorized Practice. Any person who, before admission to the bar of this court, or who, during disbarment or suspension, exercises any of the privileges bestowed upon members of this bar, or who pretends to be entitled to such privileges, shall be guilty of contempt of this court and shall be subject to punishment therefor and shall be subject to any other discipline which the court may impose.

(i) Reinstatement. Persons disbarred from practice before this court may not petition for reinstatement within 3 years following disbarment or within 2 years following an adverse decision upon a previous petition for reinstatement; provided, however, that a person disbarred under subsection (a) may apply for reinstatement at any time upon being reinstated by the Oklahoma Bar Association. Persons suspended indefinitely must satisfy all conditions to reinstatement imposed by the court at the time of suspension.

1. **Oregon**
	1. **District of Oregon**
		1. <https://ord.uscourts.gov/index.php/local-rules/civil-procedure>

LR 83-7 Standards of Professional Conduct

Every attorney admitted to general or special practice and every law student appearing pursuant LR 83-5 must: Be familiar and comply with the Oregon State Bar Standards of Professional Conduct and this Court's Statement of Professionalism. Maintain the respect due to courts of justice and judges. Perform with the honesty, care, and decorum required for the fair and efficient administration of justice. Discharge his or her obligations to clients and the Court and assist those in need of counsel when requested by the Court.

Statement of professionalism:

Statement of Professionalism and Notice of Rule 83-6

The following Statement of Professionalism1 has been adopted by the United States District Court for the District of Oregon and applies to all attorneys admitted to practice before the bar of this Court.

Introduction

As members of the bar of the U.S. District Court for the District of Oregon, we belong to a profession devoted to serving both the interests of our clients and the public good. In our roles as officers of the court, as counselors, and as advocates, we aspire to a professional standard of conduct. With adherence to a professional standard of conduct, we earn a reputation for honor, respect, and trustworthiness among our clients, in the legal community, and with the public.

Professionalism

Professionalism includes integrity, courtesy, honesty, and willing compliance with the highest ethical standards. Professionalism goes beyond observing the legal profession's ethical rules by sensitively and fairly serving the best interest of clients and the public. Professionalism fosters respect and trust among lawyers and between lawyers and the public, promotes the efficient resolution of disputes, simplifies transactions, and makes the practice of law more enjoyable and satisfying.

To further our commitment to conduct ourselves as professionals, we adopt the following general guidelines for our practice.

General Guidelines

1.1 As officers of the court, we will promote the integrity, dignity, independent judgment, effectiveness, and efficiency of the legal system

1.2 We will work professionally with all parties whose activities relate to our client's work.

1.3 We will conduct our practice in a courteous, fair, and respectful manner.

1.4 We will conduct our practice in a timely manner.

1.5 We will commit ourselves to developing and preserving the ideals of integrity, honesty, competence, fairness, and devotion to the public interest.

1.6 We will represent our clients zealously within the bounds of the law and the ethical standards approved by law of the US District Court - District of Oregon, vigorously protecting the interest of our clients in a responsible manner.

1.7 In appropriate cases, we will advise our clients of the availability of mediation, arbitration, and other alternative methods of resolving disputes.

1.8 We will avoid all forms of discrimination. We will actively support all efforts to assure that all members of our society are afforded the protections and rights provided by law.

1.9 We will not knowingly misstate facts or law. We will not knowing cause a person to form a mistaken conclusion of facts or law.

1.10 We will learn and follow practices and civilities that encourage respect, diligence, candor, punctuality, and trust.

1.11 We will avoid unjust and improper criticism and personal attacks on opponents, judges, and others and will refrain from asserting untenable positions.

1.12 We will not use delaying tactics.

1.13 We believe lawyers should solve problems, not create or exacerbate them.

1.14 We will be knowledgeable in the areas in which we practice, and when necessary will associate with or refer clients to counsel knowledgeable in other fields of practice.

Notice of Local Rule (LR) 83-6

Attorney admissions, discipline, and standards of professional conduct are addressed in LR 83. Please ensure that you are familiar with your obligations under this rule.

In particular, please note LR 83-6, which requires every attorney admitted to practice before the Court to notify the Clerk, Chief Judge, and the assigned judge in writing within fourteen days of: suspension, disbarment, or a change in admissions status in another jurisdiction that would affect eligibility to practice before this Court; a felony conviction in a state or federal court; or resignation from the bar of any court while an investigation was pending into allegations of misconduct which would warrant suspension or disbarment.

As the Practice Tip to this rule states, it is in the attorney's interest to report a disciplinary event listed in LR 83-6 as soon as possible. If a period of reciprocal suspension is imposed under LR 83-6(b), early notification increases the likelihood that the period of reciprocal suspension may coincide with the suspension period imposed by the disciplining court or bar. For most attorneys, parallel suspension periods are less disruptive to professional obligations than serial or overlapping suspension periods.

1. **Pennsylvania**
	1. **Eastern District of Pennsylvania**
		1. <http://www.paed.uscourts.gov/documents2/local-rules>

For misconduct defined in these Rules, and for good cause shown, and after notice and opportunity to be heard, any attorney admitted to practice before this court may be disbarred, suspended from practice before this court,

reprimanded or subjected to such other disciplinary action as the circumstances may warrant.

B. Acts or omissions by an attorney admitted to practice before this court, individually or in concert with any other person or persons, which violate the Rules of Professional Conduct adopted by this Court shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of any attorney-client relationship.

The Rules of Professional Conduct adopted by this court are the Rules of Professional Conduct adopted by the Supreme Court of Pennsylvania, as amended from time to time by that state court, except as otherwise provided by specific Rule of this Court after consideration of comments by representatives of bar associations within the state, except that prior court approval as a condition to the issuance of a subpoena addressed to an attorney in any criminal proceeding, including a grand jury, shall not be required. The propriety of such a subpoena may be considered on a motion to quash.

A. When the misconduct or other basis for action against an attorney (other than as set forth in Rule II) or allegations of the same which, if substantiated, would warrant discipline or other action against an attorney admitted to practice before this court shall come to the attention of a Judge of this court, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by these Rules, the judge shall refer the matter to the Chief Judge who shall issue an order to show cause.

B. Upon the respondent-attorney's answer to the order to show cause, if any issue of fact is raised or the respondent-attorney wishes to be heard in mitigation the Chief Judge shall set the matter for prompt hearing before one or more judges of this court, provided however that if the proceeding is predicated upon the complaint of a judge of this court the hearing shall be conducted before a panel of three other judges of this court appointed by the Chief Judge.

C. This court may at any stage appoint counsel to investigate and/or prosecute the proceeding under this Rule.

D. This court may refer any matter under this Rule to the appropriate state disciplinary or other authority for investigation and decision before taking any action. The attorney who is the subject of the referral shall promptly notify this court of the decision of any state court or authority and shall take whatever steps are necessary to waive any confidentiality requirement so

that this court may receive the record of that referral.

E. The judge or judges to whom any proceeding under this Rule is assigned shall make a report and recommendations to the court after the parties have been heard, which will be filed under seal and served on the parties. A party shall serve and file under seal any objections within fourteen (14) days thereafter. Further submissions by any party shall be served and filed under seal within seven (7) days after service of any objections. The court shall then decide the matter; after decision the report and recommendation, any objections, and any submissions shall be unsealed unless otherwise ordered by the court.

**Rule V -- Disciplinary or Other Proceedings against Attorneys.**

When the misconduct or other basis for action against an attorney (other than as set forth in Rule II) or allegations of the same which, if substantiated, would warrant discipline or other action against an attorney admitted to practice before this court shall come to the attention of a Judge of this court, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by these Rules, the judge shall refer the matter to the Chief Judge who shall issue an order to show cause.

B. Upon the respondent-attorney's answer to the order to show cause, if any issue of fact is raised or the respondent-attorney wishes to be heard in mitigation the Chief Judge shall set the matter for prompt hearing before one or more judges of this court, provided however that if the proceeding is predicated upon the complaint of a judge of this court the hearing shall be conducted before a panel of three other judges of this court appointed by the Chief Judge.

C. This court may at any stage appoint counsel to investigate and/or prosecute the proceeding under this Rule.

D. This court may refer any matter under this Rule to the appropriate state disciplinary or other authority for investigation and decision before taking any action. The attorney who is the subject of the referral shall promptly notify this court of the decision of any state court or authority and shall take whatever steps are necessary to waive any confidentiality requirement so that this court may receive the record of that referral.

E. The judge or judges to whom any proceeding under this Rule is assigned shall make a report and recommendation to the court after the parties have

been heard, which will be filed under seal and served on the parties. A party shall serve and file under seal any objections within fourteen (14) days thereafter. Further submissions by any party shall be served and filed under seal within seven (7) days after service of any objections. The court shall then decide the matter; after decision the report and recommendation, any objections, and any submissions shall be unsealed unless otherwise ordered by the court.

**Rule VI -- Disbarment on Consent While Under Disciplinary Investigation or Prosecution.**

A. Any attorney admitted to practice before this court who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may consent to disbarment, but only by delivering to this court an affidavit stating that the attorney desires to consent to disbarment and that:

1. the attorney's consent is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of so consenting;

2. the attorney is aware that there is a presently pending investigation or proceeding involving allegations that there exist grounds for the attorney's discipline the nature of which the attorney shall specifically set forth;

3. the attorney acknowledges that the material facts so alleged are true; and

4. the attorney so consents because the attorney knows that if charges were predicated upon the matters under investigation, or if the proceeding were prosecuted, the attorney could not successfully defend himself or herself.

B. Upon receipt of the required affidavit, this court shall enter an order disbarring the attorney.

C. The order disbarring the attorney on consent shall be a matter of public record. However, the affidavit required under the provisions of this Rule shall not be publicly disclosed or made available for use in any other proceeding except upon the order of this court.

**Rule VII -- Reinstatement.**

**A. After Disbarment or Suspension.** An attorney suspended for three months or less shall be automatically reinstated at the end of the period of suspension upon the filing with the court of an affidavit of compliance with the provisions of the order. An attorney suspended for more than three months or disbarred may not resume practice until reinstated by order of this court.

**B. Time of Applications Following Disbarment.** A person who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment.

**C. Hearing on Application.** Petitions for reinstatement under this rule by an attorney who has been disbarred, suspended or otherwise prohibited from the practice of law shall be filed with the Clerk of this court. Upon the filing of the petition, the Chief Judge shall assign the matter for prompt hearing before one or more judges of this court, provided however that if the proceeding was predicated upon the complaint of a judge of this court the hearing shall be conducted before a panel of three other judges of this court appointed by the Chief Judge. The judge or judges assigned to the matter shall promptly schedule a hearing at which the petitioner shall have the burden of demonstrating by clear and convincing evidence that the petitioner has the moral qualifications, competency and learning in the law required for admission to practice law before this court and that the petitioner's resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or subversive of the public interest. In the case where this court has imposed discipline or otherwise taken adverse action identical to that imposed or taken by a state court or authority, any petition for reinstatement in this court shall be held in abeyance until a petition for reinstatement to practice in the state court has been filed and finally decided. Nonetheless, if the petition for reinstatement to practice in the state curt remains pending before the state court or authority for more than a year without a final decision, this court may proceed to consider and decide the petition pending before it. Whenever the state court renders a final decision, the attorney shall promptly file with this court a copy of said decision including any findings of fact and conclusions of law. After review of the state court decision, this court may reconsider its action upon notice and an opportunity to be heard. This court shall not hold the reinstatement petition in abeyance where the state disciplining or taking other action against the attorney does not provide for reinstatement under the circumstances. If the discipline

imposed or other action taken by this court was different from that imposed or taken by the state court or authority, this court will proceed to consider the petition for reinstatement upon receipt.

**D.** The court may at any stage appoint counsel in opposition to a petition for reinstatement.

**E. Deposit for Costs of Proceeding.** Petitions for reinstatement under this Rule shall be accompanied by an advance cost deposit in an amount to be set from time to time by the court to cover anticipated costs of the reinstatement proceeding.

**F. Conditions of Reinstatement.** If the petitioner is found unfit to resume the practice of law, the petition shall be dismissed. If the petitioner is found fit to resume the practice of law, the judgment shall reinstate the petitioner, provided that the judgment may make reinstatement conditional upon the payment of all or part of the costs of the proceedings, and upon the making of partial or complete restitution to parties harmed by petitioner whose conduct led to the suspension or disbarment. Provided further, that if the petitioner has been suspended or disbarred for five years or more, reinstatement may be conditioned, in the discretion of the judge or judges before whom the matter is heard, upon the furnishing of proof of competency and learning in the law, which proof may include certification by the bar examiners of a state or other jurisdiction of the attorney's successful completion of an examination for admission to practice subsequent to the date of suspension or disbarment.

**G. Successive Petitions.** No petition for reinstatement under this Rule shall be filed within one year following an adverse judgment upon a petition for reinstatement filed by or on behalf of the same person.

**H.** The judge or judges to whom any proceeding under this Rule is assigned shall make a report and recommendation to the court after the parties have been heard, which will be filed under seal and served on the parties. A party shall serve and file under seal any objections within fourteen (14) days thereafter. Further submissions by any party shall be served and filed under seal within seven (7) days after service of any objections. The court shall then decide the matter; after decision the report and recommendation, any objections, and any submissions shall be unsealed unless otherwise ordered by the court.

**I.** Any attorney who is reinstated may practice before this court notwithstanding the refusal or failure of any state court to reinstate said attorney to practice. However, reinstatement to practice before this court does not authorize an attorney to practice in any other jurisdiction, and no attorney shall hold out himself or herself as authorized to practice law in any jurisdiction in which the attorney is not admitted.

* 1. **Middle District of Pennsylvania**
		1. <http://www.pamd.uscourts.gov/?q=court-info/local-rules-and-orders>

**LR 83.23 Standards for Professional Conduct.**

**LR 83.23.1 Sanction for Misconduct.**

For misconduct defined in these rules, and for good cause shown, and after notice and opportunity to be heard any attorney admitted to practice before this court may be disbarred, suspended from practice before this court, reprimanded or subjected to such other disciplinary action as the circumstances may warrant.

**LR 83.23.2 Adoption of Rules of Professional Conduct.**

Acts or omissions by an attorney admitted to practice before this court, individually or in concert with any other person or persons, which violate the Rules of Professional Conduct adopted by this court, shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship. The Rules of Professional Conduct adopted by this court are: (1) the Rules of Professional Conduct adopted by the Supreme Court of Pennsylvania, except Rule 3.10, as amended from time to time by that court, unless specifically excepted in this court's rules; and (2) the Code of Professional Conduct enacted in the Middle District of Pennsylvania's Civil Justice Reform Act Plan. See Appendix C.

**ATTORNEY DISCIPLINARY ENFORCEMENT**

**LR 83.20 Attorneys Convicted of Crimes.**

**LR 83.20.1 Immediate Suspension.**

Upon the filing with this court of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before this court has been convicted in any court of the United States, or the District of Columbia, or of any state, territory, commonwealth or possession of the United States, of a serious crime as hereinafter defined, the court shall enter an order immediately suspending that attorney, whether the conviction resulted from a plea of guilty or *nolo contendere* or from a verdict after trial or otherwise, and regardless of the pendency of any appeal, until final disposition of a disciplinary proceeding to be commenced upon such conviction. A copy of such order shall immediately be served upon the attorney. Upon good cause shown, the court may set aside such order when it appears in the interest of justice.

**LR 83.20.2 Definition of Serious Crime.**

The term "serious crime" shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a "serious crime."

**LR 83.20.3 Certified Copy of Conviction as Evidence.**

A certified copy of a judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.

**LR 83.20.4 Mandatory Reference for Disciplinary Proceeding.**

Upon the filing of a certified copy of a judgment of conviction of an attorney for a serious crime, the court shall in addition to suspending that attorney in accordance with the provisions of this rule, also refer the matter to counsel for the institution of a disciplinary proceeding before the court in which the sole issue to be determined shall be the extent of the final discipline to be imposed as a result of the conduct resulting in the conviction, provided that a disciplinary proceeding so instituted will not be brought to final hearing until all appeals from the conviction are concluded.

**LR 83.20.5 Discretionary Reference for Disciplinary Proceedings.**

Upon the filing of a certified copy of a judgment of conviction of an attorney for a crime not constituting a serious crime, the court may refer the matter to counsel for whatever action counsel may deem warranted, including the institution of a disciplinary proceeding before the court; provided, however, that the court may in its discretion make no reference with respect to convictions for minor offenses.

**LR 83.20.6 Reinstatement upon Reversal.**

An attorney suspended under the provisions of this rule will be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed but the reinstatement will not terminate any disciplinary proceeding then pending against the attorney, the disposition of which shall be determined by the court on the basis of all available evidence pertaining to both guilt and the extent of discipline to be imposed.

**LR 83.21 Discipline Imposed by Other Courts.**

**LR 83.21.1 Notice by Attorney of Public Discipline.**

Any attorney admitted to practice before this court shall, upon being subjected to public discipline by any other court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth or possession of the United States, promptly inform the clerk of this court of such action.

**LR 83.21.2 Proceedings after Notice of Discipline.**

Upon the filing of a certified or exemplified copy of a judgment or order demonstrating that an attorney admitted to practice before this court has been disciplined by another court, this court shall forthwith issue a notice directed to the attorney containing:

(a) A copy of the judgment or order from the other court and

(b) An order to show cause directing that the attorney inform this court within thirty (30) days after service of that order upon the attorney, personally or by mail, of any claim by the attorney predicated upon the grounds set forth in Local Rule 83.21.4 that the imposition of the identical discipline by the court would be unwarranted and the reasons therefor.

**LR 83.21.3 Stay of Discipline in Other Jurisdiction.**

In the event the discipline imposed in the other jurisdiction has been stayed there, any reciprocal discipline imposed in this court shall be deferred until such stay expires.

**LR 83.21.4 Reciprocal Discipline.**

Upon the expiration of thirty (30) days from service of the notice issued pursuant to the provisions of Local Rule 83.21.2(b) above, this court shall impose the identical discipline unless the respondent attorney demonstrates, or this court finds, that upon the face of the record upon which the discipline in another jurisdiction is predicated it clearly appears:

(a) That the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

(b) That there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this court could not, consistent with its duty, accept as final the conclusion on that subject; or

(c) That the imposition of the same discipline by this court would result in grave injustice; or

(d) That the misconduct established is deemed by this court to warrant substantially different discipline.

Where this court determines that any of said elements exist, it shall enter such other order as it deems appropriate.

**LR 83.21.5 Conclusive Evidence of Final Adjudication.**

In all other respects, a final adjudication in another court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for the purposes of a disciplinary proceeding in this court.

**LR 83.21.6 Appointment of Counsel.**

This court may at any stage appoint counsel to prosecute the disciplinary proceedings.

**LR 83.22 Disbarment on Consent or Resignation in Other Courts.**

**LR 83.22.1 Automatic Cessation of Right to Practice.**

Any attorney admitted to practice before this court who shall be disbarred on consent or resign from the bar of any other court of the United States or the District of Columbia, or from the bar of any state, territory, commonwealth or possession of the United States, while an investigation into allegations of misconduct is pending, shall, upon the filing with this court of a certified or exemplified copy of the judgment or order accepting such disbarment on consent or resignation, cease to be permitted to practice before this court and be stricken from the roll of attorneys admitted to practice before this court.

**LR 83.22.2 Attorney to Notify Clerk of Disbarment.**

Any attorney admitted to practice before this court shall, upon being disbarred on consent or resigning from the bar of any other court of the United States or the District of Columbia or from the bar of any state, territory, commonwealth or possession of the United States, while an investigation into allegations of misconduct is pending, promptly inform the clerk of this court of such disbarment on consent or resignation.

**LR 83.23 Standards for Professional Conduct.**

**LR 83.23.1 Sanction for Misconduct.**

For misconduct defined in these rules, and for good cause shown, and after notice and opportunity to be heard any attorney admitted to practice before this court may be disbarred, suspended from practice before this court, reprimanded or subjected to such other disciplinary action as the circumstances may warrant.

**LR 83.23.2 Adoption of Rules of Professional Conduct.**

Acts or omissions by an attorney admitted to practice before this court, individually or in concert with any other person or persons, which violate the Rules of Professional Conduct adopted by this court, shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship. The Rules of Professional Conduct adopted by this court are: (1) the Rules of Professional Conduct adopted by the Supreme Court of Pennsylvania, except Rule 3.10, as amended from time to time by that court, unless specifically excepted in this court's rules; and (2) the Code of Professional Conduct enacted in the Middle District of Pennsylvania's Civil Justice Reform Act Plan. See Appendix C.

**LR 83.24 Disciplinary Proceedings.**

**LR 83.24.1 Reference to Counsel.**

When misconduct or allegations of misconduct which, if substantiated, would warrant discipline on the part of an attorney admitted to practice before this court shall come to the attention of a judge of this court, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by these rules, the judge shall refer the matter to counsel for investigation and the prosecution of a formal disciplinary proceeding or the formulation of such other recommendation as may be appropriate.

**LR 83.24.2 Recommendation of Counsel.**

Should counsel conclude after investigation and review that a formal disciplinary proceeding should not be initiated against the respondent attorney because sufficient evidence is not present, or because there is pending another proceeding against the respondent - attorney, the disposition of which in the judgment of the counsel should be awaited before further action by this court is considered or for any other valid reason, counsel shall file with this court a recommendation for disposition of the matter, whether by dismissal, admonition, deferral, or otherwise setting forth the reasons therefor.

**LR 83.24.3 Order to Show Cause.**

To initiate formal disciplinary proceedings, counsel shall obtain an order of this court upon a showing of probable cause requiring the respondent - attorney to show cause within thirty (30) days after service of that order upon that attorney, personally or by mail, why the attorney should not be disciplined.

**LR 83.24.4 Hearings.**

Upon the respondent - attorney's answer to the order to show cause, if any issue of fact is raised or the respondent - attorney wishes to be heard in mitigation, this court shall set the matter for prompt hearing before one or more judges of this court, provided, however, that if the disciplinary proceeding is predicated upon the complaint of a judge of this court the hearing shall be conducted before a panel of three other judges of this court appointed by the chief judge, or if there are less than three judges eligible to serve or the chief judge is the complainant, by the chief judge of the court of appeals for this circuit. Where a judge merely refers a matter and is not involved in the proceeding, the judge shall not be considered a complainant.

**LR 83.25 Disbarment on Consent While under Disciplinary Investigation or Prosecution.**

**LR 83.25.1 Consent to Disbarment.**

Any attorney admitted to practice before this court who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may consent to disbarment, but only by delivering to this court an affidavit stating that the attorney desires to consent to disbarment and that:

(a) The attorney's consent is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of so consenting; (b) The attorney is aware that there is a presently pending investigation or proceeding involving allegations that there exist grounds for the attorney's discipline, the nature of which

the attorney shall specifically set forth;
(c) The attorney acknowledges that the material facts so alleged are true; and
(d) The attorney so consents because the attorney knows that if charges were predicated

upon the matters under investigation, or if the proceeding were prosecuted, the attorney could not successfully defend himself or herself.

**LR 83.25.2 Consent Order.**

Upon receipt of the required affidavit, this court shall enter an order disbarring the attorney.

**LR 83.25.3 Public Record.**

The order disbarring the attorney on consent shall be a matter of public record. However, the affidavit required under the provisions of this rule shall not be publicly disclosed or made available for use in any other proceeding except upon order of this court.

**LR 83.26 Reinstatement.**

**LR 83.26.1 After Disbarment or Suspension.**

An attorney suspended for three (3) months or less shall be automatically reinstated at the end of the period of suspension upon the filing with the court of an affidavit of compliance with the provisions of the order. An attorney suspended for more than three (3) months or disbarred may not resume practice until reinstated by order of this court.

**LR 83.26.2 Time of Application Following Disbarment.**

A person who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least five (5) years from the effective date of this disbarment.

**LR 83.26.3 Petitions for Reinstatement.**

Petitions for reinstatement by a disbarred or suspended attorney under this rule shall be filed with the chief judge of this court.

(a) Upon receipt of the petition, the chief judge shall determine whether the attorney is entitled to reinstatement without a hearing and issue an appropriate order.

(b) If the petitioner is not entitled to reinstatement without a hearing the chief judge shall promptly refer the petition to counsel and shall assign the matter for prompt hearing before one or more judges of this court, provided, however, that if the disciplinary proceeding was predicated upon the complaint of a judge of this court, the hearing shall be conducted before a panel of three (3) other judges of this court appointed by the chief judge, or, if there are less than three (3) judges eligible to serve or the chief judge was the complainant, by the chief judge of the court of appeals for this circuit. The judge or judges assigned to the matter shall within thirty (30) days after referral schedule a hearing at which the petitioner shall have the burden of demonstrating by clear and convincing evidence that he or she has the moral qualifications, competency and learning in the law required for admission to practice law before this court and that his or her resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or subversive of the public interest. Absent extraordinary circumstances, no such petition for reinstatement shall be granted unless the attorney seeking reinstatement meets the requirements for admission set forth in Local Rule 83.8.1.2. In the case where this court has imposed discipline or otherwise

taken adverse action identical to that imposed or taken by a state court or authority, any petition for reinstatement in this court shall be held in abeyance until a petition for reinstatement to practice in the state court has been filed and finally decided, unless otherwise ordered by this court.

**LR 83.26.4 Duty of Counsel.**

In all proceedings upon a petition for reinstatement, cross-examination of the witnesses of the respondent-attorney and the submission of evidence, if any, in opposition to the petition shall be conducted by counsel.

**LR 83.26.5 Fees and Costs of Proceeding.**

Upon order of court at the conclusion of any reinstatement proceeding, costs may be assessed to the petitioner. The Clerk of Court shall account for these costs in the same manner as general attorney admissions.

**LR 83.26.6 Conditions of Reinstatement.**

If the petitioner is found unfit to resume the practice of law, the petition shall be dismissed. If the petitioner is found fit to resume the practice of law, the judgment shall reinstate the petitioner, provided that the judgment may make reinstatement conditional upon the payment of all or part of the costs of the proceedings, and upon the making of partial or complete restitution to parties harmed by the petitioner whose conduct led to the suspension or disbarment. Provided further, that if the petitioner has been suspended or disbarred for five (5) years or more, reinstatement may be conditioned, in the discretion of the judge or judges before whom the matter is heard, upon the furnishing of proof of competency and learning in the law, which proof may include certification by the bar examiners of a state or other jurisdiction of the attorney's successful completion of an examination for admission to practice subsequent to the date of suspension or disbarment.

**LR 83.26.7 Successive Petitions.**

No petition for reinstatement under this rule shall be filed within one (1) year following an adverse judgment upon a petition for reinstatement filed by or on behalf of the same person.

**LR 83.27 Admission to Practice as Conferring Disciplinary Jurisdiction.**

Whenever an attorney applies to be admitted or is admitted to this court for purposes of a particular proceeding (*pro hac vice*), the attorney shall be deemed thereby to have conferred disciplinary jurisdiction upon this court for any alleged misconduct of that attorney arising in the course of or in the preparation for such proceeding.

**LR 83.28 Service of Papers and Other Notices.**

Service of an order to show cause instituting a formal disciplinary proceeding or other papers or notices required by these rules shall be made by personal service or by registered or certified mail addressed to the respondent-attorney at the address most recently registered by the attorney with the clerk. Service of any other papers or notices required by these rules shall be deemed to have been made if such paper or notice is addressed to the respondent-attorney at the address shown on the most recent registration statement filed pursuant to Local Rule 83.11.1; or to counsel or the respondent's attorney at the address indicated in the most recent pleading or other document filed by them in the course of any

proceeding under these rules.

**LR 83.29 Appointment of Counsel.**

Whenever counsel is to be appointed pursuant to these rules to investigate allegations of misconduct or to prosecute disciplinary proceedings or in conjunction with a reinstatement petition filed by a disciplined attorney, this court in its discretion and with prior agreement of the Disciplinary Board of the Supreme Court of Pennsylvania shall appoint as counsel attorneys serving in the Office of Disciplinary Counsel of the Disciplinary Board or one or more members of the bar of this court to investigate allegations of misconduct or to prosecute disciplinary proceedings under these rules or in conjunction with such a reinstatement petition, provided, however, that the respondent-attorney may move to disqualify an attorney so appointed who is or has been engaged as an adversary of the respondent-attorney in any matter. Counsel, once appointed, may not resign unless permission to do so is given by this court.

**LR 83.30 Duties of the Clerk.**

**LR 83.30.1 Filing Certificate of Conviction.**

Upon being informed that an attorney admitted to practice before this court has been convicted of any crime, the clerk of this court shall determine whether the clerk of the court in which such conviction occurred has forwarded a certificate of such conviction to this court. If a certificate has not been so forwarded, the clerk of this court shall promptly obtain a certificate and file it with this court.

**LR 83.30.2 Filing Disciplinary Judgment.**

Upon being informed that an attorney admitted to practice before this court has been subjected to discipline by another court, the clerk of this court shall determine whether a certified or exemplified copy of the disciplinary judgment or order has been filed with this court, and, if not, the clerk shall promptly obtain a certified or exemplified copy of the disciplinary judgment or order and file it with this court.

**LR 83.30.3 Filing Consent Order.**

Upon being informed that an attorney admitted to practice before this court has been disbarred on consent or resigned in another jurisdiction while an investigation into allegations of misconduct was pending, the clerk of this court shall determine whether a certified or exemplified copy of the disciplinary judgment or order striking the attorney's name from the rolls of those admitted to practice has been filed with the court, and, if not, shall promptly obtain a certified or exemplified copy of such judgment or order and file it with the court.

**LR 83.30.4 Transmittal of Record to Other Courts.**

Whenever it appears that any person convicted of any crime or disbarred or suspended or censured or disbarred on consent by this court is admitted to practice law in any other jurisdiction or before any other court, the clerk of this court shall, within fourteen (14) days of that conviction, disbarment, suspension, censure, or disbarment on consent, transmit to the disciplinary authority in such other jurisdiction, or for such other court, a certificate of the conviction or a certified or exemplified copy of the judgment or order of disbarment, suspension, censure, or disbarment on consent, as well as the last known office and residence

addresses of the defendant or respondent.

**LR 83.30.5 National Discipline Data Bank.**

The clerk of this court shall promptly notify the National Discipline Data Bank operated by the American Bar Association of any order imposing public discipline upon any attorney admitted to practice before this court.

**LR 83.31 Court Defined.**

When in this Chapter reference is made to this court it shall mean the United States District Court for the Middle District of Pennsylvania. Administration of this Chapter shall be under the authority of the Chief Judge. Actions and proceedings under this Chapter shall be taken by the Chief Judge of this court or the designee(s) of the Chief Judge.

* 1. **Western District of Pennsylvania**
		1. <http://www.pawd.uscourts.gov/court-info/local-rules-and-orders>

Adoption of Rules of Professional Conduct. Acts or omissions by an attorney admitted to practice before this Court, individually or in concert with others, that violate the rules of professional conduct adopted by this Court shall constitute misconduct and shall be grounds for

discipline, whether or not the act or omission occurred in the course of an attorney-client relationship. The rules of professional conduct adopted by this Court are the rules of professional conduct adopted by the Supreme Court of Pennsylvania, as amended from time to time, except that Rule 3.10 has been specifically deleted as a rule of this Court, and as otherwise provided by specific order of this Court.

RULES OF DISCIPLINARY ENFORCEMENT FOR ATTORNEYS A. Introduction.

1. Responsibility of Court. The United States District Court for the Western District of Pennsylvania, in furtherance of its inherent power and responsibility to supervise the conduct of attorneys who are admitted to practice before it, or admitted for the purpose of a particular proceeding (pro hac vice), promulgates the following rules of Disciplinary Enforcement superseding all of its rules pertaining to disciplinary enforcement heretofore promulgated.

2. Adoption of Rules of Professional Conduct. Acts or omissions by an attorney admitted to practice before this Court, individually or in concert with others, that violate the rules of professional conduct adopted by this Court shall constitute misconduct and shall be grounds for

discipline, whether or not the act or omission occurred in the course of an attorney-client relationship. The rules of professional conduct adopted by this Court are the rules of professional conduct adopted by the Supreme Court of Pennsylvania, as amended from time to time, except that Rule 3.10 has been specifically deleted as a rule of this Court, and as otherwise provided by specific order of this Court.

3. Sanctions for Misconduct. For misconduct defined in these rules, any attorney admitted to practice before this Court may be disbarred, suspended from practice before this Court, reprimanded or subjected to such other disciplinary action as the circumstances may warrant.

4. Admission to Practice as Conferring Disciplinary Jurisdiction.

Whenever an attorney applies to be admitted or is admitted to this Court for purposes of a particular proceeding (pro hac vice), the attorney shall be deemed thereby to have conferred disciplinary jurisdiction upon this Court for any alleged misconduct of that attorney arising in the course of or in the preparation for such proceeding.

B. Disciplinary Proceeding.

1. Reference to Counsel. When misconduct or allegations of misconduct which, if substantiated, would warrant discipline on the part of an attorney admitted to practice before this Court shall come to the attention of a District Judge or Magistrate Judge of this Court, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by these rules, or in the event a petition for reinstatement has been filed by a disciplined attorney, the Chief Judge shall in his or her discretion and with prior agreement of the Disciplinary Board of the Supreme Court of Pennsylvania appoint as counsel attorneys serving in the Office of Disciplinary Counsel of the Disciplinary Board or one or more members of the bar of this Court to investigate allegations of misconduct or to prosecute disciplinary proceedings under these rules or in conjunction with such a reinstatement petition, provided, however, that the respondent-attorney may move to disqualify an attorney so appointed who is or has been engaged as an adversary of the respondent-attorney in any matter. Counsel, once appointed, may not resign unless permission to do so is given by this Court.

2. Recommendation of Counsel. Should such counsel conclude after investigation and review that a formal disciplinary proceeding should not be initiated against the respondent-attorney because sufficient evidence is not present, or because there is pending another proceeding against the respondent-attorney, the disposition of which in the judgment of the counsel should be awaited before further action by this Court is considered or for any other valid reason, counsel shall file with this Court a recommendation for disposition of the matter, whether by dismissal, admonition, deferral, or otherwise setting forth the reasons therefor.

3. Order to Show Cause. Should such counsel conclude after investigation and review that a formal disciplinary proceeding should be initiated, counsel shall obtain an order of this Court upon a showing of

probable cause requiring the respondent-attorney to show cause within thirty (30) days after service of that order upon that attorney, personally or by mail, why the attorney should not be disciplined.

4. Hearings. Upon the respondent-attorney's answer to the order to show cause, if any issue of fact is raised or the respondent-attorney wishes to be heard in mitigation, the Chief Judge shall set the matter for prompt hearing before one or more Judges of this Court, provided, however, that if the disciplinary proceeding is predicated upon the complaint of a Judge of this Court the hearing shall be conducted before a panel of three other Judges of this Court appointed by the Chief Judge, or if there are fewer than three Judges eligible to serve or the Chief Judge is the complainant, by the Chief Judge of the Court of Appeals. Where a Judge merely refers a matter and is not involved in the proceeding, he or she shall not be considered a complainant.

All such proceedings shall be conducted by counsel appointed pursuant to LCvR 83.3.B.1 or such other counsel as the Court may appoint for such purpose.

The Judge or Judges to whom a disciplinary proceeding is assigned by the Chief Judge may conduct a further hearing, and/or otherwise take additional testimony, or hear or receive oral or written argument, and shall make a recommendation based thereon to the Board of Judges. The Board, after consideration of the recommendation, shall enter such order as it shall determine by a majority vote of the active Judges in service at the next meeting of the board to be appropriate, including dismissal of the charges, reprimand, suspension for a period of time, disbarment, or such action as may be proper.

C. Attorneys Convicted of Crimes.

1. Immediate Suspension. Upon the filing with this Court of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before this Court has been convicted in any Court of the United States, or the District of Columbia, or of any state, territory, commonwealth or possession of the United States, of a serious crime as hereinafter defined, the Chief Judge shall enter an order immediately suspending that attorney, whether the conviction resulted from a plea of guilty or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of any appeal, until final disposition of a disciplinary proceeding to be commenced upon such conviction. A copy of such order shall immediately be served upon the attorney. Upon good cause shown, the Chief Judge may set aside such order when it appears in the interest of justice so to do upon concurrence of a majority of active Judges in service.

2. Definition of Serious Crime. The term "serious crime" shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit,

bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a "serious crime."

3. Certified Copy of Conviction as Evidence. A certified copy of a judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.

4. Mandatory Reference for Disciplinary Proceeding. Upon the filing of a certified copy of a judgment of conviction of an attorney for a serious crime, the Court shall refer the matter for the institution of a disciplinary proceeding in which the sole issue to be determined shall be the extent of the final discipline to be imposed as a result of the conduct resulting in the conviction, provided that a disciplinary proceeding so instituted will not be brought to final hearing until all appeals from the conviction are concluded.

5. Discretionary Reference for Disciplinary Proceedings. Upon the filing of a certified copy of a judgment of conviction of an attorney for a crime not constituting a serious crime, the Court may refer the matter to counsel for whatever action counsel may deem warranted, including the institution of a disciplinary proceeding provided, however, that the Court may in its discretion make no reference with respect to convictions for minor offenses.

6. Reinstatement Upon Reversal. An attorney suspended under the provisions of this rule will be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed but the reinstatement will not terminate any disciplinary proceeding then pending against the attorney, the disposition of which shall be determined by the Court on the basis of all available evidence pertaining to both guilt and the extent of discipline to be imposed.

D. Discipline Imposed by Other Courts.

1. Notice by Attorney of Public Discipline. Any attorney admitted to practice before this Court shall, upon being subjected to public discipline by any other Court of the United States or the District of Columbia, or by a Court of any state, territory, commonwealth or possession of the United States, promptly inform the Clerk of this Court of such action.

2. Proceedings after Notice of Discipline. Upon the filing of a certified or exemplified copy of a judgment or order demonstrating that an attorney admitted to practice before this Court has been disciplined by another Court, this Court shall forthwith issue a notice directed to the attorney containing:

a. A copy of the judgment or order from the other Court; and

b. An order to show cause directing that the attorney inform this Court within thirty (30) days after service of that order upon the

attorney, personally or by mail, of any claim by the attorney predicated upon the grounds set forth in LCvR 83.3.D.4 that the imposition of the identical discipline by the Court would be unwarranted and the reasons therefor.

3. Stay of Discipline in Other Jurisdiction. In the event the discipline imposed in the other jurisdiction has been stayed there, any reciprocal discipline imposed in this Court shall be deferred until such stay expires.

4. Reciprocal Discipline. Upon the expiration of thirty (30) days from service of the notice issued pursuant to the provisions of LCvR 83.3.D.2, this Court shall impose the identical discipline unless the respondent- attorney demonstrates, or this Court finds, that upon the face of the record upon which the discipline in another jurisdiction is predicated it clearly appears that:

a. the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;

b. there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this Court could not, consistent with its duty, accept as final the conclusion on that subject;

c. the imposition of the same discipline by this Court would result in grave injustice; or

d. the misconduct established is deemed by this Court to warrant substantially different discipline.

In the event that an attorney files a timely answer alleging one or more of the elements set forth in LCvR 83.3.D.4, the Chief Judge shall set the matter for prompt hearing before one or more Judges of this Court who may order and conduct a further hearing, or take testimony or hear argument, and make a recommendation to the Board of Judges. The Board, after consideration of the recommendation, shall enter such order, as it shall determine by a majority vote of the active Judges in service at the next meeting of the Board, including dismissal of the charges, reprimand, suspension for a period of time, disbarment, or such action as may be proper.

5. Conclusive Evidence of Final Adjudication. In all other respects, a final adjudication in another Court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for the purposes of a disciplinary proceeding in this Court.

6. Appointment of Counsel. This Court may at any stage appoint counsel to prosecute the disciplinary proceedings, pursuant to LCvR 83.3.B.I.

E. Disbarment on Consent or Resignation.

1. Automatic Cessation of Right to Practice. Any attorney admitted to practice before this Court who shall be disbarred on consent or resign from the bar of any other Court of the United States or the District of Columbia, or from the bar of any state, territory, commonwealth or possession of the United States, while an investigation into allegations of misconduct is pending, shall, upon the filing with this Court of a certified or exemplified copy of the judgment or order accepting such disbarment on consent or resignation, cease to be permitted to practice before this Court and be stricken from the roll of attorneys admitted to practice before this Court.

2. Attorney to Notify Clerk of Disbarment. Any attorney admitted to practice before this Court shall, upon being disbarred on consent or resigning from the bar of any other Court of the United States or the District of Columbia, or from the bar of any state, territory, commonwealth or possession of the United States, promptly inform the Clerk of this Court of such disbarment on consent or resignation.

F. Disbarment on Consent While under Disciplinary Investigation or Prosecution.

1. Consent to Disbarment. Any attorney admitted to practice before this Court who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may consent to disbarment, but only by delivering to this Court an affidavit stating that the attorney desires to consent to disbarment and that:

a. the attorney's consent is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of so consenting;

b. the attorney is aware that there is presently pending investigation or proceeding involving allegations that there exist grounds for the attorney's discipline, the nature of which the attorney shall specifically set forth;

c. the attorney acknowledges that the material facts so alleged are true; and

d. the attorney so consents because the attorney knows that if charges were predicated upon the matters under investigation, or if the proceeding were prosecuted, the attorney could not successfully defend himself or herself.

2. Consent Order. Upon receipt of the required affidavit, this Court shall enter an order disbarring the attorney.

3. Public Record. The Order disbarring the attorney on consent shall be a matter of public record. However, the affidavit required under the

provisions of this rule shall not be publicly disclosed or made available for use in any other proceeding except upon order of this Court.

G. Reinstatement.

1. After Disbarment or Suspension. An attorney suspended for three (3) months or less shall be automatically reinstated at the end of the period of suspension upon the filing with the Court of an affidavit of compliance with the provisions of the order. An attorney suspended for more than three (3) months or disbarred may not resume practice until reinstated by order of this Court.

2. Time of Application Following Disbarment. A person who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least five (5) years from the effective date of this disbarment.

3. Hearing on Application. Petitions for reinstatement by a disbarred or suspended attorney under this rule shall be filed with the Chief Judge of this Court. Upon receipt of the petition, the Chief Judge shall refer the petition to counsel for investigation and recommendation, and shall assign the matter for a hearing, or other appropriate action, before one or more Judges of this Court, provided, however, that if the disciplinary proceeding was predicated upon the complaint of a Judge of this Court, the hearing shall be conducted before a panel of three (3) other Judges of this Court appointed by the Chief Judge, or, if there are fewer than three (3) Judges eligible to serve or the Chief Judge was the complainant, by the Chief Judge of the Court of Appeals. The Judge or Judges assigned to the matter shall schedule a hearing, if necessary, at which the petitioner shall have the burden of demonstrating by clear and convincing evidence that he or she has the moral qualifications, competency and learning in the law required for admission to practice law before this Court and that his or her resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or subversive of the public interest.

The Judge or Judges shall make a recommendation to the Board of Judges and the Board shall enter an appropriate order, as determined by a majority vote of the active Judges in service at the next meeting of the Board.

4. Duty of Counsel. In all proceedings upon a petition for reinstatement, cross-examination of the witnesses of the respondent-attorney and the submission of evidence, if any, in opposition to the petition shall be conducted by counsel.

5. Deposit for Costs of Proceeding. Petitions for reinstatement under this rule shall be accompanied by an advance cost deposit in an amount to be set from time to time by the Court to cover anticipated costs of the reinstatement proceeding.

6. Conditions of Reinstatement. If the petitioner is found unfit to resume the practice of law, the petition shall be dismissed. If the petitioner is found fit to resume the practice of law, the judgment shall reinstate him or her, provided that the judgment may make reinstatement conditional upon the payment of all or part of the costs of the proceedings, and upon the making of partial or complete restitution to parties harmed by the petitioner whose conduct led to the suspension or disbarment. Provided further, that if the petitioner has been suspended or disbarred for five (5) years or more, reinstatement may be conditioned, in the discretion of the Judge or Judges before whom the matter is heard, upon the furnishing of proof of competency and learning in the law, which proof may include certification by the bar examiners of a state or other jurisdiction of the attorney's successful completion of an examination for admission to practice subsequent to the date of suspension or disbarment.

7. Successive Petitions. No petition for reinstatement under this rule shall be filed within one (1) year following an adverse judgment upon a petition for reinstatement filed by or on behalf of the same person.

H. Service of Papers and Other Notices. Service of an order to show cause instituting a formal disciplinary proceeding or other papers or notices required by these rules shall be made by personal service or by registered or certified mail addressed to the respondent-attorney at the address most recently registered by him or her with the Clerk of Court. Service of any other papers or notices required by these rules shall be deemed to have been made if such paper or notice is addressed to the respondent-attorney at the address most recently registered with the Clerk of Court; or to counsel or respondent's attorney at the address indicated in the most recent pleading or other document filed by them in the course of any proceeding under these rules.

I. Duties of the Clerk of Court.

1. Filing Certificate of Conviction. Upon being informed that an attorney admitted to practice before this Court has been convicted of any crime, the Clerk of this Court shall determine whether the Clerk of the Court in which such conviction occurred has forwarded a certificate of such conviction to this Court. If a certificate has not been so forwarded, the Clerk of this Court shall promptly obtain a certificate and file it with this Court.

2. Filing Disciplinary Judgment. Upon being informed that an attorney admitted to practice before this Court has been subjected to discipline by another Court, the Clerk of this Court shall determine whether a certified or exemplified copy of the disciplinary judgment or order has been filed with this Court, and, if not, the Clerk of Court shall promptly obtain a certified or exemplified copy of the disciplinary judgment or order and file it with this Court.

3. Filing Consent Order. Upon being informed that an attorney admitted to practice before this Court has been disbarred on consent or resigned in another jurisdiction while an investigation into allegations of

misconduct was pending, the Clerk of this Court shall determine whether a certified or exemplified copy of the disciplinary judgment or order striking the attorney's name from the rolls of those admitted to practice has been filed with the Court, and, if not, shall promptly obtain a certified or exemplified copy of such judgment or order and file it with the Court.

4. Transmittal of Record to Other Courts. Whenever it appears that any person convicted of any crime or disbarred or suspended or censured or disbarred on consent by this Court is admitted to practice law in any other jurisdiction or before any other court, the Clerk of this Court shall, within fourteen (14) days of that conviction, disbarment, suspension, censure, or disbarment on consent, transmit to the disciplinary authority in such other jurisdiction, or for such other court, a certificate of the conviction or a certified or exemplified copy of the judgment or order of disbarment, suspension, censure, or disbarment on consent, as well as the last known office and residence addresses of the defendant or respondent.

5. National Discipline Data Bank. The Clerk of Court shall promptly notify the National Discipline Data Bank operated by the American Bar Association of any order imposing public discipline upon any attorney admitted to practice before this Court.

J. Retention of Control. Nothing contained in these rules shall be construed to deny to this Court such powers as are necessary for the Court to maintain control over proceedings conducted before it, such as proceedings for contempt under Title 18 of the United States Code or under Fed. R. Crim. P. 42.

K. Confidentiality. All investigations of allegations of misconduct, and disciplinary proceedings authorized by these rules shall be kept confidential until or unless:

1. the Judge or Judges to whom the matter is assigned determine otherwise;

2. the respondent-attorney requests in writing that the matter be public; 3. the investigation or proceeding is predicated on a conviction of the

respondent-attorney for a crime; or

4. the Court determines that discipline is appropriate in accordance with LCvR 83.3.B.4.

This rule shall not prohibit counsel, appointed pursuant to LCvR 83.3.B.I or any member of this Court, from reporting to law enforcement authorities the suspected commission of any criminal offense.

1. **Rhode Island**
	1. **District of Rhode Island**
		1. <http://www.rid.uscourts.gov>

**LR Gen 208 STANDARDS OF PROFESSIONAL CONDUCT**

1. **(a)  In General.** The Standards of Professional Conduct for attorneys appearing and/or practicing before this Court shall be the Rules of Professional Conduct as adopted by the Rhode Island Supreme Court, as the same may from time to time be amended, and any standards of conduct set forth in these Rules. Attorneys who are admitted or permitted to practice before this Court or who participate in any way in any cases pending in this Court shall comply with the Standards of Professional Conduct.
2. **(b)  Prosecutors.** Attorneys prosecuting criminal cases also shall adhere to the standards of conduct established by law for prosecutors.

**LR Gen 209 BASIS FOR DISCIPLINARY ACTION**

1. **(a)  Conferred Jurisdiction**. Any attorney admitted or permitted to practice before this Court pursuant to LR Gen 202 or 204 shall be deemed to have conferred disciplinary jurisdiction upon this Court for any alleged attorney misconduct arising during the course of a case pending before this Court or the Bankruptcy Court in which that attorney has participated in any way.
2. **(b)  Forms of Discipline.** When an attorney, after notice and an opportunity to be heard, has been found to have engaged in misconduct, the Court may:
	1. (1)  Disbar or suspend the attorney from practicing before this Court, if the attorney is a member of the bar of this Court; or
	2. (2)  Publicly or privately reprimand or censure the attorney; or
	3. (3)  Take such other disciplinary action against the attorney as the circumstances may warrant, including but not limited to the imposition of monetary sanctions.

The provisions of this subsection (b) shall not limit, in any way, the authority of an individual judge to impose any sanctions or take any other disciplinary action that is permissible and appropriate pursuant to these Rules or otherwise.

1. **(c)  Misconduct.** Misconduct for which an attorney may be disciplined pursuant to Rule 209 may include:
	1. (1)  Violation of the Standards of Professional Conduct referred to in LR Gen 208;
	2. (2)  Intentional violation of these Local Rules or any order of this Court or the Bankruptcy Court;
	3. (3)  Failure to promptly provide the notifications required by LR Gen 203(b)(1)(B) and/or (C);
	4. (4)  Conduct which resulted in suspension, disbarment or any other disciplinary action taken against the attorney by any other court or disciplinary body having disciplinary authority over attorneys;
	5. (5)  Conviction of a crime; and/or
	6. (6)  A pattern or practice of violating §§526, 527, or 528 of the Bankruptcy Code.

**LR Gen 210 DISCIPLINARY PROCEEDINGS**

1. **(a)  Definition of “Court.”** As used in this Rule 210, the term “Court” refers to the active district judges of this Court, and any action taken or required by the “Court” refers to action by a majority of the active district judges.
2. **(b)  Initiation of Proceedings.** Whenever allegations of misconduct by an attorney admitted or permitted to practice before this Court come to the Court’s attention, whether by complaint or otherwise, and the applicable procedure is not otherwise provided for by these Rules, the Court may initiate disciplinary proceedings in any one or more of the following ways:
	1. (1)  If the matter has not already been referred by an individual judge to a disciplinary agency with jurisdiction over the attorney, the Court may refer the matter to such agency with a request that the agency report its actions to the Court. However, any action taken by the agency shall not necessarily preclude additional disciplinary action by this Court.
	2. (2)  Designate a magistrate judge or appoint special counsel to investigate the matter, to make appropriate recommendations to this Court, and to perform any other duty specified by the Court. The Court shall consider any recommendation made by the magistrate judge or special counsel but such recommendation will not be binding upon the Court.
	3. (3)  Provide written notice to the attorney specifying the alleged misconduct and affording the attorney an opportunity to explain, either verbally or in writing, why he or she believes that formal disciplinary proceedings should not be commenced.
	4. (4)  In cases where the attorney has been notified in accordance with subsection (3) and has failed to provide a satisfactory reason why formal disciplinary proceedings should not be commenced, or in cases where there does not appear to be any dispute with respect to the relevant facts, the Court may commence formal disciplinary proceedings in accordance with subsection (c) of this Rule.
3. **(c)  Commencement of Formal Proceedings.**
	1. (1)  Formal disciplinary proceedings against an attorney shall be commenced by the issuance of an order by the Court directing the attorney to appear and show cause why disciplinary action should not be taken against the attorney for reasons stated in the order.
	2. (2)  The order may be served upon the attorney by mailing a copy to him or her at the address provided by the attorney pursuant to these Local Rules or by any other means reasonably calculated to provide notice to the attorney.

 (3) The attorney shall file a written response to the show cause order and the allegations of misconduct contained therein within 14 days from the date of the order. If any issue of fact is raised in the response or if the attorney wishes to be heard in mitigation, the Court shall set the matter for hearing in accordance with subsection (d) of this Rule.

**(d) Hearing**

**(1) Forum.** In the Court’s discretion, any hearing conducted pursuant to this Rule 210 may be conducted before a magistrate judge or bankruptcy judge designated by the Court, a single district judge or all of the active judges of the Court who are eligible and able to participate. However, if the disciplinary proceeding was initiated by a complaint by a district judge, magistrate judge, or bankruptcy judge; or, if a magistrate judge or bankruptcy judge made any recommendation to the Court pursuant to Rule 210(b)(2), any such hearing shall not be conducted by that judge, nor shall that judge participate in any decision or other action taken by the Court with respect to the matter.

1. (A)  If the hearing is conducted by a district judge, the Court may authorize that district judge to order whatever disciplinary action is appropriate under these rules without further action by the Court.
2. (B)  If the hearing is conducted by a magistrate judge or bankruptcy judge, the magistrate judge or bankruptcy judge shall submit findings of fact and recommendations for disposition to the Court and the Clerk shall serve a copy of the findings and recommendations upon the attorney and any special prosecutor appointed by the Court.
3. (C)  Within 14 days from the date of the order, the attorney and/or any special prosecutor appointed by the Court may serve and file written objections to the report. Failure to file an objection within the 14-day period shall be deemed a waiver of any objection. Those portions of the magistrate judge or bankruptcy judge’s findings and recommendations to which objection is made shall be reviewed by the Court *de novo* based on the record compiled before the magistrate judge or bankruptcy judge. The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge or bankruptcy judge or it may receive further evidence or recommit the matter to the magistrate judge or bankruptcy judge with instructions.

 **(2) Conduct of Hearing.** The Court may elect to appoint a special prosecutor to present evidence at any disciplinary hearing and to cross-examine any witnesses. The respondent attorney shall have a similar right to present evidence and cross- examine witnesses and to be represented by counsel.

1. **South Carolina**
	1. **District of South Carolina**
		1. <http://www.scd.uscourts.gov/navtop/rules.asp>
2. RDE RULE IV
STANDARDS FOR PROFESSIONAL CONDUCT
3. (A)  For misconduct defined in these rules, and for good cause shown, and after notice and opportunity to be heard, any attorney admitted to practice before this court may be disbarred, suspended from practice before this court for a definite time, fined, and/or reprimanded, either publicly or privately, or subjected to other disciplinary action as the circumstances may warrant.

(B)  Acts or omissions by an attorney admitted to practice before this court, individually or in concert with any other person or persons, that violate the Code of Professional Responsibility adopted by this court shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of any attorney-client relationship. The Code of Professional Responsibility adopted by this court is the South Carolina Rules of Professional Conduct (Rule 407 of the South Carolina Appellate Court Rules) adopted by the South Carolina Supreme Court, as amended from time to time by that state court, except as otherwise provided by specific rule of this court.

83.I.08: Rules of Disciplinary Enforcement (“RDE”).

1. (A)  All counsel admitted to practice before this court or admitted for the purpose of a particular proceeding (pro hac vice) shall be admitted subject to the following rules, conditions, and provisions.
2. (B)  For purposes of these rules, “this court” includes the bankruptcy division of the District of South Carolina unless otherwise indicated. All duties imposed on or notices required to be provided to the clerk of court refer to the clerk of the district court. The clerk of the district court shall ensure that notices of suspension or reinstatement, or other notices respecting an attorney’s right to practice in this court, are promptly forwarded to the clerk of the bankruptcy division.

RDE RULE I ATTORNEYS CONVICTED OF CRIMES

1. (A)  Upon the filing with this court of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before this court has been convicted in any court of the United States, or the District of Columbia, or of any state, territory, commonwealth or possession of the United States of a serious crime as hereinafter defined, this court may enter an order immediately suspending that attorney, whether the conviction resulted from a plea of guilty, or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of any appeal, until final disposition of a disciplinary proceeding to be commenced upon such conviction. A copy of such order shall immediately be served upon the attorney. Upon good cause shown, this court may set aside such order when it appears that the interests of justice require the same.
2. (B)  The term “serious crime” shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of any other to commit a “serious crime.”
3. (C)  A certified copy of a judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based, in whole or in part, upon the conviction.
4. (D)  Upon the filing of a certified copy of a judgment of conviction of an attorney for a serious crime, this court, in addition to suspending that attorney in accordance with the provisions of this rule, may also refer the matter to counsel for the institution of a disciplinary proceeding before this court in that the sole issue to be determined shall be the extent of the final discipline to be imposed as a result of the conduct resulting in the conviction, provided that a disciplinary proceeding so instituted will not be brought to final hearing until all appeals from the conviction are concluded.
5. (E)  Upon the filing of a certified copy of a judgment of conviction of an attorney for a crime not constituting a “serious crime,” this court may refer the matter to counsel for whatever action counsel may deem warranted, including the institution of a disciplinary proceeding before this court; provided, however, that this court in its discretion may make no references with respect to convictions for minor offenses.
6. (F)  An attorney suspended under the provisions of this rule will be immediately reinstated upon the filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed but the reinstatement will not terminate any disciplinary proceeding then pending against the attorney, the disposition of which shall be determined by this court on the basis of all available evidence pertaining to both guilt and the extent of discipline to be imposed.

RDE RULE II
DISCIPLINE IMPOSED BY OTHER COURTS

1. (A)  Any attorney admitted to practice before this court shall, upon being subjected to public discipline by any other court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth or possession of the United States, inform the clerk of court in writing within fourteen (14) days of such action. See supra Local Civ. Rule 83.I.08(B) (D.S.C.) (the clerk of the district court shall inform the clerk of the bankruptcy division).
2. (B)  Upon the filing of a certified or exemplified copy of a judgment or order demonstrating that an attorney admitted to practice before this court has been subjected to public discipline by another court, this court may impose reciprocal or other discipline pursuant to the procedures set forth below. Prior to imposing any discipline, the court shall issue a notice directed to the attorney containing:

(1) A copy of the judgment or order from the other court and

 (2) An order to show cause directing that the attorney inform this court within thirty (30) days after service of that order upon the attorney, personally or by mail, of any claim by the attorney predicated upon the grounds set forth in (D) hereof that the imposition of the identical discipline by this court would be unwarranted and the reasons therefor.

(C) In the event the discipline imposed in the other jurisdiction has been stayed there, any reciprocal discipline imposed in this court shall be deferred until such stay expires.

1. (D)  Upon the expiration of thirty (30) days from service of the notice issued pursuant to the provisions of (B) above, this court shall impose the identical discipline unless the respondent-attorney demonstrates, or this court finds, that upon the face of the record upon which the discipline in another jurisdiction is predicated, it clearly appears that one or more of the following circumstances applies:
	1. (1)  That the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process.
	2. (2)  That there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this court could not, consistent with its duty, accept as final the conclusion on that subject.
	3. (3)  That the imposition of the same discipline by this court would result in grave injustice.
	4. (4)  That the misconduct established is deemed by this court to warrant substantially different discipline.

Where this court determines that any of the above elements exist, it shall enter such other order as it deems appropriate.

1. (E)  In all other respects, a final adjudication in another court that an attorney has been guilty of misconduct shall conclusively establish the misconduct for purposes of a disciplinary proceeding in this court.
2. (F)  This court may at any stage appoint counsel to prosecute the disciplinary proceedings or defend a respondent-attorney. See infra RDE V(A).
3. (G)  If an attorney admitted to practice before this court is disbarred or suspended by the South Carolina Supreme Court, such suspension or disbarment shall be immediately effective in this court. The nature and term of discipline shall be identical unless this court determines that the misconduct justifies a more severe disciplinary action, in which case the attorney will be given

notice and an opportunity to demonstrate that the imposition of a more severe disciplinary action is unwarranted.

RDE RULE III
DISBARMENT ON CONSENT OR RESIGNATION IN OTHER COURTS

1. (A)  Any attorney admitted to practice before this court who shall be disbarred on consent or resign from the bar of any other court of the United States or the District of Columbia, or from the bar of any state, territory, commonwealth or possession of the United States while an investigation into allegations of misconduct is pending, shall, upon the filing with this court of a certified or exemplified copy of the judgment or order accepting such disbarment on consent or resignation, cease to be permitted to practice before this court and be stricken from the roll of attorneys admitted to practice before this court.
2. (B)  Any attorney admitted to practice before this court shall, upon being disbarred on consent or resigning from the bar of any other court of the United States or the District of Columbia, or from the bar of any state, territory, commonwealth, or possession of the United States while an investigation into allegations of misconduct is pending, promptly inform the clerk of this court of such disbarment on consent or resignation.

RDE RULE IV
STANDARDS FOR PROFESSIONAL CONDUCT

1. (A)  For misconduct defined in these rules, and for good cause shown, and after notice and opportunity to be heard, any attorney admitted to practice before this court may be disbarred, suspended from practice before this court for a definite time, fined, and/or reprimanded, either publicly or privately, or subjected to other disciplinary action as the circumstances may warrant.
2. (B)  Acts or omissions by an attorney admitted to practice before this court, individually or in concert with any other person or persons, that violate the Code of Professional Responsibility adopted by this court shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of any attorney-client relationship. The Code of Professional Responsibility adopted by this court is the South Carolina Rules of Professional Conduct (Rule 407 of the South Carolina Appellate Court Rules) adopted by the South Carolina Supreme Court, as amended from time to time by that state court, except as otherwise provided by specific rule of this court.

RDE RULE V DISCIPLINARY PROCEEDINGS

When misconduct or allegations of misconduct that, as substantiated, would warrant discipline on the part of an attorney admitted to practice before this court shall come to the attention of a judge of this court, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by these rules, that judge shall petition the chief judge of the district court to (1) refer the matter to the appropriate state disciplinary authority for investigation or prosecution or (2) refer the matter to the United States Attorney or other selected counsel for investigation and the prosecution of a formal disciplinary proceeding or the formulation of such other recommendation as may be appropriate. Nothing herein shall, however, preclude a judge from reporting an attorney’s actions or inactions directly to the disciplinary authority for any state where the attorney is admitted to practice. The chief judge may also appoint defense counsel for an indigent attorney. Counsel appointed for prosecution or defense will be compensated according to the court’s plan for appointment of counsel in criminal cases, from the attorney admission fund in an amount to be determined by the chief judge. Should the chief judge be disqualified, the most senior active district judge shall have the responsibility of enforcing this section. Should the matter be referred to a state disciplinary authority, or should there be a parallel state disciplinary proceeding, the chief judge may provide to such authority information and documents pertinent to the investigation, subject to the requirements of Rule 6(e), Federal Rules of Criminal Procedure, and an appropriate protective order.

1. (B)  Counsel appointed pursuant to these rules to investigate allegations of misconduct or prosecute disciplinary proceedings or in conjunction with a reinstatement petition, as well as the respondent-attorney, shall have the authority to issue subpoenas pursuant to Rule 17 of the Federal Rules of Criminal Procedure.
2. (C)  Should counsel conclude after investigation and review that a formal disciplinary proceeding should not be initiated against the respondent- attorney because sufficient evidence is not present, or because there is another proceeding pending against the respondent-attorney, the disposition of which in the judgment of counsel should be awaited before further action by this court is considered, or for any other valid reason, counsel shall file with the court a recommendation for disposition of the matter, whether by dismissal, admonition, deferral, or otherwise setting forth the reasons for such recommendation.
3. (D)  To initiate formal disciplinary proceedings, counsel shall obtain an order of this court, upon a showing of probable cause, requiring the respondent- attorney to show cause within thirty (30) days after service of that order upon that attorney, personally or by mail, why the attorney should not be

disciplined. The respondent-attorney shall have the right to be represented by counsel in these proceedings.

1. (E)  Upon the respondent-attorney’s answer to the order to show cause, if any issue of fact is raised or the respondent-attorney wishes to be heard in mitigation, the chief judge shall set the matter for prompt hearing before a panel of three judges of this court (“disciplinary panel”). In the event the complaint relates to one or more bankruptcy division matters, at least one of the judges on the panel shall be a bankruptcy division judge. If the disciplinary proceeding is predicated upon the complaint of a judge of this court, the complaining judge shall not serve on the panel. Mere forwarding or referring a complaint made by a third party shall not, however, preclude a judge from serving on the disciplinary panel.
2. (F)  The senior judge of the three-judge disciplinary panel, within a reasonable time following the hearing, shall provide to the district court a written report that shall include a recommendation as well as a transcript of the hearing and all pleadings and evidence.
3. (G)  After receiving the report, the district court, sitting en banc, shall by written order make a final determination. In the event the complaint relates to one or more bankruptcy division matters, the judges of the bankruptcy division shall participate in the en banc review.
4. (H)  Misconduct, as the term is used herein, means any one or more of the following:
	1. (1)  Violation of any provision of the oath of office taken upon admission to the practice of law.
	2. (2)  Violation of any provision of the South Carolina Rules of Professional Conduct as adopted by this court.
	3. (3)  Commission of a crime involving moral turpitude.
	4. (4)  Conduct tending to pollute or obstruct the administration of justice or to bring the courts or the legal profession into disrepute.
	5. (5)  Conduct demonstrating a lack of professional competence in the practice of law.
	6. (6)  Conduct tending to obstruct the court’s disciplinary investigation.
	7. (7)  Conduct constituting a serious crime as defined in RDE I(B).

 (8) Conduct violating applicable rules of professional conduct of another jurisdiction.

(I) Upon receipt of sufficient evidence demonstrating that an attorney poses a substantial threat of serious harm to the public or the administration of justice, and pursuant to the procedures set forth below, the attorney may be placed on interim suspension or may have other restrictions placed on his or her rights to practice in this court pending a final determination in any proceeding under these rules.

1. (1)  A petition for interim suspension/restrictions may be initiated by the investigating attorney, by any judge of the court, or by the disciplinary panel on its own motion.
2. (2)  The petition shall set forth the factual basis for the proposed suspension/restrictions and shall be served personally or by mail on the attorney who is the subject of the petition.
3. (3)  The petition shall be forwarded to the disciplinary panel, if one has been assigned, or, if no disciplinary panel has been assigned or if exigent circumstances require a more immediate response, to the chief judge of the district court. If the chief judge is unavailable or if the petition or complaint was initiated by the chief judge, then the petition shall be forwarded to the next most senior district judge.
4. (4)  The disciplinary panel or judge to whom the petition is forwarded pursuant to RDE V(I)(3) above may enter an interim suspension based on such further proceedings as are consistent with due process, including, if made necessary by exigent circumstances, without any further pre-suspension proceedings.
5. (5)  An attorney placed on interim suspension/restrictions by a single judge may apply for reconsideration to the judge who entered the suspension/restrictions order. If the application is denied, the attorney may appeal to the disciplinary panel. Interim suspensions entered by the disciplinary panel may be appealed to the en banc court.
6. (6)  Any interim suspension/restrictions shall be set forth in an unsealed order stating only the fact and effective dates of the suspension/restrictions. All other documents and information relating to the suspension/restrictions shall be kept confidential pending completion of the proceedings except that a copy of all such documents may be provided to other entities with disciplinary authority.

RDE RULE VI
DISBARMENT ON CONSENT WHILE UNDER DISCIPLINARY INVESTIGATION OR PROSECUTION

1. (A)  Any attorney admitted to practice before this court who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may consent to disbarment, but only by delivering to this court an affidavit stating that the attorney desires to consent to disbarment and that each of the following is true:
	1. (1)  The attorney’s consent is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of so consenting.
	2. (2)  The attorney is aware that there is a pending investigation or proceeding involving allegations that grounds exist for the attorney’s discipline, the nature of which the attorney shall specifically set forth.
	3. (3)  The attorney acknowledges that the material facts so alleged are true.
	4. (4)  The attorney so consents because the attorney knows that if charges were predicated upon the matters under investigation, or if the proceeding were prosecuted, the attorney could not successfully defend himself or herself.
2. (B)  Upon receipt of the required affidavit, this court shall enter an order disbarring the attorney.
3. (C)  The order disbarring the attorney on consent shall be a matter of public record. However, the affidavit required under the provisions of this rule shall not be publicly disclosed or made available for use in any other proceeding except upon order of this court.

RDE RULE VII REINSTATEMENT

1. (A)  After Disbarment or Suspension. An attorney suspended for less than a year may resume practice before this court upon the expiration of the suspension ordered by the South Carolina Supreme Court and this court. An attorney disbarred or suspended for a year or more must reapply for admission and may not resume practice until reinstated by order of this court.
2. (B)  Time of Application Following Disbarment. A person who has been disbarred after hearing or by consent may not apply for reinstatement until

the expiration of at least five (5) years from the effective date of the disbarment.

(C) Hearing on Application. Petitions for reinstatement by a disbarred or suspended attorney under this rule shall be filed with the chief judge of this court. Upon receipt of the petition, the chief judge shall assign the matter to a three-judge panel of this court for review; however, if the disciplinary proceeding was predicated upon the complaint of a judge of this court, the complaining judge shall not serve on the panel. The judges assigned to the matter may either accept a decision of the South Carolina Supreme Court reinstating the attorney or shall promptly, after referral, assign the matter to counsel and schedule a hearing at which the petitioner shall have the burden of demonstrating by clear and convincing evidence that he or she has the moral qualifications, competency, and learning in the law required for admission to practice law before this court and that his or her resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice or subversive of the public interest. Within a reasonable time following the hearing, the senior judge of the three-judge panel shall provide all judges of this court a written report that shall include a recommendation pursuant to subparagraph (F) of this section. After receiving the report, this court, sitting en banc, shall by written order make a final determination and enter judgment pursuant to subparagraph (F) of this section.

1. (D)  Duty of Counsel. In all proceedings upon a petition for reinstatement, cross-examination of the witnesses of the respondent-attorney and the submission of evidence, if any, in opposition to the petition shall be conducted by counsel.
2. (E)  Deposit for Costs of Proceeding. Petitions for reinstatement under this rule shall be accompanied by an advance cost deposit in an amount to be set from time to time by this court to cover anticipated costs of the reinstatement proceeding.
3. (F)  Conditions of Reinstatement. If the petitioner is found unfit to resume the practice of law before this court, the petition shall be dismissed. If the petitioner is found fit to resume the practice of law before this court, the judgment shall reinstate the petitioner, provided that the judgment may make reinstatement conditional upon the payment of all or part of the costs of the proceedings, and upon the making of partial or complete restitution to parties harmed by the petitioner whose conduct led to the suspension or disbarment. This court may impose any conditions of reinstatement that are reasonably related to the grounds for the lawyer’s original suspension or disbarment, or to evidence presented at the hearing regarding the lawyer’s failure to meet the criteria for reinstatement. Provided further that if the

petitioner has been suspended or disbarred for five (5) years or more, reinstatement may be conditioned, in the discretion of this court, upon the furnishing of proof of competency and learning in the law, that proof may include certification by the bar examiners of a state or other jurisdiction of the attorney’s successful completion of an examination for admission to practice subsequent to the date of suspension or disbarment.

(G) Successive Petitions. No petition for reinstatement under this rule shall be filed within one (1) year following an adverse judgment upon a petition for reinstatement filed by or on behalf of the same person.

RDE RULE VIII
SERVICE OF PAPERS AND OTHER NOTICES

Service of an order to show cause instituting a formal disciplinary proceeding shall be made by personal service or by registered or certified mail addressed to the respondent-attorney at the last address of record with the clerk of court. Service of any other papers or notices required by these rules shall be deemed to have been made (1) if delivered electronically through the court’s electronic filing system or (2) if mailed to the respondent-attorney at the last address of record with the clerk of court or (3) if mailed to counsel for the respondent-attorney at the address indicated in the most recent document filed on behalf of the respondent-attorney in the course of any proceeding.

RDE RULE IX APPOINTMENT OF COUNSEL

Whenever counsel other than the United States Attorney is to be appointed pursuant to these rules to investigate allegations of misconduct or prosecute disciplinary proceedings or in conjunction with a reinstatement petition, this court shall appoint as counsel one or more members of the bar of this court. The respondent-attorney may move to disqualify the United States Attorney or any other attorney so appointed on grounds of conflict of interest. Any motion for disqualification shall be determined by the chief judge or, should the chief judge be disqualified, the most senior active judge. Counsel, once appointed, may not resign unless permission to do so is given by this court.

RDE RULE X
DUTIES OF THE CLERK OF COURT

(A) Upon being informed that an attorney admitted to practice before this court has been convicted of any crime, the clerk of this court shall determine whether the clerk of court in which such conviction occurred has forwarded a certificate of such conviction to this court or to the South Carolina Supreme Court or its disciplinary counsel. If a certificate has not been so

forwarded, the clerk of court shall promptly obtain a certificate and file it with this court.

1. (B)  Upon being informed that an attorney admitted to practice before this court has been subjected to public discipline by another court, the clerk of court shall determine whether a certified or exemplified copy of the disciplinary judgment or order has been filed with this court, and, if not, the clerk of court shall promptly obtain a certified copy or exemplified copy of the disciplinary judgment or order and file it with this court.
2. (C)  Whenever it appears that any person convicted of any crime or disbarred or suspended or censured or disbarred on consent by this court is admitted to practice law in any other jurisdiction or before any other court, the clerk of court, within fourteen (14) days of that conviction, disbarment, suspension, censure, or disbarment on consent, shall transmit to the disciplinary authority in such other jurisdiction, or for such other court, a certificate of the conviction or a certified or exemplified copy of the judgment or order of disbarment, suspension, censure, or disbarment on consent, as well as the last known office and residence addresses of the defendant or respondent.
3. (D)  The clerk of court shall likewise promptly notify the National Lawyer Regulatory Data Bank operated by the American Bar Association of any order imposing public discipline upon any attorney admitted to practice before this court.
4. (E)  The clerk of court shall be responsible for circulating all notices relating to disciplinary action to all judges of this court, including all magistrate, bankruptcy and district judges, as well as the clerk of the bankruptcy division.
5. **South Dakota**
	1. **District of South Dakota**
		1. <http://www.sdd.uscourts.gov/court-info/local-rules-and-orders>

**Attorney Discipline.**

**1. Automatic Suspension.** Any member of the bar of this court who has been suspended or disbarred from the Supreme Court of the State of South Dakota or who has been convicted of any criminal offense in any United States

District Court will, upon appropriate notice from the clerk of court, be suspended from practice before this court.

**Discipline by this Court.**

This court, independent of action taken by the Supreme Court of the State of South Dakota, may disbar or suspend a member of the bar of this court from practice for a definite time, or reprimand for good cause shown, after

· opportunity has been afforded such member to be heard.

An application for the disbarment or discipline of a member of the bar of this court will be made to or before the chief judge of this court unless otherwise ordered by the chief judge. At least two district judges of this court will sit at the hearing of such application unless the attorney against whom the disbarment or disciplinary proceeding is brought states in writing or in open court the member's willingness to proceed before one district judge.

If an investigation is necessary, the chief judge, with the approval of a majority of the district judges, will appoint a member of the bar (hereinafter referred to as "investigator") to investigate charges against any member of this bar. If, as a result of the investigation, the investigator will be of the opinion that there has been a

breach of professional ethics by a member of this bar, the investigator, as an officer of the court having special responsibilities for the administration of

justice, will file and prosecute a petition requesting that the alleged offender be subjected to appropriate discipline, including disbarment, suspension, or reprimand. The investigator will be paid from the pro hac vice fund.

**3. Disciplinary Record.** The clerk of court keeps a separate attorney discipline docket. Orders of disbarment, suspension and public reprimand are a matter of public record. All other documents, hearings and records required under the provisions of this Rule will not be publicly disclosed or made available for use in any other proceeding, except upon order of this court.

**H. Reinstatement of Disbarred and Suspended Attorneys.**

1. An attorney who has been disbarred or suspended in this court may petition for reinstatement at any time. Upon the filing of such petition with the clerk of court, the chief judge may appoint an investigator and may enter an order setting a date for the hearing on said petition on providing at least 21 calendar days' notice. An attorney may

be reinstated without a hearing upon a unanimous vote of all district judges who desire to participate in such determinations.

Any investigator appointed will investigate the facts alleged in the petition for reinstatement and will present to the court, in affidavit form or otherwise, any facts in support of or against the granting of said petition. Two district judges of this court will sit at the hearing on said petition, and the order denying or granting reinstatement will be made in writing by said judges.

2. An attorney who has been disbarred or suspended by the Supreme Court of the State of South Dakota and thereafter reinstated by that court to practice in the state courts will not be permitted to practice in this court, notwithstanding such reinstatement, until a petition for reinstatement as prescribed in section 1 above, incorporating a certified copy of the order of reinstatement by the Supreme Court of the State of South Dakota, has been filed in this court and reinstatement ordered after a hearing as above provided. The hearing may be waived by the attorney with the consent of the court.

1. **Tennessee**
	1. **Eastern District of Tennessee**
		1. <http://www.tned.uscourts.gov/localrules.php>

LR83.6 Rules of Professional Conduct

The Rules of Professional Conduct adopted by the Supreme Court of Tennessee are hereby adopted as rules of professional conduct insofar as they relate to matters within the jurisdiction of this Court.

LR83.7 Attorney Discipline

(a) Conduct Subject to Discipline. The Court may impose discipline on any member of its bar who has violated the Rules of Professional Conduct as adopted by the Supreme Court of Tennessee, or has engaged in unethical conduct tending to bring the Court or the bar into disrepute. The Court may also discipline any member who has been suspended or disbarred from the practice of law by the state in which he or she is a member, or by any court of record. Discipline which may be imposed includes disbarment, suspension, reprimand, or such other further disciplinary action as the Court may deem appropriate and just. Nothing in this rule shall be construed as limiting in any way the exercise by the Court of its inherent contempt power or its authority to impose other sanctions provided under federal law and the Federal Rules of Civil or Criminal Procedure.

(b) Initiation of Disciplinary Proceedings. Formal disciplinary proceedings shall be initiated by the issuance of an order to show cause signed by the Chief Judge. An order to show cause may be issued by the Chief Judge on his or her own initiative or upon a complaint filed by any counsel of record or party to an action in this Court. When such order is issued on the Court's initiative, no separate complaint need be filed. All complaints relating to disciplinary matters under this rule shall be filed under seal with the Clerk. All records pertaining to attorney disciplinary proceedings, except with respect to reinstatement proceedings, shall be confidential and kept under seal in the Clerk's Office unless otherwise ordered by the Court.

All complaints of attorney misconduct shall include:

1. (1)  The name, address, and telephone number of the complainant;
2. (2)  The specific facts that require discipline, including the date, place and

nature of the alleged misconduct, and the names of all persons and

witnesses involved;

1. (3)  Copies of all available documents or other evidence that support the

factual allegations, including a copy of any rule or order of the Court that

is alleged to have been violated; and

1. (4)  At the end of the complaint, a statement signed by the complainant under

penalty of perjury that the complainant has read the complaint and the factual allegations contained therein are correct to the best of the complainant's knowledge.

(c) Initial Action on the Complaint. Upon filing, the complaint shall be sent to the Chief Judge for initial review.

1. (1)  If the Chief Judge determines that the complaint on its face or after investigation is without merit or does not warrant action by the Court, the complaint shall be dismissed by order of the Chief Judge.
2. (2)  If following review it is determined that reasonable grounds exist for further investigation, the Chief Judge may order such investigation or may issue an order to show cause if the complaint appears to be meritorious. A copy of the order to show cause, the complaint, and accompanying documents shall be served on the member who is the subject of the complaint. The member shall also receive a copy of this rule and a written statement that the member shall have 21 days from the date of entry of the order to show cause in which to respond.
3. (3)  Alternatively, the Chief Judge may refer the matter to a state disciplinary board for such action as it determines is appropriate.
4. (4)  Once a disciplinary action is initiated and while such action is pending, no certificate of good standing shall be issued to the attorney until the matter is resolved.
5. (5)  In exceptional circumstances and upon receipt of sufficient evidence demonstrating that an attorney poses a substantial threat of serious harm to the public or the administration of justice, the Chief Judge may place the attorney on interim suspension or impose other restrictions on the attorney’s rights to practice in this Court pending a final determination in any proceeding under this Rule.

(d) Attorneys Convicted of Crimes.

(1) Upon the filing with this Court of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before the Court has been convicted in any court of the United States, or the District of Columbia, or of any state, territory, commonwealth or possession of the United States of a serious crime as hereinafter defined, the Chief Judge shall enter an order immediately suspending the attorney, whether the conviction resulted from a plea of guilty, or nolo contendere or from a verdict after trial or otherwise, regardless of the pendency of any appeal, until final disposition of a disciplinary proceeding to be commenced upon such conviction. A copy of such order shall immediately be served upon the attorney. Upon good cause shown, the Chief Judge may set aside the suspension when it appears in the interest of justice to do so.

1. (2)  The term “serious crime” includes any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of another to commit a “serious crime.”
2. (3)  A certified copy of a judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.
3. (4)  Upon the filing of a certified copy of a judgment of conviction of an attorney for a serious crime, the Chief Judge shall, in addition to suspending that attorney in accordance with the provisions of this Rule, institute a disciplinary proceeding in which the sole issue to be determined shall be the extent of the final discipline to be imposed as a result of the conduct resulting in the conviction, provided that a disciplinary proceeding so instituted will not be brought to final hearing until all direct appeals from the conviction are concluded.
4. (5)  Upon the filing of a certified copy of a judgment of conviction of any attorney for a crime not constituting a “serious crime,” the Chief Judge may consider whatever action is warranted, including the institution of a disciplinary proceeding; provided, however, that the Chief Judge may make no reference with respect to convictions for minor offenses.
5. (6)  An attorney suspended under the provisions of this Rule will be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction has been reversed, but the reinstatement will not terminate any disciplinary proceeding then pending against the attorney based on the conduct that resulted in the conviction.

(e) Response. A member against whom an order to show cause is issued shall have 21 days from the date of the entry of the order in which to file a response. The response shall be filed, under seal, with the Clerk, and shall contain the following:

1. (1)  The name, address and telephone number of the respondent.
2. (2)  A specific admission or denial of each of the factual allegations contained

in the complaint and order to show cause and, in addition, a specific statement of any facts on which respondent relies, including all other

material dates, places, persons and conduct relevant to the allegations of

the order.

1. (3)  All documents or other supporting evidence not previously filed with the

complaint or order that are relevant to the charges of alleged misconduct.

1. (4)  A specific request for a hearing or a statement specifically declining a

hearing.
(5) A statement signed by the respondent under penalty of perjury indicating

that the respondent has read the response and that, to the best of respondent's knowledge, the facts alleged therein are correct.

(f) Summary Dismissal. If the response discloses that the complaint is without merit, it may be dismissed by the Chief Judge.

(g) Conformity with State Discipline. When the respondent has been disbarred or suspended from the practice of law by a state in which the member practices, and the respondent admits the action complained of, or does not respond to the order to show cause, the Chief Judge may enter a final order of the Court imposing similar discipline.

(h) Judicial Officer. Upon filing of the response, the Chief Judge may appoint a judge or other judicial officer from within the Eastern District of Tennessee to investigate the allegations of the complaint and the response. The judicial officer shall review all sealed documents related to the disciplinary charges, conduct hearings if necessary, and issue a written recommendation.

(i) Hearings on Disciplinary Charges. A disciplinary hearing shall be held when the member under investigation has requested such a hearing in a timely response or when the judge or the judicial officer has determined that such a hearing is necessary for the proper disposition of the charges.

(1) Hearing Procedures. When it has been determined that a hearing is necessary, the judicial officer shall provide the member with written notice of the hearing a minimum of 21 days before its scheduled date. The notice shall contain the date and location of the hearing and a statement that the member is entitled to be represented by counsel, to present witnesses and other evidence, and to confront and cross-examine adverse witnesses.

(2) Conduct of the Hearing. The hearing shall be conducted by the judicial officer, who shall have the authority to resolve all disputes on matters of procedure and evidence which arise during the course of the hearing. All witnesses shall testify under penalty of perjury. Such hearings, at the discretion of the judicial officer, shall be confidential and shall be recorded. The record of the hearing shall be kept on file in the Clerk's Office, under seal.

(3) Rights of the Complainant and the Respondent. During the hearing, the respondent shall be entitled to be represented by counsel, to present witnesses

and other evidence, and to confront and cross-examine any adverse witnesses. The judicial officer may permit the complainant to participate in the proceedings through counsel.
(4) Burden of Proof. The respondent's violation of the Rules of Professional Conduct or rule or orders of the Court or the respondent’s engagement in unethical conduct tending to bring the Court or the bar into disrepute shall be proven by clear and convincing evidence. A certified copy of a final order of disbarment or judgment of conviction for a criminal offense, entered in any state or federal court, shall be considered clear and convincing evidence.
(5) Failure to Appear. The failure of the respondent to appear at the hearing shall itself be grounds for discipline under Subsection (a) of this rule.

(j) Recommendation. The judicial officer shall prepare a written recommendation which shall include a proposed disposition of the disciplinary charges.

(1) Filing of the Recommendation. The recommendation shall be filed, under seal, in the Clerk's Office and copies distributed to the Court and the respondent.

(2) Exceptions to the Recommendation. The respondent shall have 14 days from the date of service of the recommendation in which to file with the Clerk a written response to the recommendation. The response shall not exceed 25 typewritten pages and shall state concisely any inaccuracies, errors or omissions which warrant a disposition other than that recommended.

(k) Final Action on the Recommendation. Within 30 days of the filing of any exceptions to the recommendation, the Court shall enter a final order of disposition. Notice of the final order shall be sent to the respondent and the complainant. Any attorney who is disciplined pursuant to this Rule may be directed by the Court to pay all or part of the fees and expenses incurred by the Court and/or by any counsel appointed by the Court to investigate allegations of misconduct and/or to prosecute or defend the disciplinary proceedings.

(l) Reinstatement. Reinstatement shall be had only upon a petition by the disciplined member. A former member who has been suspended or disbarred from the practice of law by this Court because of suspension or disbarment in another court of record may, upon reinstatement to the other court, file a petition for reinstatement to this Court. Each petitioner shall pay an application fee to the Clerk which is not refundable. The petition shall be filed with the Clerk and shall contain a concise statement of the circumstances of the disciplinary proceedings, the discipline imposed, and the grounds that justify reinstatement. The petition shall be signed by the petitioner under penalty of perjury stating that he or she has read the petition and that the factual allegations contained therein are correct to the best of the petitioner's knowledge. The petitioner has

the burden of proving by clear and convincing evidence that he or she has the requisite good moral character, ethical standards, professional competence, and learning in the law necessary to serve as an officer of the Court and to be readmitted to the practice of law.

(1) A petitioner who has been suspended for a definite term may be automatically reinstated at the end of the period of suspension upon filing the petition for reinstatement accompanied by an affidavit showing compliance with the provisions of the order of suspension.

(2) Reinstatement of disbarred or indefinitely suspended lawyers shall not be automatic. Reinstatement of these disciplined members shall be had only upon a petition for good cause shown. Upon the filing of such a petition, the Court shall review it to determine whether there is clear and convincing evidence that the petitioner meets the qualifications for reinstatement. The Court in its discretion may order such investigation as it deems necessary and may order that a public hearing be conducted regarding any petition.

(3) If a petition is denied after an investigation or hearing, the Court may assess the costs of the proceedings against the petitioner.

(4) No petitions for reinstatement under this rule shall be filed within one year following an adverse determination upon a prior petition filed by the same petitioner.

(m) Appointment of Counsel. The Chief Judge may appoint counsel pursuant to this Rule to investigate allegations of misconduct, to prosecute disciplinary proceedings, to respond to the respondent-attorney’s filings, and/or to represent the Court in any appeal. Whenever counsel is appointed pursuant to this Rule, the Court shall appoint as counsel one or more members of the Bar of this Court, provided, however, that the respondent- attorney may move to disqualify a lawyer so appointed who is or has been engaged as an adversary of the respondent-lawyer in any matter. Counsel, once appointed, may not resign unless permission to do so is given by this Court. Counsel so appointed is authorized to engage investigators and/or experts at Court expense to assist counsel in the performance of counsel’s duties.

* 1. **Middle District of Tennessee**
		1. <http://www.tnmd.uscourts.gov/local_rules_0>

The standard of professional conduct of the members of the bar of this Court shall include the current Tennessee Code of Professional Responsibility, Tenn. Sup. Ct. R. 8. A violation of any of the disciplinary rules contained in the Code in connection with any matter pending before this Court shall subject the offending attorney to appropriate disciplinary action. In this regard, this Court may from time to time appoint grievance committees to investigate any complaints made to it alleging improper professional conduct of any member of the bar in any way connected with his practice in this Court. In such case the committee appointed shall operate under the directions of the Court and shall take such actions as directed by the Court in the order appointing it. In the alternative, such complaints may be forwarded by the Court to the appropriate disciplinary authority of the state courts. This Rule shall not apply to Disciplinary Rule 7-107, which is superseded as a Rule of this District by Rule 83.03 of these Rules and LCrR2.01.

(5) In the discretion of the Court, a permanent disciplinary committee may be appointed.

Disbarment and Discipline.

1. (1)  Any member of the bar of this Court may for good cause shown, and after an

opportunity has been given him to be heard, be disbarred, suspended from practice for a definite time, reprimanded, or subjected to such other discipline as the Court may deem proper.

1. (2)  Whenever it has been made to appear to this Court that any member of the bar has been disbarred or suspended from practice by law by the Disciplinary Board of the Supreme Court of Tennessee or the courts or disciplinary bodies of any other state, or has been convicted of any crime involving moral turpitude in this Court or any other court, he shall be suspended forthwith from practice before this Court, and unless he shows good cause to the contrary within thirty (30) days from the date of such suspension, the Court may impose such further discipline as it deems proper.
2. (3)  Except as otherwise provided by these Rules, any person who, before his admission to the bar of this Court or during his disbarment or suspension, exercises in this Court in any action or in any proceeding pending in this Court any of the privileges as a member of such bar, or pretends to be entitled to do so, is guilty of contempt of this Court and subjects himself to appropriate punishment therefore.
3. (4)  The standard of professional conduct of the members of the bar of this Court shall include the current Tennessee Code of Professional Responsibility, Tenn. Sup. Ct. R. 8. A violation of any of the disciplinary rules contained in the Code in connection with any matter pending before this Court shall subject the offending attorney to appropriate disciplinary action. In this regard, this Court may from time to time appoint grievance committees to investigate any complaints made to it alleging improper professional conduct of any member of the bar in any way connected with his practice in this Court. In such case the committee appointed shall operate under the directions of the Court and shall take such actions as directed by the Court in the order appointing it. In the alternative, such complaints may be forwarded by the Court to the appropriate disciplinary

39

authority of the state courts. This Rule shall not apply to Disciplinary Rule 7-107, which is superseded as a Rule of this District by Rule 83.03 of these Rules and LCrR2.01.

(5) In the discretion of the Court, a permanent disciplinary committee may be appointed.

* 1. **Western District of Tennessee**
		1. <https://www.tnwd.uscourts.gov/local-court-rules-plans.php>

Conduct and Discipline. All attorneys practicing before the United States District Court for the Western District of Tennessee shall comply with these Local Rules, the Rules of Professional Conduct as then currently promulgated and amended by the Supreme Court of Tennessee, and with the Guidelines for Professional Courtesy and Conduct as adopted by this court (APPENDIX C).

* 1. (1)  For a willful violation of the said Code or these Rules, an attorney is subject to appropriate disciplinary action by the Court in accordance with the procedures contained in this Court’s Order Adopting Rules of Disciplinary Enforcement (filed 9/29/1980; copy available in clerk’s office), as amended from time to time.
	2. (2)  If any attorney is convicted of or pleads nolo contendere to a felony or is disbarred from practice in any state or federal court, such attorney’s right to practice in this Court shall be suspended immediately and may be restored only after application and hearing in accordance with the procedures contained in this Court’s Order Adopting Rules of Disciplinary Enforcement (filed 9/29/1980; copy available in clerk’s office), as amended from time to time.
1. Conduct and Discipline. All attorneys practicing before the United States District Court for the Western District of Tennessee shall comply with these Local Rules, the Rules of Professional Conduct as then currently promulgated and amended by the Supreme Court of Tennessee, and with the Guidelines for Professional Courtesy and Conduct as adopted by this court (APPENDIX C).
	1. (1)  For a willful violation of the said Code or these Rules, an attorney is subject to appropriate disciplinary action by the Court in accordance with the procedures contained in this Court’s Order Adopting Rules of Disciplinary Enforcement (filed 9/29/1980; copy available in clerk’s office), as amended from time to time.
	2. (2)  If any attorney is convicted of or pleads nolo contendere to a felony or is disbarred from practice in any state or federal court, such attorney’s right to practice in this Court shall be suspended immediately and may be restored only after application and hearing in accordance with the procedures contained in this Court’s Order Adopting Rules of Disciplinary Enforcement (filed 9/29/1980; copy available in clerk’s office), as amended from time to time.

A lawyer’s duty to each client is to represent that client zealously within the bounds of the law. In striving to fulfill thatduty,alawyermusteverbeconsciousofthebroaderdutyowedtothelegalsystemwhichisdesigned toresolve human and societal problems in a rational and logical manner.

A lawyer owes to the judiciary a duty of candor, honesty, diligence and utmost respect. A lawyer owes to opposing counsel a duty of courtesy, fairness, and cooperation.

A lawyer should strive to achieve higher standards of conduct than those called for by the Code of Professional Responsibility.

A lawyer owes to the administration of justice a duty of personal dignity and professional integrity.

In furtherance of these fundamental concepts, the following Guidelines for Professional Courtesy and Conduct are hereby adopted. These Guidelines are not intended nor should they be construed as establishing any minimum standards of professional care or competence. The sole purpose of adopting these Guidelines is to promote and foster the ideals of professional courtesy, conduct and cooperation set out above.

I.Courtesy, Civility, and Professionalism
1. A lawyer should treat the opponent, the opposing party, the court and the members of the court staff with

courtesy and civility, conducting business in a professional manner at all times.

2. A lawyer has not right, even when called upon by a client to do so, to abuse or to indulge in offensive conduct towards the opposite party. A lawyer should always treat adverse witnesses and parties with fairness and due consideration.

3. While in adversary proceedings, clients are litigants, and while ill feelings may exist between them, such ill feeling(s) should not influence a lawyer’s conduct, attitude, or demeanor towards opposing lawyers.

4. A lawyer should do all that is necessary to ensure that clients, the public, and other lawyers respect the judicial system. To this end, a lawyer should:

(a) Never knowingly misstate fact or law, regardless of any pressure to do so.
(b) Not engage in tactics that complicate or delay matters unnecessarily.
(c) Avoid creating unrealistic expectations of a client or the public.
(d) Avoid denigrating the legal profession, the court system or adversary counsel.

5. A lawyer should encourage methods and practices which simplify and make less expensive the rendering of legal services.

6. A lawyer should never institute or pursue a legal procedure solely for the lawyer’s own profit where there is no reasonable expectation that it will advance or contribute to the best interest of the client.

7. A lawyer should preserve and respect the law by observing all duties to the community and to the Profession. To this end, a lawyer should:

(a) Contribute time and expertise to those unable to otherwise afford representation of their interests.
(b) Participate in public service and public education activities through personal involvement and financial

contributions, and encourage fellow lawyers to do the same.
(c) Work to develop among lawyers a strong commitment to the ideals of integrity, honesty, competence, fairness,

independence, courage, and dedication to the public interest.
8. A lawyer should recognize the importance of communication with both clients and adversaries. A lawyer

should return all telephone calls and respond to all correspondence promptly.
9. A lawyer should never deceive the court or another lawyer.
10. A lawyer should honor promises or commitments made to another lawyer.
11. A lawyer should make every reasonable effort to cooperate with opposing counsel.
12. A lawyer should maintain a cordial and respectful relationship with opposing counsel.
13. A lawyer should seek sanctions against opposing counsel only where required for the protection of the client

or of the legal system and not for mere tactical advantage.

14. A lawyer should not make unfounded accusations of unethical conduct about opposing counsel.

15. A lawyer should never intentionally embarrass another lawyer and should avoid personal criticism of another lawyer.

16. A lawyer should always be punctual.

II.Professional Conduct in Litigation

1. A lawyer should respect the schedule and commitments of opposing counsel, clients and the courts, thereby promoting the efficient administration of justice and public confidence in our profession. To this end, a lawyer should:

(a) Consult opposing counsel, when practical, before scheduling hearings and depositions. (b) Avoid unnecessary continuances of trials, hearings or depositions.
(c) Immediately notify opposing counsel and the court of scheduling conflicts.

2. A lawyer should consult opposing counsel in an effort to resolve matters by agreement before filing motions or requesting hearings.

3. A lawyer should refrain from engaging in unnecessary, excessive or abusive discovery. Requests for production of documents should not be excessive or designed solely to place a burden on the opposing party.

4. A lawyer should comply fully with reasonable discovery requests and should not countenance obstructive or evasive tactics. To this end, a lawyer should:

(a) Exchange information voluntarily, when practical, without formal discovery requests.
(b) Upon request, produce all responsive documents, and produce them as they are kept in the ordinary course of

business or organize and label them to correspond with the categories in the request.
5. A lawyer should stipulate to matters where they are undisputed or where no genuine basis for objection exists.

6. A lawyer should always contact opposing counsel in an effort to resolve litigation. Since most cases are ultimately settled, initiating such discussions at the outset is recognition of reality, not a sign of weakness.

7. A lawyer should make reasonable efforts to conduct all discovery by agreement.

8. A lawyer should not use any form of discovery, or the scheduling of discovery, as a means of harassing opposing counsel or an opposing party.

9. A lawyer should, when practical, consult with opposing counsel before scheduling hearings and depositions in a good faith attempt to avoid scheduling conflicts.

10. A lawyer should avoid unnecessary delays. To this end, a lawyer should:
(a) Give notice of cancellation of depositions and hearings to the court and opposing counsel at the earliest possible

time.
(b) Submit any proposed order promptly to opposing counsel and attempt to reconcile any differences before

presenting it to the court.
(c) Respond promptly to any proposed order submitted by opposing counsel.

11. A lawyer drafting a proposed order should reflect in it clearly and accurately the ruling of the court and nothing more.

12. A lawyer should serve copies of all briefs upon opposing counsel at the time that they are filed with the court.

13. A lawyer should not take a default judgment without first giving reasonable notice to opposing counsel or to the opposing party if not represented by counsel of his intention to do so, and should agree to set aside such a default judgment when reasonable cause exists and his client upon his recommendation consents.

14. A lawyer should grant reasonable extensions of time to opposing counsel where such extensions will not have a material adverse effect on the rights of the client.

15. A lawyer should not attempt to obtain an advantage by informal communication with the court.

III.Professional Conduct in Business and Commercial Practice
1. A lawyer should determine the sophistication, goals and demands of the client before representing the client in

a transaction.
2. A lawyer should ascertain and respect the scope of the negotiating authority granted by the client.

3. A lawyer should be guided by the clients’ goal in completing a transaction. To this end, a lawyer should:

(a) Utilize terms which are clear, concise and practical in drafting documents.
(b) Not make an issue of matters of form when revising documents. Pride of authorship, when matters of

substance are not involved, only contributes to delay and cost in a transaction.
1. A lawyer should not seek tactical advantage by delaying negotiations until the last minute. To promote efficiency and fairness a lawyer should, whenever possible, treat the negotiation of a transaction and closing thereof as mutually exclusive activities.

2. A lawyer should not use the threat of legal proceedings or of the possible effect thereof as a means of obtaining anunjustifiedadvantageforaclient.

3. When a lawyer requires as part of a transaction an opinion letter from another lawyer, it should deal only withthe matters requested, any reservations being clearly stated.

1. **Texas**
	1. **Eastern District of Texas**
		1. <http://www.txed.uscourts.gov/page1.shtml?location=rules>

**Generally.** The standards of professional conduct adopted as part of the Rules Governing the State Bar of Texas shall serve as a guide governing the obligations and responsibilities of all attorneys appearing in this court. It is recognized, however, that no set of rules may be framed which will particularize all the duties of the attorney in the varying phases of litigation or in all the relations of professional life. Therefore, the attorney practicing in this court should be familiar with the duties and obligations imposed upon members of this bar by the Texas Disciplinary Rules of Professional Conduct, court decisions, statutes, and the usages customs and practices of this bar.

**LOCAL RULE AT-2 Attorney Discipline**

(a) **Generally.** The standards of professional conduct adopted as part of the Rules Governing the State Bar of Texas shall serve as a guide governing the obligations and responsibilities of all attorneys appearing in this court. It is recognized, however, that no set of rules may be framed which will particularize all the duties of the attorney in the varying phases of litigation or in all the relations of professional life. Therefore, the attorney practicing in this court should be familiar with the duties and obligations imposed upon members of this bar by the Texas Disciplinary Rules of Professional Conduct, court decisions, statutes, and the usages customs and practices of this bar.

(b) **Disciplinary Action Initiated in Other Courts.**

1. (1)  A member of the bar of this court shall automatically lose his or her membership if he or she loses, either temporarily or permanently, the right to practice law before any state or federal court for any reason other than nonpayment of dues, failure to meet continuing legal education requirements, or voluntary resignation unrelated to a disciplinary proceeding or problem.
2. (2)  When it is shown to the court that a member of its bar has been either disbarred or suspended, the clerk shall enter an order for the court, effective fourteen days after issuance unless sooner modified or stayed, disbarring or suspending the member from practice in this court upon terms and conditions identical to those set forth in the order of the other court.
3. (3)  A member of this bar who has lost the right to practice law before any state or federal court, either permanently or temporarily, must advise the clerk of that fact within thirty days of the effective date of the disciplinary action. The clerk will thereafter enter a reciprocal order effective in the courts of this district.  38

(c) **Conviction of a Crime.** A member of the bar of this court who is convicted of a felony offense in any state or federal court will be immediately and automatically suspended from practice and thereafter disbarred upon final conviction.

(d) **Disciplinary Action Initiated in this Court.**

(1) **Grounds for Disciplinary Action.** This court may, after an attorney has been given an opportunity to show cause to the contrary, take any appropriate disciplinary action against any attorney:

(A) for conduct unbecoming a member of the bar;

(B) for failure to comply with these local rules or any other rule or order of this court;

(C) for unethical behavior;

(D) for inability to conduct litigation properly; or

(E) because of conviction by any court of a misdemeanor offense involving dishonesty or false statement.

(2) **Disciplinary Procedures.**

(A)When it is shown to a judge of this court that an attorney has engaged in conduct which might warrant disciplinary action involving suspension or disbarment, the judge receiving the information shall bring the matter to the attention of the chief judge, who will poll the full court as to whether disciplinary proceedings should be held. If the court determines that further disciplinary proceedings are necessary, the disciplinary matter will be assigned to the chief judge, or a judge designated by the chief judge, who will notify the lawyer of the charges and give the lawyer opportunity to show good cause why he or she should not be suspended or disbarred. Upon the charged lawyer’s response to the order to show cause, and after a hearing before the chief judge or a judge designated by the chief judge, if requested, or upon expiration of the time prescribed for a response if no response is made, the chief judge or a judge designate by the chief judge, shall enter an appropriate order.

(B) At any hearing before the chief judge or a judge designated by the chief judge, the charged lawyer shall have the right to counsel and at least fourteen days’ notice of the time of the hearing and charges. Prosecution of the charges may be conducted by an attorney specially appointed by the court. Costs of the prosecutor and any fees allowed by the court shall be paid from the attorney admission fee fund.

(e) **Notification of Disciplinary Action.** Upon final disciplinary action by the court, the clerk shall send certified copies of the court’s order to the State Bar of Texas, the United States Court of Appeals for the Fifth Circuit, and the National Discipline Data Bank operated by the American Bar Association.

(f) **Reinstatement.** Any lawyer who is suspended by this court is automatically reinstated to practice at the end of the period of suspension, provided that the bar membership fee required

by LOCAL RULE AT-1(b)(3) has been paid. Any lawyer who is disbarred by this court may not apply for reinstatement for at least three years from the effective date of his or her disbarment. Petitions for reinstatement shall be sent to the clerk and assigned to the chief judge for a ruling. Petitions for reinstatement must include a full disclosure concerning the attorney’s loss of bar membership in this court and any subsequent felony convictions or disciplinary actions that may have occurred in other federal or state courts.

* 1. **Northern District of Texas**
		1. <http://www.txnd.uscourts.gov/civil-rules>

Eligibility for Admission. Any attorney licensed to practice law by the Supreme Court of Texas, or by the highest court of any state or the District of Columbia, may be admitted to the bar of this court if the attorney is of good personal and professional character and is a member in good standing of the bar where the attorney is licensed.

Unethical Behavior. The term “unethical behavior,” as used in this rule, means conduct undertaken in or related to a civil action in this court that violates the Texas Disciplinary Rules of Professional Conduct.

LR 83.8 Loss of Membership and Discipline of Attorneys.
(a) Loss of Membership. A member of the bar of this court is subject to suspension

or disbarment by the court under the following circumstances:

1. (1)  if for any reason other than nonpayment of dues, failure to meet continuing legal education requirements, or voluntary resignation unrelated to a disciplinary proceeding or problem, an attorney loses, either temporarily or permanently, the right to practice law before:
	1. (A)  the courts of the State of Texas;
	2. (B)  the highest court of any other state or the District of Columbia; or
	3. (C)  any federal court; or
2. (2)  if an attorney fails to maintain the right to practice law before the highest court of at least one state or the District of Columbia, unless the member’s failure to maintain such right results from nonpayment of dues or failure to meet continuing legal education requirements.

(b) Grounds for Disciplinary Action. A presiding judge, after giving opportunity to show cause to the contrary, may take any appropriate disciplinary action against a member of the bar for:

1. (1)  conduct unbecoming a member of the bar;
2. (2)  failure to comply with any rule or order of this court;
3. (3)  unethical behavior;
4. (4)  inability to conduct litigation properly;
5. (5)  conviction by any court of a felony or crime involving dishonesty or false statement; or

 (6) having been publicly or privately disciplined by any court, bar, court agency or committee.

(c) Appeal of Disciplinary Action [REPEALED]
(d) Reporting by Members. Any member of the bar of this court who has:

1. (1)  lost or relinquished, temporarily or permanently, the right to practice in any court of record;
2. (2)  been disciplined, publicly or privately, by any court, bar, court agency, or committee; or
3. (3)  been convicted of a felony or crime involving dishonesty or false statement,

shall promptly report such fact in writing to the clerk, supplying full details and copies of all pertinent documents reflecting, or explaining, such action.

(e) Unethical Behavior. The term “unethical behavior,” as used in this rule, means conduct undertaken in or related to a civil action in this court that violates the Texas Disciplinary Rules of Professional Conduct.

(f) Readmission. An attorney applying for readmission to the bar of this court must submit an application for readmission, together with the following materials:

1. (1)  a full disclosure concerning the attorney’s loss or relinquishment of membership in the bar of this court; and
2. (2)  all information required by subsection (d) of this rule concerning facts that occurred prior to the date of application for readmission.

(g) Appointment of Counsel. A presiding judge shall have the right to appoint any member of the court’s bar to assist in the handling of any proceeding contemplated by or resulting from this rule. An attorney appointed under this rule shall perform as requested unless relieved from doing so. An attorney desiring relief from appointment must move for such relief, which will be granted only upon a showing of good cause.

(h) Reciprocal Discipline.

i. A member of the bar who is subject to suspension or disbarment under LR 83.8(a) must be given written notice by the chief judge, or by a district judge designated by the chief judge, that the court intends to suspend or disbar the member. The notice must identify the ground for imposing reciprocal discipline and provide the member an opportunity to show cause, within the time prescribed by the notice, why the member should

LR 83.9

not be suspended or disbarred.

1. If the member does not respond to the notice, or responds but does not oppose reciprocal discipline, the chief judge or a designee district judge may enter an appropriate order after the prescribed time for a response expires or the response is received.
2. If the member responds and, in whole or in part, opposes reciprocal discipline, the chief judge, or a district judge designated by the chief judge, must designate three district judges to hear the matter. The decision of a majority of the three-judge panel concerning the appropriate discipline shall be the final ruling of this court.
	1. **Southern District of Texas**
		1. http://www.txs.uscourts.gov/district/rulesproc

16.4.J. ***Standards of Professional Conduct and Disqualification of ADR Providers.***

(1)

All providers are subject to disqualification pursuant to standards consistent with those set forth in 28 U.S.C. § 455 (1988). In addition, all ADR providers are required to comply with the State Bar of Texas Alternative Dispute Resolution Section’s Ethical Guidelines for Mediators, the Code of Ethics for Arbitrators in Commercial Disputes promulgated by the American Arbitration Association, and the American Bar Association and such other rules and guidelines as the Panel specifies. (Amended by General Order No. 2012-13, effective October 18, 2012).

Issues concerning potential ADR provider conflicts shall be raised with the judge presiding in the case relating to the ADR proceeding.

Rule 1. *Standards of Conduct*.

Lawyers who practice before this court are required to act as mature and responsible professionals, and the minimum standard of practice shall be the Texas Disciplinary Rules of Professional Conduct.

1. Violation of the Texas Disciplinary Rules of Professional Conduct shall be grounds for disciplinary action, but the court is not limited by that code.

Rule 2. *Conviction of Crime.*

1. A lawyer convicted of a felony or a misdemeanor involving moral turpitude or controlled substance shall promptly notify this court in writing and furnish to the clerk of court a certified copy of the judgment of conviction. A lawyer convicted of a felony shall immediately cease practicing before this court pending further action by the court.
2. After the court has notice that a lawyer practicing before it has a conviction described in Rule 2 (A), it will follow the due process procedure in these rules to determine whether discipline should be imposed on the lawyer.

Rule 3. *Discipline by Another Court.*

1. A lawyer disciplined by another court in the United States shall promptly notify this court in writing and furnish to the clerk of the court a certified copy of the order of discipline. A lawyer suspended or disbarred by another court in the United States shall immediately cease to practice before this court. A lawyer subjected to a reprimand may continue to practice, pending review by this court.
2. A final adjudication in another court that the lawyer has been guilty of an offense leading to the action referred to in Rule 3A shall establish conclusively the conduct for the purposes of proceeding in this court unless the lawyer requests a hearing and carries the burden of showing that such prior action lacked due process.

Rule 4. *Disbarment by Consent or Resignation in Other Courts.*A. A lawyer who is disbarred or suspended by consent or agreement or who resigns from

the bar of another court in the United States to avoid further discipline must advise this

USDC/SDTX Local Rules (2000)
Reprinted January 2014 25

court in writing and immediately cease to practice before this court. The lawyer shall furnish a certified copy of the disciplinary order or letter of resignation to the clerk.

B. Upon request by the lawyer, the court will follow the due process procedure in these rules to determine under what conditions the lawyer might continue to practice in this court.

Rule 5. *Charges of Misconduct Warranting Discipline.*

Charges that any lawyer of this bar has engaged in conduct which might warrant disciplinary action shall be brought to the attention of the court by a writing addressed to the chief judge with a copy to the clerk of court.

1. Upon receipt of a charge that is not frivolous, the chief judge shall order the clerk to file the charge and randomly assign it to a district judge for review to determine whether further disciplinary proceedings should be held. The reviewing judge shall notify the charged lawyer of the charges made and give that lawyer an opportunity to respond. If the charge is made by a bankruptcy judge or is one occurring in bankruptcy court, the clerk may assign the charge to a bankruptcy judge, who may serve as reviewing judge. The chief judge may elect to forego the review procedures of this paragraph if, in the judgment of the chief judge, the information provided to the chief judge with the charge is sufficiently clear to warrant further disciplinary proceedings of paragraph 5 (c), et seq.
2. After review, the judge will, by written report, recommend to the chief judge whether further disciplinary proceedings should be heard and the charges to be heard. If further proceedings are recommended, the chief judge shall order further hearings to be held before a district judge, who may have been the reviewing judge.
3. The hearing judge will give at least 14 days notice to the charged lawyer of the time of the hearing, the charges and the right to counsel at the hearing. The hearing shall be held on the record in open court as a miscellaneous proceeding. Rule 1101(d)(3), Federal Rules of Evidence applies, and all witnesses shall be sworn.
4. In the hearing of charges before the hearing judge, the prosecution shall be by an attorney specially appointed by the hearing judge. Costs of the prosecutor and fees allowed by the hearing judge may be paid from the Attorney Admissions Fund.
5. The hearing judge shall file his judgment, providing a copy to the chief judge and the lawyer. If the hearing judge determines that disciplinary action should be taken, the judge shall make findings of violations and order either permanent disbarment, a suspension, a written or oral reprimand and whether such should be public or private with such conditions as the judge may order.
6. The decision of the hearing judge is final, except that, within 14 days, the lawyer may appeal the judgment by filing a notice of appeal. A panel of three district judges of the

USDC/SDTX Local Rules (2000)
Reprinted January 2014 26

court, randomly assigned, will hear the appeal. The appeal shall be on the record developed at the hearing. Facts found by the hearing judge are not reviewable unless clearly erroneous. The law determined by the hearing judge is reviewable de novo. The decision of the panel is final. There is no en banc review. (Amended by General Order 2009-17, effective December 1, 2009).

H. If the membership in the Southern District Bar of the lawyer being disciplined was not current at the time of the court order imposing discipline, the order may include that the lawyer shall not reapply for admission except under such conditions as the court may impose.

Rule 6. *Reinstatement.*

1. A suspended or disbarred lawyer must apply to this court for reinstatement before resuming practice before this court. A lawyer who has been suspended may apply for reinstatement before or after the end of his term of suspension. The term of suspension includes all conditions and periods of suspension, including probated and inactive suspension. A lawyer who has been disbarred may apply for reinstatement but not before five years from the effective date of the disbarment.
2. All petitions for reinstatement shall be filed with the clerk of the court who will promptly refer the petition to the Attorney Admissions Committee for its recommendation on the petition to the chief judge. The chief judge may make the final decision of the court on the petition.
3. Petitions for reinstatement shall be accompanied by an advance cost deposit in an amount to be set by the court to cover anticipated costs of the proceeding.
4. No petition for reinstatement may be filed within one year following an adverse ruling on a previous petition.
	1. **Western District of Texas**
		1. <http://www.txwd.uscourts.gov/CourtInfo/SitePages/Rules.aspx>

Standards of Professional Conduct. Members of the bar of this court and any attorney permitted to practice before this court must comply with the standards of professional conduct set out in the Texas Disciplinary Rules of Professional Conduct, Texas Government Code, Title 2, Subtitle G, App. A, art. X, sec. 9 (Vernon) which are hereby adopted as the standards of professional conduct of this court. This specification is not exhaustive of the standards of professional conduct. For matters not covered by the Texas rules, the American Bar Association's Model Rules of Professional Conduct should be consulted.

District Disciplinary Committee. There is constituted a District Disciplinary Committee, which assists the district court and the bankruptcy court in investigating complaints about the qualification, conduct, and performance of members of their bar.

(1) Composition. The committee has 15 members. Those eligible for service on the committee are attorneys licensed to practice in this district and in good standing, and residing within the district. The committee should include civil, criminal, and bankruptcy practitioners. Five members must be residents of the Austin and Waco Divisions, five members must be residents of the San Antonio and Del Rio Divisions, and five members must be residents of the El Paso, Midland-Odessa and Pecos Divisions. The members are appointed by the active judges resident in, or responsible for, those divisions. The chair and vice-chair are designated by the chief judge of the district.

(2) Terms. Membership terms should be staggered so that one third of the members' terms expire each year. The term is 3 years, unless a shorter period is required to achieve staggered terms. The terms of members and the chair may be renewed one or more times.

(c) Grounds for Referral to the District Disciplinary Committee. An attorney may be referred by any Magistrate Judge, Bankruptcy Judge or District Judge to the District Disciplinary Committee for appropriate review, investigation, and recommendation if there is reason to believe that the attorney:

(1) has been convicted of a felony offense or a crime involving dishonesty or false statement in any state or federal court;

(2) had his or her license to practice law in any jurisdiction suspended, revoked, or otherwise limited by any appropriate disciplinary authority;

1. (3)  resigned his or her license to practice law in any state or any federal court;
2. (4)  has engaged in conduct that violates the Texas Disciplinary Rules of

Professional Conduct;

* (5)  fails to comply with any rule or order issued by a judge of this court;
* (6)  presents an impediment to the orderly administration of justice or the integrity

of the court; or

 (7) represents a client in such a manner as to raise a serious question concerning the quality of the attorney's professional performance.

(d) Discipline Imposed by a Judge Presiding. Notwithstanding any other provision of these rules, any judge, including a bankruptcy judge or a magistrate judge, has inherent authority to discipline an attorney who appears before him or her. However, any judge contemplating disbarring an attorney or preventing an attorney from practicing district-wide will refer the attorney to the District Disciplinary Committee. If a judge believes emergency circumstances exist that require the immediate suspension of an attorney, that judge may request that all active district judges immediately consider the matter. Upon a majority vote of the active district judges, an attorney may immediately be suspended from practicing in the district pending a report and recommendation from the District Disciplinary Committee. If a bankruptcy judge believes emergency circumstances exist that requires the immediate suspension of an attorney, that bankruptcy judge may request that all active district and bankruptcy judges immediately consider the matter. Upon a majority vote of the active district and bankruptcy judges, an attorney may immediately be suspended from practicing in the district pending a report and recommendation from the District Disciplinary Committee.

(e) Self-Reporting by Attorneys. A member of the bar of this court must promptly report in writing to the clerk, with full details and copies of pertinent documents, if any of the following occur:

(1) the attorney is convicted of a felony or a crime involving dishonesty or false statement;

(2) the attorney loses or relinquishes, temporarily or permanently, the right to practice in any court of record (other than voluntarily relinquishment, not under any disciplinary order or threat of discipline); or

(3) the attorney is disciplined, publicly or privately, by any bar, court, court agency, or court committee.

(f) Procedure upon a Referral.

(1) Notice. Promptly upon receipt of a referral, the chair of the District Disciplinary Committee must inform the subject attorney in writing of the nature of the referral and the attorney's obligations under this rule.

(2) Answer. Within 14 days after receiving notice of a referral under this rule, the attorney must respond in writing to the committee chair. The respondent attorney must admit or deny each claim asserted, and state concisely any defense to a claim.

(3) Screening. The chair will assign the referral along with the respondent's response to a screening subcommittee. The subcommittee consists of one or more members of the full committee designated by the chair who reside in the same region as the referred attorney (e.g., Austin/Waco; San Antonio/Del Rio; West Texas). At least one member of the screening subcommittee must be an attorney who practices in the same area as the referred

attorney (e.g., civil, criminal or bankruptcy). The subcommittee will conduct such preliminary inquiry it deems appropriate and may request the respondent to meet with it informally to provide an explanation. After this screening, if the subcommittee determines no further investigation is required and no discipline should be imposed, it will so inform the committee chair. The chair will then inform the chief judge and the respondent of the recommendation.

(4) Assignment to a Panel. If the screening subcommittee determines that the matter may warrant disciplinary action, it will inform the committee chair. The chair will then designate a panel and assign the matter to it. The panel must include three or more members of the full committee who reside in the same region as the respondent (e.g., Austin/Waco; San Antonio/Del Rio; West Texas). At least one member of the panel must be an attorney who practices in the same area as the referred attorney (e.g. civil, criminal or bankruptcy). Members of the initial screening subcommittee may serve as members of the panel. The chair will notify the respondent in writing of this assignment and what matters will be investigated.

(5) Investigation. No earlier than 10 days after notice to the respondent of the assignment, the panel will conduct such investigation it deems appropriate including questioning witnesses and holding a hearing with the respondent present. Full cooperation with any committee investigation is an obligation of any member of the bar of this court.

(6) Panel Report and Recommendation. After investigation the panel will render a report and recommendation as to whether the respondent committed any violation and what disciplinary action, if any, should be imposed. Absent good cause shown by the chair of the District Disciplinary Committee, the court expects that a report and recommendation will be completed within 6 months after the referral. The chair will send the complete report and recommendation to the chief judge and a summary of the report and recommendation to the respondent.

(7) Objections to Report and Recommendation. Within 14 days after receipt of the summary report and recommendation, the respondent may submit objections to it, seek revisions, and suggest alternatives to the recommendation. The panel, after considering the response, may modify, amend, revoke, or adhere to its original recommendation and will so inform the committee chair. The chair will then send a copy of the final report and recommendation to the chief judge and a summary final report and recommendation to the respondent.

(g) Determination by a District Judge. Within 7 days after receipt of the summary final report and recommendation, the respondent may contest any recommendation by written submission to the chief judge. Whether contested or not, the chief judge will assign the matter to a district judge for determination. The judge may conduct a hearing, and may appoint any member of the court's bar to assist in the hearing. The judge's decision as to whether disciplinary action is warranted, and what sanction to impose, is a final ruling of the court.

(h) Confidentiality. All papers pertaining to a matter referred to the committee must be kept confidential, except as otherwise provided above, unless the respondent requests in writing that the papers be opened to the public.

 (i) Referral to Other Disciplinary Authority. The chief judge may forward a copy of the committee's records and any court action regarding an attorney to the appropriate disciplinary authority of any bar or court that authorizes the attorney to practice law.

1. **Utah**
	1. **District of Utah**
		1. <http://www.utd.uscourts.gov/documents/rulepage.html>

**Rules of Professional Conduct and Standards of Professionalism and Civility.**

All attorneys practicing before this court, whether admitted as members of the bar of this court, admitted pro hac vice, or otherwise as ordered by this court, are governed by and must comply with the rules of practice adopted by this court, and unless otherwise provided by these rules, with the Utah Rules of Professional Conduct, as revised and amended and as interpreted by this court. The court adopts the Utah Standards of Professionalism and Civility to guide attorney conduct in cases and proceedings in this court.

**DUCivR 83-1.5.1 ATTORNEYS - DISCIPLINARY ACTIONS - GENERAL PROVISIONS**

1. **(a)  Standards of Professional Conduct.**

All attorneys practicing before this court, either as members of the bar of this court by Pro Hac Vice admission, must comply with the rules of practice adopted by this court and with the Utah Rules of Professional Conduct as revised, amended, and interpreted by this court.

1. **(b)  Grounds for Discipline.**

Any attorney who appears in this court or is a member of the bar of the court is subject to the disciplinary jurisdiction of the court. Disciplinary proceedings may be initiated in this court against an attorney who has been:

* 1. (1)  disciplined by the Utah State Bar, the Tenth Circuit Court of Appeals, or other

jurisdictions;

* 1. (2)  convicted of a serious crime, which includes, without limitation, any felony or

any misdemeanor which reflects adversely on the attorney’s honesty,

trustworthiness or fitness as an attorney;

* 1. (3)  referred for discipline by a judicial officer of the court;
	2. (4)  the subject of an attorney misconduct complaint; or
	3. (5)  otherwise charged with violation of an ethical or professional standard of conduct.
1. **(c)  Disciplinary Panel.**

The Chief Judge will designate three judges as the Disciplinary Panel (Panel) for the court. The Panel members may be active or senior district judges, magistrate judges, or bankruptcy court judges. The Chief Judge will designate one Panel member as Panel Chair. If a Panel member must recuse from a disciplinary matter, the remaining members have authority to proceed without the participation of that judge, and one of them will act as Panel Chair. Further, the Chief Judge may appoint a judge to act as a pro tem member of the Panel.

1. **(d)  Disciplinary Committee.**

The Panel must appoint five members of the court’s bar to serve as a Committee on the Conduct of Attorneys and must designate one member to serve as Chair. The members

69

will serve staggered three-year terms and may be reappointed. Members will not be

compensated but may be reimbursed for incidental expenses.

1. **(e)  Clerk of Court.**

The clerk will receive attorney discipline complaints and referrals and maintain them in confidential files. If a public disciplinary order is entered, the clerk will transmit the notice thereof to any bar association to which the attorney may belong and to the American Bar Association’s National Discipline Data Bank.

1. **(f)  Confidentiality.**

If an attorney has been publicly disciplined by another jurisdiction or convicted of a serious crime as defined in (b) (2), the discipline file will be a public record. The file of other disciplinary matters will remain confidential until the Panel orders the file or parts of the file to be publicly available. All suspension and disbarment orders, including interim suspension orders, shall be distributed to the judges of the court by the clerk of court.

1. **(g)  Waiver and Consent.**

Any attorney who is the subject of an ongoing disciplinary action may file a waiver with the clerk and consent to have discipline entered. An attorney may also, with the approval of the Panel, resign his or her membership in the bar of the court.

1. **(h)  Interim Suspension.**

The Panel may order interim suspension of an attorney who has been convicted of a serious crime or is suspended or disbarred from the Utah State Bar or other jurisdictions pending final adjudication of disciplinary proceedings in this court. In disciplinary matters originating with a judicial referral or private complaint, the Panel may suspend the attorney during the disciplinary process if the attorney’s ability to practice in the interim may pose a substantial threat of irreparable harm to the public.

1. **(i)  Reinstatement from Interim Suspension.**

Any attorney under interim suspension for having been convicted of a serious crime as defined in (b) (2) may apply to the Panel for reinstatement upon the filing of a certificate demonstrating that the conviction has been reversed. This reinstatement will not, in and by itself, terminate the pending disciplinary proceeding.

70

**(j) Participant Immunity.**

Participants in disciplinary proceedings under these rules shall be entitled to the same protections for statements made in the course of the proceedings as participants in judicial proceedings. Committee members, neutral hearing examiner, investigators and attorneys who prosecute complaints shall be immune from suit for conduct committed in the course of their official duties including those undertaken in the investigatory stage. There is no immunity from civil suit for intentional misconduct.

**DUCivR 83-1.5.2 RECIPROCAL DISCIPLINE**

1. **(a)  Notice to the Court.**

Any member of the bar of this court who has been disciplined by another jurisdiction must notify the clerk of that discipline by sending a copy of the disciplinary order to the clerk. The clerk may also receive notice of disciplinary action from the disciplining jurisdiction. The clerk will assign the matter a disciplinary case number, review the order, review the attorney’s membership status with the court, and transmit the matter to the Panel Chair for review and action pursuant to section (b) of this rule.

Pursuant to the provisions of DUCiv R 83-1.1 (b)(1) the Chair of the Disciplinary Panel will enter an automatic order of disbarment or suspension upon receipt of notice of an order disbarring or suspending an attorney from the Utah State Bar. The attorney may challenge the discipline by filing a motion and demonstrating good cause as to why the suspension or disbarment should not be imposed in this court.

1. **(b)  Procedure.**

In cases in which the discipline is imposed by another jurisdiction, the Panel Chair will issue an order to show cause why reciprocal discipline should not be imposed by this court. The clerk must serve the order to show cause on the attorney by certified mail, return receipt requested, to the attorney at the last known address as found in the court’s records. The attorney will have twenty (20) days to respond.

71

At the conclusion of the response period for the order to show cause, the Panel will review any response received from the attorney. The Panel may then

1. (1)  impose different or no discipline;
2. (2)  impose reciprocal discipline;
3. (3)  refer the matter to the Committee for review and recommendations; or
4. (4)  set the matter for hearing before a neutral hearing examiner, a judicial officer

designated by the Chief Judge upon recommendation by the Panel, or before the

Panel itself.

Similar discipline will be imposed unless the attorney clearly demonstrates or the Panel finds that the other jurisdiction’s procedure constituted a deprivation of due process, the evidence establishing the misconduct warrants different discipline, or the imposition of discipline would result in a grave injustice.

**DUCivR 83-1.5.3 CRIMINAL CONVICTION DISCIPLINE**

1. **(a)  Notice to the Court.**

Any member of the bar of this court must notify the clerk of any conviction of a serious crime as defined by DUCivR 83-1.5.1 (b) (2). The clerk may also receive notice of conviction from other sources. The clerk will assign the matter a disciplinary case number, review the conviction, review the attorney’s membership status, and transmit the matter to the Panel Chair for review and action pursuant to section (b) of this rule.

1. **(b)  Procedure.**

The Panel Chair will issue an order to show cause why discipline should not be imposed by this court and a notice that the attorney will be subject to interim suspension under DUCivR 83-1.5.1 (h). The clerk must serve the order to show cause and notice of suspension on the attorney by certified mail, return receipt requested, to the attorney at the last known address as found in the court’s records. The attorney will have twenty (20) days to respond to the order to show cause.

At the conclusion of the response period for the order to show cause, the Panel shall review any response received from the attorney. The Panel may then

(1) impose no discipline;

1. (2)  impose discipline;
2. (3)  refer the matter to the Committee for review and recommendations; or
3. (4)  set the matter for hearing before the Panel, a neutral hearing examiner or a

judicial officer designated by the Chief Judge upon recommendation by the Panel.

**(c) Sanctions.**

The Panel may impose sanctions which include but are not limited to

1. (1)  disbarment;
2. (2)  suspension;
3. (3)  imposition of conditions for continuing to practice law in this jurisdiction;
4. (4)  mandatory continuing legal education;
5. (5)  public reprimand;
6. (6)  private reprimand; or
7. (7)  other discipline as deemed appropriate.

**DUCivR 83-1.5.4 REFERRAL BY A JUDICIAL OFFICER**

1. **(a)  Referral.**

A judicial officer may make a referral in writing to the Panel recommending that an attorney be subject to discipline. The referral must be forwarded to the clerk who will assign a disciplinary case number and refer the matter to the Panel chair for review and action pursuant to section (b) of this rule.

1. **(b)  Procedure.**

The Panel Chair must review the referral with other Panel members. With the concurrence of the Panel members, the Panel Chair must issue an order to show cause why discipline should not be imposed by this court. The clerk will serve the judicial referral and order to show cause on the attorney by certified mail, return receipt requested, to the attorney at the last known address as found in the court’s records. The attorney will have twenty (20) days to respond.
At the conclusion of the response period for the order to show cause, the Panel will review any response received from the attorney. The Panel may then

(1) dismiss the referral;

1. (2)  impose discipline;
2. (3)  refer the matter to the Committee for review and recommendations; or
3. (4)  set the matter for hearing before the Panel, a neutral hearing examiner or a

judicial officer designated by the Chief Judge upon recommendation by the Panel.

**(c) Sanctions.**

The Panel may impose sanctions which include but are not limited to

1. (1)  disbarment;
2. (2)  suspension;
3. (3)  imposition of conditions for continuing to practice law in this jurisdiction;
4. (4)  mandatory continuing legal education;
5. (5)  public reprimand;
6. (6)  private reprimand; or
7. (7)  other discipline as deemed appropriate.

**DUCivR 83-1.5.5 ATTORNEY MISCONDUCT COMPLAINT**

1. **(a)  Complaint.**

Any person with a complaint based upon conduct directly related to practice in this court against an attorney who is either a member of the bar of this court or has been admitted to practice Pro Hac Vice, must sign and submit the complaint in writing and under oath. The complaint must be in the form prescribed by the court and available from the clerk. The clerk will review the complaint, review the attorney’s membership status, and transmit the matter to the Panel Chair for review and action pursuant to section (b) of this rule.

1. **(b)  Procedure.**

The Panel will review the complaint and determine whether the complaint should be served or should be dismissed as frivolous or for asserting a claim which is not disciplinary in nature. If the complaint is dismissed, the complainant will be informed by mail. The Panel must issue an order to show cause for other complaints. The clerk will serve the complaint and order to show cause on the attorney by certified mail, return

receipt requested, to the attorney at the last known address as found in the court’s records. The attorney will have twenty (20) days to respond.
At the conclusion of the response period for the order to show cause, the Panel must review any response received from the attorney. The Panel may then:

1. (1)  dismiss the complaint;
2. (2)  impose discipline;
3. (3)  refer the matter to the Committee for review and recommendations; or
4. (4)  set the matter for hearing before the Panel, neutral hearing examiner or a judge

designated by the Chief Judge upon recommendation by the Panel.

**(c) Sanctions.**

The Panel may impose sanctions which include but are not limited to

1. (1)  disbarment;
2. (2)  suspension;
3. (3)  imposition of conditions for continuing to practice law in this jurisdiction;
4. (4)  mandatory continuing legal education;
5. (5)  public reprimand;
6. (6)  private reprimand; or
7. (7)  other discipline as deemed appropriate.

**DUCivR 83-1.5.6 COMMITTEE ON THE CONDUCT OF ATTORNEYS**

**(a)**

**(b)**

**Procedure.**

The Committee Chair will review the original complaint or referral and the response of the attorney. The Chair may then refer the matter to one or more Committee members to investigate and prepare a recommendation to the Committee as a whole.

**Investigation.**

The Committee may request further information from the clerk concerning court records. In addition, the Committee or one or more members of the Committee may contact the complaining party and/or the attorney for further information and can interview persons with information regarding the alleged misconduct.

**(c) Report and Recommendation.**

The Committee must review the recommendation of the investigating member(s) and prepare a report and recommendation to the Panel which may contain recommendations for possible sanctions or for dismissal. The report and recommendation will contain the factual basis for the misconduct allegation and the response of the attorney and other information which has been considered by the Committee. A majority of Committee members must sign the report and recommendation. A member or members of the Committee in the minority may file a dissenting report. The Committee Chair will transmit the report and recommendation and any dissenting reports to the clerk who will serve the attorney and the complaining party, and will also transmit a copy of the report and recommendation and any dissenting report to the Panel. The attorney may file objections to the report and recommendation within ten (10) days of the date of service.

**(d) Recommendation for Evidentiary Hearing.**

If the Committee finds that the facts underlying the complaint or referral are in dispute, or that there are questions of law about the application of the ethical standards to the conduct alleged, the Committee may include a recommendation that the matter be referred by the Panel for an evidentiary hearing.

**DUCivR 83-1.5.7 EVIDENTIARY HEARING**

1. **(a)  Appointment of Hearing Examiner.**

If the Panel determines that the matter will be best resolved by appointment of a neutral hearing examiner to conduct an evidentiary hearing, the Panel will select a member of the court’s bar to conduct the hearing.

1. **(b)  Appointment of a Judicial Officer.**

If the Panel determines that the matter will be best resolved by the appointment of a judicial officer to conduct a hearing, the Panel will consult with the Chief Judge who will appoint a judicial officer to conduct the hearing.

1. **(c)  Appointment of Prosecutor.**

The panel may appoint a member of the Committee or another attorney to prosecute the complaint at the hearing.

1. **(d)  Panel Hearing.**

The Panel may, in an appropriate case, conduct the hearing sitting as a three-judge panel. If the Panel conducts the hearing, the Panel will issue a final order at the conclusion of the hearing.

1. **(e)  Hearing Process.**

All hearings will be recorded verbatim by electronic or non-electronic means. The examiner or judicial officer may issue subpoenas for witnesses, production of documents, or other tangible things. Testimony will be taken under oath. Disciplinary proceedings are administrative rather than judicial in nature. Accordingly, the Federal Rules of Evidence will not be applicable in the evidentiary hearing unless otherwise ordered by the hearing examiner or appointed judicial officer. Evidentiary rules that are commonly accepted in administrative hearings will apply. The burden of establishing the charges of misconduct will rest with the prosecutor, who must prove the misconduct by a preponderance of the evidence.

1. **(f)  Report and Recommendation.**

After the hearing has been concluded, the examiner or judicial officer shall prepare a report including findings of fact and conclusions of law with a recommendation regarding the imposition of sanctions to the clerk who will serve it on the attorney and the complainant and transmit it to the Panel. The attorney may file objections to the report and recommendation within ten (10) days of the date of service. The Panel will enter the final order.

1. **(g)  Fees and Costs.**

The Panel may authorize payment of attorney’s fees and expenses to an investigator or prosecutor or to an appointed hearing examiner. The Panel may tax the costs of disciplinary proceedings under these rules to the attorney subject to discipline or the attorney petitioning for reinstatement. All costs and reimbursements will be deposited in the Court’s Bar Fund. Other expenses of disciplinary proceeds may be paid by the clerk from the Court’s Bar Fund when approved by the Panel or Chief Judge.

**DUCivR 83-1.5.8 REINSTATEMENT**

1. **(a)  Reinstatement from Reciprocal Discipline Matters.**

Reinstatement in this court is not automatic upon reinstatement in the court which initially imposed the discipline. An attorney who has been disciplined under DUCivR 83-1.5.2 may petition the court for reinstatement after having been reinstated by the initial disciplining jurisdiction.

1. **(b)  Reinstatement from Other Disciplinary Orders.**

An attorney who has been suspended by this court for a period of less than three months must be reinstated upon notification to the clerk that the suspension period is complete. An attorney who has been suspended for a period longer than three months must file a petition for reinstatement and may not practice until the petition has been reviewed and approved by the Panel. An attorney who has been disbarred may not petition for reinstatement until five years after the effective date of the disbarment.

1. **(c)  Contents of the Petition.**

An attorney seeking reinstatement must demonstrate to the Panel that the conditions for reinstatement have been fully satisfied and that the resumption of the attorney’s practice will not be detrimental to the integrity of the bar of this court, the interests of justice, or the public.

1. **(d)  Procedure.**

The Panel will review petitions for reinstatement. If the Panel needs further information, it may refer the petition to the Committee for further investigation. The Committee will proceed as provided in DUCivR 83-1.5.6.

1. **Vermont**
	1. **District of Vermont**
		1. <http://www.vtd.uscourts.gov/court-info/local-rules-and-orders>
2. **Virginia**
	1. **Eastern District of Virginia**
		1. <http://www.vaed.uscourts.gov/localrules/index.html>

**Professional Ethics:** The ethical standards relating to the practice of law in civil cases in this Court shall be Section II of Part Six of the Rules of the Virginia Supreme Court as it may be amended or superseded from time to time.

**FRDE RULE I**

**ATTORNEYS CONVICTED OF CRIMES**

1. Upon the filing with this Court of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before the Court has been convicted in any Court of the United States, or the District of Columbia, or of any state, territory, commonwealth or possession of the United States of a serious crime as hereinafter defined, the Court shall enter an order immediately suspending that attorney, whether the conviction resulted from a plea of guilty, or nolo contendere or from a verdict after trial or otherwise, and regardless of the pendency of any appeal, until final disposition of a disciplinary proceeding to be commenced upon such conviction. A copy of such order shall immediately be served upon the attorney. Upon good cause shown, the Court may set aside such order when it appears in the interest of justice to do so.
2. The term "serious crime" shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt or a conspiracy or solicitation of any other to commit a "serious crime."
3. A certified copy of a judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.
4. Upon the filing of a certified copy of a judgment of conviction of an attorney for a serious crime, the Court shall, in addition to suspending that attorney in accordance with the provisions of this Rule, also refer the matter to counsel for the institution of a disciplinary proceeding before the Court in which the sole issue to be determined shall be the extent of the final discipline to be imposed as a result of the conduct resulting in the conviction, provided that a disciplinary proceeding so instituted will not be brought to final hearing until all appeals from the conviction are concluded. This Rule shall not be applicable if the attorney has surrendered his license to practice law and has submitted a letter to the Clerk withdrawing his or her name from the Roll of Attorneys.
5. Upon the filing of a certified copy of a judgment of conviction of an attorney for a crime not constituting a "serious crime," the Court may refer the matter to counsel for whatever action counsel may deem warranted, including the institution of a disciplinary proceeding before the Court; provided, however, that the Court may in its discretion make no references with respect to convictions for minor offenses.
6. An attorney suspended under the provisions of this Rule will be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed but the reinstatement will not terminate any disciplinary proceeding then pending against the attorney, the disposition of which shall be determined by the Court on the basis of all

available evidence pertaining to both guilt and the extent of discipline to be imposed.

**FRDE RULE II**

**DISCIPLINE IMPOSED BY OTHER COURTS**

1. Any attorney admitted to practice before this Court shall, upon being subjected to public discipline by any other court of the United States or the District of Columbia, or by a Court of any state, territory, commonwealth or possession of the United States, promptly inform the Clerk of this Court of such action.
2. Upon the filing of a certified or exemplified copy of a judgment or order demonstrating that an attorney admitted to practice before this Court has been disciplined by another Court, this Court shall forthwith issue a notice directed to the attorney containing:
	1. A copy of the judgment or order from the other Court; and
	2. An order to show cause directing that the attorney inform this Court within 30 days after service of that order upon the attorney, personally or by mail, of any claim by the attorney predicated upon the grounds set forth in (D) hereof that the imposition of the identical discipline by the Court would be unwarranted and the reasons therefor.
3. In the event the discipline imposed in the other jurisdiction has been stayed there, any reciprocal discipline imposed in this Court shall be deferred until such stay expires.
4. Upon the expiration of 30 days from service of the notice issued pursuant to the provisions of (B) above, this Court shall impose the identical discipline unless the respondent-attorney demonstrates, or this Court finds, that upon the face of the record upon which the discipline in another jurisdiction is predicated it clearly appears:
	1. That the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
	2. That there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this Court could not, consistent with its duty, accept as final the conclusion on that subject; or
	3. That the imposition of the same discipline by this Court would result in grave injustice; or
	4. That the misconduct established is deemed by this Court to warrant substantially different discipline.

Where this Court determines that any of said elements exist, it shall enter such other order as it deems appropriate.

1. In all other respects, a final adjudication in another Court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding

in the Court of the United States.
F. This Court may at any stage appoint counsel to prosecute the disciplinary proceedings.

**FRDE RULE III**

**DISBARMENT ON CONSENT OR RESIGNATION IN OTHER COURTS**

1. Any attorney admitted to practice before this Court who shall be disbarred on consent or resign from the bar of any other Court of the United States or the District of Columbia, or from the Bar of any state, territory, commonwealth or possession of the United States while an investigation into allegations of misconduct is pending, shall, upon the filing with this Court of a certified or exemplified copy of the judgment or order accepting such disbarment on consent or resignation, cease to be permitted to practice before this Court and be stricken from the roll of attorneys admitted to practice before this Court.
2. Any attorney admitted to practice before this Court shall, upon being disbarred on consent or resigning from the bar of any other Court of the United States or the District of Columbia, or from the Bar of any state, territory, commonwealth or possession of the United States while an investigation into allegations of misconduct is pending, promptly inform the Clerk of this Court of such disbarment on consent or resignation.

**FRDE RULE IV**

**STANDARDS OF PROFESSIONAL CONDUCT**

1. For misconduct defined in these Rules, and for good cause shown, and after notice and opportunity to be heard, any attorney admitted to practice before this Court may be disbarred, suspended from practice before this Court, reprimanded or subjected to other disciplinary action as the circumstances may warrant.
2. Acts or omissions by an attorney admitted to practice before this Court, individually or in concert with any other person or persons, which violate the Virginia Rules of Professional Conduct adopted by this Court shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of any attorney-client relationship. The Rules of Professional Conduct adopted by this Court are the Rules of Professional Conduct adopted by the highest Court of the state in which this Court sits, as amended from time to time by that state Court, except as otherwise provided by specific Rule of this Court after consideration of comments by representatives of bar associations within the state.

**FRDE RULE V**

**DISCIPLINARY PROCEEDINGS**

When misconduct or allegations of misconduct which, as substantiated, would warrant discipline on the part of an attorney admitted to practice before this Court shall come to the attention of a judge of this Court, whether by complaint or otherwise, and the applicable procedure is not otherwise mandated by these Rules, the judge shall refer the matter to counsel for investigation and the prosecution of a formal disciplinary proceeding or the formulation of such other recommendation as may be appropriate.

1. Should counsel conclude after investigation and review that a formal disciplinary proceeding should not be initiated against the respondent-attorney because sufficient evidence is not present, or because there is pending another proceeding against the respondent-attorney, the disposition of which in the judgment of the counsel should be awaited before further action by this Court is considered, or for any other valid reason, counsel shall file with the Court a recommendation for disposition of the matter, whether by dismissal, admonition, deferral, or otherwise setting forth the reasons therefor.
2. To initiate formal disciplinary proceedings, counsel shall obtain an order of this Court upon a showing of probable cause requiring the respondent-attorney to show cause within 30 days after service of that order upon that attorney, personally or by mail, why the attorney should not be disciplined.
3. Upon the respondent-attorney's answer to the order to show cause, if any issue of fact is raised or the respondent-attorney wishes to be heard in mitigation, this Court shall set the matter for prompt hearing before one or more judges of this Court, provided however that if the disciplinary proceeding is predicated upon the complaint of a Judge of this Court the hearing shall be conducted before a panel of three other judges of this Court appointed by the chief judge, or, if there are less than three judges eligible to serve or the chief judge is the complainant, by the Chief Judge of the Court of Appeals for this Circuit.

**FRDE RULE VI**

**DISBARMENT ON CONSENT WHILE UNDER DISCIPLINARY INVESTIGATION OR PROSECUTION**

1. Any attorney admitted to practice before this Court who is the subject of an investigation into, or a pending proceeding involving, allegations of misconduct may consent to disbarment, but only by delivering to this Court an affidavit stating that the attorney desires to consent to disbarment and that:
	1. the attorney's consent is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of so consenting;
	2. the attorney is aware that there is a presently pending investigation or proceeding involving allegations that there exist grounds for the attorney's discipline, the nature of which the attorney shall specifically set forth;
	3. the attorney acknowledges that the material facts so alleged are true; and
	4. the attorney so consents because the attorney knows that if charges were predicated upon the matters under investigation, or if the proceeding were prosecuted, the attorney could not successfully defend himself or herself.
2. Upon receipt of the required affidavit, this Court shall enter an order disbarring the attorney.

C. The order disbarring the attorney on consent shall be a matter of public record. However, the affidavit required under the provisions of this Rule shall not be publicly disclosed or made available for use in any other proceeding except upon order of this Court.

**FRDE RULE VII**

**REINSTATEMENT**

1. **After Disbarment or Suspension.** An attorney suspended for three months or less shall be automatically reinstated at the end of the period of suspension upon the filing with the Court of an affidavit of compliance with the provisions of the order. An attorney suspended for more than three months or disbarred may not resume practice until reinstated by order of this Court.
2. **Time of Application Following Disbarment.** A person who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment.
3. **Hearing on Application.** Petitions for reinstatement by a disbarred or suspended attorney under this Rule shall be filed with the chief judge of this Court. Upon receipt of the petition, the chief judge shall promptly refer the petition to counsel and shall assign the matter for prompt hearing before one or more judges of this Court, provided however that if the disciplinary proceeding was predicated upon the complaint of a judge of this Court the hearing shall be conducted before a panel of three other judges of this Court appointed by the chief judge, or, if there are less than three judges eligible to serve or the chief judge was the complainant, by the chief judge of the Court of Appeals for this Circuit. The judge or judges assigned to the matter shall within 30 days after referral schedule a hearing at which the petitioner shall have the burden of demonstrating by clear and convincing evidence that he has the moral qualifications, competency and learning in the law required for admission to practice law before this Court and that his resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or subversive of the public interest.
4. **Duty of Counsel.** In all proceedings upon a petition for reinstatement, cross-examination of the witnesses of the respondent-attorney and the submission of evidence, if any, in opposition to the petition shall be conducted by counsel.
5. **Deposit for Costs of Proceeding.** Petitions for reinstatement under this Rule shall be accompanied by an advance cost deposit in an amount to be set from time to time by the Court to cover anticipated costs of the reinstatement proceeding.
6. **Conditions of Reinstatement.** If the petitioner is found unfit to resume the practice of law, the petition shall be dismissed. If the petitioner is found fit to resume the practice of law, the judgment shall reinstate him, provided that the judgment may make reinstatement conditional upon the payment of all or part of the costs of the proceedings, and upon the making of partial or complete restitution to parties harmed by the petitioner whose conduct led to the suspension or disbarment. Provided further, that if the petitioner has been suspended or disbarred for five years or more, reinstatement may be conditioned, in the discretion of the judge or judges before whom the matter is heard, upon the furnishing of proof of competency and learning in the law, which proof may include certification by the bar examiners of a state or other jurisdiction of the attorney's successful completion of an examination for admission to practice subsequent to the

97

date of suspension or disbarment.

G. **Successive Petitions.** No petition for reinstatement under this Rule shall be filed within one year following an adverse judgment upon a petition for reinstatement filed by or on behalf of the same person.

**FRDE RULE VIII**

**ATTORNEYS SPECIALLY ADMITTED**

Whenever an attorney applies to be admitted or is admitted to this Court for purposes of a particular proceeding (pro hac vice), the attorney shall be deemed thereby to have conferred disciplinary jurisdiction upon this Court for any alleged misconduct of that attorney arising in the course of or in the preparation for such proceeding.

**FRDE RULE IX**

**SERVICE OF PAPERS AND OTHER NOTICES**

Service of an order to show cause instituting a formal disciplinary proceeding shall be made by personal service or by registered or certified mail addressed to the respondent-attorney at the last address of record. Service of any other papers or notices required by these Rules shall be deemed to have been made if such paper or notice is addressed to the respondent-attorney at the last address of record; or to counsel or the respondent's attorney at the address indicated in the most recent pleading or other document filed by them in the course of any proceeding.

**FRDE RULE X**

**APPOINTMENT OF COUNSEL**

Whenever counsel is to be appointed pursuant to these Rules to investigate allegations of misconduct or prosecute disciplinary proceedings or in conjunction with a reinstatement petition filed by a disciplinary agency of the highest Court of the state wherein the Court sits, or the attorney maintains his or her principal office in the case of the Courts of appeal, or other disciplinary agency having jurisdiction, this Court shall appoint as counsel one or more members of the Bar of this Court to investigate allegations of misconduct or to prosecute disciplinary proceedings under these rules, provided, however, that the respondent-attorney may move to disqualify an attorney so appointed who is or has been engaged as an adversary of the respondent-attorney in any matter. Counsel, once appointed, may not resign unless permission to do so is given by this Court.

**FRDE RULE XI**

**DUTIES OF THE CLERK**

A. Upon being informed that an attorney admitted to practice before this Court has been convicted of any crime, the Clerk of this Court shall determine whether the Clerk of the Court in which such conviction occurred has forwarded a certificate of such conviction to this Court. If a certificate has not been so forwarded, the Clerk of this Court shall promptly obtain a certificate and file it with this Court.

98

1. Upon being informed that an attorney admitted to practice before this Court has been subjected to discipline by another Court, the Clerk of this Court shall determine whether a certified or exemplified copy of the disciplinary judgment or order has been filed with this Court, and, if not, the Clerk shall promptly obtain a certified copy or exemplified copy of the disciplinary judgment or order and file it with this Court.
2. Whenever it appears that any person convicted of any crime or disbarred or suspended or censured or disbarred on consent by this Court is admitted to practice law in any other jurisdiction or before any other Court, the Clerk of this Court shall, within ten days of that conviction, disbarment, suspension, censure, or disbarment on consent, transmit to the disciplinary authority in such other jurisdiction, or for such other Court, a certificate of the conviction or a certified or exemplified copy of the judgment or order of disbarment, suspension, censure, or disbarment on consent, as well as the last known office and residence addresses of the defendant or respondent.
3. The Clerk of this Court shall, likewise, promptly notify the National Discipline Data Bank operated by the American Bar Association of any order imposing public discipline upon any attorney admitted to practice before this Court.
	1. **Western District of Virginia**
		1. http://www.vawd.uscourts.gov/court-information/local-rules-standing-orders.aspx

Could not find professional standards of conduct

Discipline. All attorneys admitted to practice before this Court or admitted for the purpose of a particular proceeding are admitted subject to the disciplinary rules, conditions, and procedures set forth in this Court’s Rules of Disciplinary Enforcement.

1. **Washington**
	1. **Eastern District of Washington**
		1. <http://www.waed.uscourts.gov/court-info/local-rules-and-orders/general-orders>

**LR 83.3 ATTORNEY DISCIPLINE**

**(a) Conduct Subject to Discipline**

This Court may impose discipline on any attorney practicing before this Court, whether or not a member of the bar of this Court, who engages in conduct violating applicable Rules of Professional Conduct of the Washington State Bar, or who fails to comply with rules or orders of this Court. The discipline may consist of disbarment, suspension, reprimand, or any other action that the Court deems appropriate and just.

**(b) Initiation of Disciplinary Proceedings**

Where a district, magistrate, or bankruptcy judge of this district believes that conduct of an attorney may warrant disbarment, suspension, or a reprimand by the Court, as opposed to the imposition of sanctions, such judge may recommend the initiation of disciplinary proceedings by issuing a written recommendation for the initiation of disciplinary proceedings to the chief judge of this district. The chief judge of this district, or the most senior active district judge if the chief judge is the judge recommending such action, shall review the recommendation to determine if reasonable grounds exist for the initiation of disciplinary proceedings. If the chief judge determines that disciplinary proceedings should be initiated, the chief judge shall issue an order to show cause under this rule that identifies the basis for possible discipline.

**(c) Reciprocal Discipline**

An attorney who is a member of the bar of this Court shall provide the clerk of this Court with a copy of any order or other official notification that the attorney has been subjected to disbarment or suspension in any other jurisdiction or has resigned from another bar during the pendency of discipline proceedings. When this Court learns that a member of the bar of this Court has been disbarred or suspended from the practice of law by any court or resigns during the pendency of disciplinary proceedings, the clerk of this Court shall issue an order to show cause why the attorney should not be disbarred or suspended from practice in this Court. The attorney would be required to show one of the following: that he/she was deprived of due process, there is insufficient proof of misconduct, or a grave injustice would result from imposition of the proposed discipline.

 **(d) Response**

An attorney against whom an order to show cause is issued shall have 28 days from the date of the order in which to file a response. The attorney may include in the response a request for a hearing on briefs, or for an in-person or telephonic hearing. The failure to include a request for a hearing will be deemed a waiver of any right to a hearing. The failure to file a timely response may result in the imposition of discipline by the chief judge of this district, or his or her district judge designee, without further notice.

**(e) Hearing on Disciplinary Charges**

If requested by the attorney, and if the hearing judge, in his or her sole discretion, determines that an in-person hearing is warranted, an in-person hearing shall be conducted on the disciplinary charges on the record. If the hearing judge determines that an in-person hearing is not warranted or required, the matter shall be determined by the hearing judge on the record submitted to him or her. The chief district judge, or if the chief district judge is the judge recommending the disciplinary action or is unavailable, the most senior active judge of the district, shall randomly refer the matter to an individual active or senior district judge, including the chief judge, or to a magistrate judge, other than the judge recommending the action, for a report and recommendation. The attorney may be represented by counsel who shall file a notice of appearance with the designated judge and with any attorney appointed by the Court to prosecute the matter. In appropriate cases, the chief district judge of this district, or if the chief district judge is the complaining judge, the most senior active district judge, may appoint an attorney to prosecute charges of misconduct and shall provide notice of that appointment to the attorney and his counsel, if any.

**(f) Report and Recommendation**

If the matter is referred to a judicial officer, that judicial officer shall prepare a report and recommendation. The report and recommendation shall be served on the attorney, and the attorney shall have 21 days from the date of the report and recommendation within which to file a response. Where the attorney files a response to the report and recommendation, the report and recommenda- tion, together with the response, shall be presented to a panel of three active or senior district judges of this district, other than the complaining judge. The final order in a disciplinary proceeding where a response has been filed by the attorney, shall be by the three-judge panel. In the absence of a response by the attorney, to the report and recommendation, the final order shall be by the chief district judge, or his or her designee district judge.

Any three-judge panel shall be composed of the chief district judge, if not the complaining judge, and two other active or senior district judges, randomly drawn. If the chief district judge is the complaining judge or is unavailable, the third member of the judicial panel shall also be randomly drawn. The chief district judge, or in his or her absence, the most senior active district judge on the panel, shall preside. In its discretion, the panel may call for further submittals or an in-person or telephonic hearing.

**(g) Reinstatement**

A suspended or disbarred attorney may file a petition for reinstatement with the clerk of this Court. The petition shall contain a concise statement of the circumstances of the disciplinary proceedings, the discipline imposed by this Court, and the grounds that justify reinstatement of the attorney. That petition shall be referred to a judicial officer and, if requested by the applicant after the report and recommendation, to a three-judge panel as provided above. The chief district judge shall thereafter rule on the petition, absent a request by the attorney for a three-judge panel.

**(h) Confidentiality**

All proceedings under this rule shall be public, except upon an order for good cause shown that confidentiality is appropriate to protect the privacy of the persons involved.

**(i) Sanctions**

(1) Attorneys are expected to advise the Clerk promptly when a case is settled. Whenever any civil action scheduled for jury trial is settled or otherwise disposed of in advance of the actual trial, then, except for good cause shown, juror costs, including Marshal's fees, mileage and per diem, shall be assessed equally against the parties and/or their counsel, or otherwise assessed as directed by the Court, unless the Clerk's Office is notified at least one full business day prior to the day on which the action is scheduled for trial in time to advise the jurors that it will not be necessary for them to attend. In addition to the foregoing, any attorney who fails to give the Clerk such prompt advice may be subject to such sanctions as the Court deems appropriate.

(2) Failure of an attorney for any party or any party acting pro se to appear at a hearing, trial or conference, or to complete the necessary preparations therefor or to meet and confer as provided by these rules, or to appear or be

75 LR 83.3

prepared for any proceeding on the date assigned, shall be grounds for imposition of appropriate sanctions.

(3) The violation of or failure to conform to any of the Local Rules of this Court shall subject the offending party and/or his attorney, at the discretion of the Court, to appropriate discipline, including the imposition of sanctions, attorney fees and costs as the Court may deem proper under the circumstances.

(4) Nothing in this rule shall limit the power of an individual judge to impose sanctions as authorized under other existing authority.

(5) This rule does not restrict the judges of this district from referring a matter to any bar association for disciplinary action.

* 1. **Western District of Washington**
		1. <http://www.wawd.uscourts.gov/local-rules-and-orders>

**(a) Standards of Professional Conduct**

In order to maintain the effective administration of justice and the integrity of the court, attorneys appearing in this district shall be familiar with and comply with the following materials ("Materials"): (1) The local rules of this district, including the local rules that address attorney conduct and discipline; (2) The Washington Rules of Professional Conduct (the "RPC"), as promulgated, amended, and interpreted by the Washington State Supreme Court, unless such amendments or additions are specifically disapproved by the court, and the decisions of any court applicable thereto; (3) The Federal Rules of Civil and Criminal Procedure; (4) The General Orders of the court. In applying and construing these Materials, the court may also consider the published decisions and formal and informal ethics opinions of the Washington State Bar Association, the Model Rules of Professional Conduct of the American Bar Association and Ethics Opinions issued pursuant to those Model Rules, and the decisional law of the state and federal courts.

**(c) Attorney Discipline**

(1) *Jurisdiction*. Any attorney admitted to practice before this court, admitted for a particular proceeding and/or who appears before this court is subject to the disciplinary jurisdiction of this court.

(2) *Powers of an Individual Judge to Deal with Contempt or Other Misconduct Not Affected*. Nothing contained in this Rule shall be construed to limit or deny the court the powers necessary to maintain control over proceedings before it, including the contempt powers. Nothing contained in this Rule precludes the court from imposing sanctions for violations of the Local Rules, the Federal Rules of Civil and Criminal Procedure, or other applicable statutes and rules.

(3) *Grounds for Discipline*. An attorney may be subject to disciplinary action for any of the following:

(A) violations of the Standards of Professional Conduct stated in subsection (a) above;

(B) disbarment, suspension, sanctions or other attorney discipline imposed by any federal or state court, bar association or other governing authority of any state, territory, possession, or the District of Columbia, or any other governing authority or administrative body which regulates the practice of attorneys;

(C) conviction of any felony or a misdemeanor involving dishonesty or corruption, including, but not limited to, those matters listed in Rule7.1(a)(2)(B)-(c) of the Washington Rules of Enforcement of Lawyer Conduct ("ELC");

(D) misrepresentation or concealment of a material fact made in an application for admission to the Bar of this court or in a pro hac vice or reinstatement application;

(E) violation of this court's Oath of Attorney.
(4) *Types of Discipline*. Discipline may consist of one or more of the following:

(A) disbarment from the practice of law before this court.
(B) suspension from the practice of law before this court for a specified period;

(C) interim suspension from the practice of law before this court, defined as the temporary suspension of a lawyer from the practice of law pending imposition of final discipline. Examples of situations in which the court will consider interim suspension include:

(i) suspension upon conviction of a serious crime;

(ii) suspension when the lawyer's continuing conduct is likely to cause immediate and serious injury to a client or the public; or

(iii) inability to practice.

(D) reprimand, defined as a form of public discipline which declares the conduct of the lawyer improper, but does not limit the lawyer's right to practice before this court;

(E) admonition, defined as a form of non-public discipline which declares the conduct of the lawyer improper, but does not limit the lawyer's right to practice before this court;

(F) The following types of discipline may be imposed alone or in conjunction with other types of discipline. If imposed alone or in conjunction with a reprimand, these other types of discipline need not be made public by the court:

(i) probation, with or without conditions;
(ii) restitution;
(iii) fines and/or assessment of costs; and
(iv) referral to another appropriate disciplinary authority.

Any discipline imposed may be subject to specific conditions, which may include, but are not limited to, continuing legal education requirements, counseling and/or supervision of practice.

(5) *Discipline Initiated by the Court*.
(A) Authority of the Court. The court has the inherent authority to govern the

conduct of attorneys practicing law before it.

(B) Initiation of a Grievance. A United States District Court Judge, Bankruptcy Judge, or Magistrate Judge may present to the Chief Judge a written grievance alleging that an attorney has violated any of the standards of conduct specified in this Rule and recommending the imposition of discipline against that attorney. The Chief Judge shall review the grievance and determine whether the grievance should be dismissed or pursued further.

If the Chief Judge determines that the grievance should be pursued, he or she may refer it to another judge who shall review the record and evaluate the evidence. If the Chief Judge initiates the grievance, he or she must refer it to another judge. If, at any time during the evaluation of a grievance, the Chief Judge or the assigned judge determines that the grievance would be more appropriately addressed by the Washington State Bar Association or other governing authority or administrative body which governs the practice of attorneys, the Chief Judge and the judge who referred the grievance may refer the matter to another authority or dismiss the grievance.

(C) Notice and Hearing.

(i) If, after reviewing the record, the assigned judge determines that the matter should not be pursued, he or she will inform the Chief Judge. If the assigned judge concludes that a disciplinary proceeding should be conducted, he or she will issue an order to show cause to the respondent attorney explaining the alleged misconduct and inviting the attorney to show cause why he or she should not be disciplined. The notice shall be sufficiently clear and specific to inform the respondent attorney of the alleged misconduct. The order to show must also state that the failure to file a timely response may be deemed

acquiescence to the imposition of discipline. The order to show cause shall be e-mailed and mailed to the attorney at the last known addresses the attorney provided to the court.

(ii) The attorney will be afforded at least thirty days to present any objections and show cause why discipline should not be imposed, and the order to show cause must include the deadline.

(iii) The attorney may request a hearing and choose to be represented by counsel at his or her own expense. There is no right to court appointed counsel or to a jury at the disciplinary proceeding.

(iv) During the hearing, if one is requested, or in the attorney’s response to the order to show cause, the respondent attorney may submit any evidence or statements to rebut the grievance. The court may impose disciplinary sanctions only after the respondent attorney is afforded the opportunity to present evidence and argument in rebuttal and/or mitigation.

(v) If the attorney fails to file a timely response to the order to show cause, the assigned judge will review the record and determine whether the imposition of discipline is warranted.

(D) Confidentiality. During the pendency of the disciplinary proceedings, the allegations and other records of the proceeding will remain confidential and will not be made a part of the public record.

(E) Recommendation to the Chief Judge. Within a reasonable time after the hearing, if one has been requested, or after receiving the attorney’s response to the order to show cause, the assigned judge shall make findings of fact and conclusions of law and recommend the disciplinary action, if any, to be taken. The assigned judge will transmit his or her findings of fact and conclusions of law, recommendation, and the record to the Chief Judge.

(F) Imposition of Discipline. The Chief Judge will review the documents transmitted by the assigned judge under subparagraph (E) and determine whether discipline should be imposed and if so, the appropriate discipline. If the Chief Judge initiated the grievance, then the matter shall be referred to the judge who is next in seniority for review and a determination. The appropriate disciplinary sanction to be imposed is within the court's discretion. However, in determining the proper disciplinary sanction, the court may refer to the American Bar Association Standards for Imposing Lawyer Sanctions. In addition, the court may, in its discretion, use as a guide any federal or state case law the court deems helpful.

(6) *Reciprocal Discipline*.

(A) For purposes of this section, "discipline by any other jurisdiction" refers to discipline imposed by any federal or state court, bar association or other governing authority of any state, territory, possession, or the District of Columbia, or any other

governing authority or administrative body which regulates the practice of attorneys.

(B) For purposes of this section, "discipline by any other jurisdiction" refers only to suspension, disbarment or other disciplinary action which temporarily or permanently deprives an attorney of the right to practice law.

(C) Upon receipt of a copy of an order or other official notification that he or she has been subjected to discipline by any other jurisdiction, an attorney who is also subject to the disciplinary jurisdiction of this court shall provide the Clerk of Court with a copy of such disciplinary letter, notice or order.

(D) Any attorney subject to the disciplinary jurisdiction of this court who resigns from the Bar of any other jurisdiction while disciplinary proceedings are pending against the attorney in that jurisdiction shall promptly notify the Clerk of Court of such resignation.

(E) Upon receipt of reliable information that an attorney subject to the disciplinary jurisdiction of this court has been subjected to discipline by any other jurisdiction, or has resigned from the Bar of any other jurisdiction while an investigation or proceeding for discipline was pending, the Chief Judge, or other district judge who may be assigned to the matter, may issue an Order to Show Cause why reciprocal discipline should not be imposed by this court. The Order to Show Cause shall contain:

(i) a reference to the order or other official notification from the other jurisdiction;

(ii) an order directing the attorney to show cause within 30 days why reciprocal discipline should not be imposed by this court;

(iii) an order directing that if the attorney chooses to respond to the order and to contest the imposition of reciprocal discipline, he or she must produce a certified copy of the entire record from the other jurisdiction or persuade the court that less than the entire record will suffice;

(iv) notification that failure by the attorney to file a timely response to the Order to Show Cause may be deemed to be acquiescence to reciprocal discipline.

(F) If the attorney files a response stating that he or she does not contest the imposition of reciprocal discipline from this court, or if the attorney does not respond to the Order to Show Cause within the time specified, then the court may issue an order of reciprocal discipline. In fashioning the sanction to be imposed, the court may be guided by the discipline imposed by the other jurisdiction. The order imposing reciprocal discipline shall be issued by the Chief Judge or other district judge who may be assigned to the matter.

(G) If the attorney files a written response to the Order to Show Cause within the time specified, stating that he or she contests the entry of an order of reciprocal discipline, then the Chief Judge, or other district judge who may be assigned, shall determine whether an order of reciprocal discipline shall be entered. The judge shall impose an order of reciprocal discipline, unless the attorney demonstrates by clear and convincing evidence that one or more of the following elements appear from the record on which the original discipline is predicated;

(i) the procedure in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;

(ii) there was such an infirmity of proof establishing the misconduct as to give rise to a clear conviction that the court should not accept as final the other jurisdiction's conclusion(s) on that subject;

(iii) the imposition of like discipline would result in a grave injustice; or

(iv) other substantial reasons exist so as to justify not accepting the other jurisdiction's conclusion(s).

(7) *Discipline Based Upon a Criminal Conviction*.

(A) Any attorney subject to the disciplinary jurisdiction of this court shall promptly notify the Clerk of Court of the attorney's conviction of any felony or a misdemeanor involving dishonesty or corruption, including, but not limited to, those matters listed in Rule 7.1(a)(2)(B)-(c) of the ELC (hereafter, "crime" or "criminal conviction").

(B) Upon receipt of reliable proof that an attorney has been convicted of any of those matters identified in paragraph A above, the court shall enter an order of interim suspension, suspending the attorney from engaging in the practice of law in this court pending further order. Upon good cause shown, the court may set aside such suspension where it appears to be in the interest of justice to do so.

(C) The court shall forthwith issue an order to the subject attorney directing the attorney to show cause why the conviction or the facts underlying the conviction do not affect the attorney's fitness to practice law and why the attorney should not be subject to discipline based upon the conviction. The Order to Show Cause shall contain:

(i) a copy of or a reference to the notification to the court that the attorney has been convicted of a crime;

(ii) an order directing the attorney to show cause within 30 days why the criminal conviction or underlying facts do not affect the attorney's fitness to practice law, and why discipline should not be imposed by this court;

(iii) notification that failure by the attorney to file a timely response to the Order to Show Cause may be deemed acquiescence to discipline based upon the criminal conviction.

(D) If the attorney files a response stating that he or she does not contest the imposition of discipline by this court based upon the criminal conviction, or if the attorney does not respond to the Order to Show Cause within the time specified, then the court may issue an order of discipline.

(E) If the attorney files a written response to the Order to Show Cause within the time specified, stating that the criminal conviction or its underlying facts do not affect the attorney's fitness to practice law or stating that he or she contests the entry of an order of discipline, then the court shall determine whether discipline should be imposed.

(F) The discipline to be imposed shall be within the court's discretion. The court may consider the underlying facts of the criminal conviction, the sentence imposed on the attorney, the gravity of the criminal offense, whether the crime involved dishonesty or corruption, the effect of the crime on the attorney's ability and fitness to practice law, and any other element the court deems relevant to its determination.

(G) Upon the court's receipt of reliable proof demonstrating that the underlying criminal conviction has been reversed or vacated, any suspension order entered under subparagraph (7)(B) and any other discipline imposed solely as a result of the conviction may be vacated.

(8) *Disciplinary Orders and Notices*.
(A) Any order of discipline, except for non-public forms of discipline, as stated in

subparagraph (4)(E)-(F) herein, shall be a public record.

(B) The court shall cause copies of all orders and notices of discipline, except for an admonition, to be given to the Clerk of Court, the Clerk of the United States District Court for the Eastern District of Washington, the Clerk of the United States Bankruptcy Court for the Western District of Washington, the Clerk of the United States Court of Appeals for the Ninth Circuit, the Washington State Bar Association, and the appropriate disciplinary bodies in the jurisdictions in which the court knows the disciplined attorney is admitted to practice.

(9) *Reinstatement*.
(A) No attorney who has been suspended or disbarred from practice before this

court may resume practice before the court until reinstated by order of the court.

(B) Any attorney who has been suspended or disbarred from practice before this court may not apply for reinstatement until the expiration of such period of time as the court shall have specified in the order of suspension or disbarment.

(C) Any attorney who has been disbarred or suspended from practice pursuant to the provisions of subparagraph (6) (reciprocal discipline) may apply for reinstatement based upon a change of the attorney's status in the jurisdiction whose imposition of discipline upon the attorney was the basis for the imposition of reciprocal discipline by the court.

(D) Any attorney whose admission to practice before this court was suspended or revoked pursuant to LCR 83.3(b) may apply for reinstatement if the attorney becomes eligible again under LCR 83.1.

(E) Petitions for reinstatement shall be filed with the Clerk of Court, who will transmit the petition to the Chief Judge. The petition must include a copy of this court’s prior order of suspension or disbarment, a copy of an order of reinstatement from another jurisdiction if the petitioner is seeking reinstatement based on such an order, and a concise statement of facts claimed to justify reinstatement. Petitioners for reinstatement after disbarment must also file a Petition for Admission to Practice before this court and pay the applicable fee.

Upon receipt of a petition for reinstatement, the Chief Judge shall consider the matter or refer it to another designated judge. The petitioner shall have the burden of demonstrating that he or she is qualified and able to practice law before this court and that the circumstances that led to the suspension or disbarment have changed. After consideration, the court shall enter an appropriate order.

(F) Expenses incurred in the investigation and proceedings for reinstatement may be assessed by the court against the petitioning attorney, regardless of the outcome of the proceedings.

1. **West Virginia**
	1. **Northern District of West Virginia**
		1. [**http://www.wvnd.uscourts.gov**](http://www.wvnd.uscourts.gov)

**LR Gen P 84.01. Ethical Considerations.**

In all appearances, actions and proceedings within the jurisdiction of this Court, attorneys shall conduct themselves in accordance with the Rules of Professional Conduct and the Standards of Professional Conduct adopted by the Supreme Court of Appeals of West Virginia, and the Model Rules of Professional Conduct published by the American Bar Association, and shall be subject to the statutes, rules and orders applicable to the procedures and practice of law in this Court. These rules provide minimum standards for the conduct of attorneys and the Court encourages attorneys to conform their conduct to the highest ethical standards. Judges and others serving in a judicial capacity are expected to comply with the Code of Conduct for United States Judges adopted by the Judicial Conference of the United States. Judiciary employees of this Court shall comply with the Code of Conduct for Judicial Employees, also adopted by the Judicial Conference.

No discipline section

* 1. **Southern District of West Virginia**
		1. <http://www.wvsd.uscourts.gov/court-info/local-rules-and-orders/local-rules>

**LR Civ P 83.7. Codes of Professional Conduct**

In all appearances, actions and proceedings within the jurisdiction of this court, attorneys shall conduct themselves in accordance with the Rules of Professional Conduct and the Standards of Professional Conduct promulgated and adopted by the Supreme Court of Appeals of West Virginia, and the Model Rules of Professional Conduct published by the American Bar Association. Judicial officers of this court must comply with the Code of Conduct for United States Judges adopted by the Judicial Conference of the United States; judiciary employees of this court must comply with the Code of Conduct for Judicial Employees, also adopted by the Judicial Conference.

No discipline section

1. **Wisconsin**
	1. **Eastern District of Wisconsin**
		1. <http://www.wied.uscourts.gov/local-rules-and-orders>

Attorneys practicing before this Court are subject to the Wisconsin Rules of Professional Conduct for Attorneys, as such may be adopted from time to time by the Wisconsin Supreme Court and except as may be modified by this Court. After notice and opportunity to be heard, any attorney who violates those standards of conduct may be barred from practice before this Court, suspended from practice for a definite time, reprimanded, or subjected to such other discipline as the Court may deem proper.

d) Discipline.

(1) Attorneys practicing before this Court are subject to the Wisconsin Rules of Professional Conduct for Attorneys, as such may be adopted from time to time by the Wisconsin Supreme Court and except as may be modified by this Court. After notice and opportunity to be heard, any attorney who

violates those standards of conduct may be barred from practice before this Court, suspended from practice for a definite time, reprimanded, or subjected to such other discipline as the Court may deem proper.

(2) Notwithstanding the provisions of General L. R. 83(d)(1), upon learning that any attorney admitted to practice in this Court has been disbarred or suspended from practice (other than for the nonpayment of dues) by the highest court of any state in which the attorney is licensed, this Court may suspend the attorney from practice before this Court. The Clerk of Court must mail a notice of suspension and a copy of this rule to the attorney. Upon request, the attorney must be afforded a reinstatement hearing within 30 days from the date the request is received by the Court. Any attorney admitted to practice or appearing before this Court who is disbarred or suspended in any jurisdiction must promptly report the matter to this Court.

(3) The Court, in its discretion, may report any allegation of unethical conduct to the appropriate authority regulating the practice of law in any jurisdiction in which the attorney has been admitted to practice law.

* 1. **Western District of Wisconsin**
		1. <http://www.wiwd.uscourts.gov/local-rules-and-administrative-orders>

Reciprocal Discipline

1. When another jurisdiction enters an order of discipline against an attorney

admitted to practice in this court, the same discipline is automatically effective in this court without further action by the court.

1. Within 45 days after the effective date of the order of discipline, the attorney may apply to the chief judge for modification or vacation of the discipline in this court.

No professional rules of conduct

1. **Wyoming**
	1. **District of Wyoming**
		1. <http://www.wyd.uscourts.gov/htmlpages/localrules.html>

(a) Standards of Attorney Conduct.

In addition to the Rules of Professional Conduct and Fed. R. Civ. P. 11, the following standards of conduct shall be observed by all attorneys participating in civil actions in this District. (1) Attorneys shall at all times exercise professional integrity, candor, diligence and utmost respect to the legal system, judiciary, litigants and other attorneys. (2) Attorneys shall extend to opposing counsel cooperation and courteous behavior at all times and shall not arbitrarily or unreasonably withhold consent to opposing counsel's reasonable requests for cooperation or scheduling accommodations. (3) Attorneys shall treat each other, the opposing party, the Court and members of the court staff with courtesy and civility, and conduct themselves in a professional manner at all times. (4) A client has no right to demand that attorneys abuse the opposite party or indulge in offensive conduct. An attorney shall always treat adverse witnesses and suitors with professionalism, fairness and due consideration. (5) Attorneys shall be punctual in communications and in honoring scheduled appearances (including court appearances).

Rule 84.4 ATTORNEY MISCONDUCT AND DISCIPLINARY PROCEEDINGS

(a) Disciplinary Action for Misconduct.

For misconduct defined in these Rules, and for good cause shown, and after notice and opportunity to be heard, any attorney admitted to practice before this Court may be disbarred, suspended from practice before this Court, reprimanded or subjected to such other disciplinary action as the circumstances may warrant.

(b) Definition of Misconduct.

Acts or omissions by an attorney admitted to practice before this Court, individually or in concert with any other person or persons, which violate the Rules of Professional Conduct adopted by this Court shall constitute misconduct and shall be grounds for discipline. This Court shall apply the Rules of Professional Conduct for Attorneys at Law, as they have been adopted by the Wyoming Supreme Court.

(c) Definition of Serious Crime**.**

As used under Rule 84.4-81.13, the term “serious crime” shall include any felony and any lesser crime, a necessary element of which, as determined by the statutory or common law definitions of such crime in the jurisdiction where the judgment was entered, involved false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt, or a conspiracy or solicitation of another to commit a "serious crime."

(d) Definition of Disciplinary Counsel.

The term “disciplinary counsel” as used under Rule 84.4-84.13, or whenever “disciplinary counsel” is to be appointed to investigate allegations of misconduct or prosecute disciplinary proceedings, or in conjunction with a reinstatement petition filed by a disciplined attorney, shall refer to disciplinary counsel for the Wyoming State Bar or the designee of the Wyoming State Bar assigned to conduct disciplinary actions on its behalf. If counsel for the Wyoming State Bar declines or refuses to serve as disciplinary counsel or such appointment is clearly inappropriate, this Court shall appoint as disciplinary counsel one or more members of the Bar of this Court to investigate allegations of misconduct or to prosecute disciplinary proceedings under these Rules. The respondent-attorney may move to disqualify disciplinary counsel if he or she is engaged as an adversary of the respondent-attorney in any matter. Disciplinary counsel, once appointed, may not resign unless permission to do so is given by this Court.

(e) Confidentiality.

Proceedings under Rule 84.4-84.13 shall be confidential, except that any opinion and order entered by the Court disbarring, suspending, or imposing other discipline upon an attorney shall be placed on the public record unless otherwise ordered by the Court.

Rule 84.4 79 March 4, 2014

Rule 84.5 ALLEGATIONS OF MISCONDUCT

(a) Referral to Disciplinary Counsel for Investigation.

When misconduct or allegations of misconduct, if substantiated, would warrant discipline of an attorney admitted to practice before this Court and no procedure is otherwise mandated by these Rules, the judge involved shall refer the matter to disciplinary counsel for investigation and prosecution of a formal disciplinary proceeding or the formulation of other appropriate recommendation.

(b) Formal Disciplinary Proceeding Not Initiated.

If disciplinary counsel concludes, after investigation and review, that a formal disciplinary proceeding should not be initiated against the respondent-attorney because sufficient evidence is not present, or because there is pending another proceeding against the respondent- attorney, the disposition of which should be awaited before further action by this Court is considered, or for any other valid reason, disciplinary counsel shall file with the Court a recommendation for disposition of the matter whether by dismissal, admonition, deferral or otherwise, setting forth the reasons therefor. A copy of this recommendation shall be served upon respondent-attorney.

(c) Formal Disciplinary Proceedings.

To initiate formal disciplinary proceedings, disciplinary counsel shall seek an order of this Court requiring the respondent-attorney to show cause, within thirty (30) days after service thereof, on that attorney, why he or she should not be disciplined. The Order to Show Cause shall include the form for certification as set forth in Appendix C.

(d) Answer to Order to Show Cause.

Upon the respondent-attorney's answer to the Order to Show Cause, if any issue of fact is raised or the respondent-attorney wishes to be heard in mitigation, the issuing judge shall set the matter for prompt hearing before one or more judges of this Court. If the disciplinary proceeding is predicated upon the complaint of a judge of this Court, the hearing shall be conducted before another judge (active or senior active) appointed by the Chief Judge, or, if the Chief Judge is the complainant, then by another active judge of this Court. Unless the Chief Judge is the complainant, he or she is not precluded by these Rules from appointing himself or herself to conduct the mitigation hearing. The respondent-attorney shall execute and file with the answer the certification as forth in Appendix C.

Rule 84.5 80 March 4, 2014

Rule 84.6 CRIMINAL CONVICTIONS

(a) Order of Suspension.

Upon the filing with the Court of a certified copy of a judgment establishing that any attorney admitted to practice before the Court has been convicted of a serious crime as defined in Rules 84.4-84.13 in any Court of the United States, or the District of Columbia, or of any state, territory, commonwealth or possession of the United States, the Court may enter an order immediately suspending, or otherwise limiting the practice of that attorney, whether the conviction resulted from a plea of guilty or nolo contendere or from a verdict after trial, and regardless of the pendency of any appeal. Such order shall direct the attorney to show cause within thirty (30) days why disbarment before this Court or some lesser punishment should not be imposed. A copy of the order shall immediately be served upon the attorney.

(b) Copy of Judgment to be Conclusive Evidence.

A certified copy of a judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.

(c) Referral for Disciplinary Proceeding.

In the event the Court suspends an attorney in accordance with the provisions of subsection (a), the Court shall refer the matter to disciplinary counsel for the institution of a disciplinary proceeding before the Court in which the sole issue to be determined is the extent of the final discipline to be imposed, provided that a disciplinary proceeding will not be brought to final hearing until all appeals from the conviction are concluded.

(d) Referral by Court to Disciplinary Counsel.

Upon the filing of a certified copy of a judgment of conviction of an attorney for a crime not constituting a "serious crime," the Court may refer the matter to disciplinary counsel for whatever action disciplinary counsel may deem warranted, including the institution of a disciplinary proceeding before the Court. However the Court may, in its discretion, take no action with respect to convictions for minor offenses.

(e) Reinstatement.

An attorney suspended, or otherwise limited in his or her practice, under the provisions of this Rule shall be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed. The reinstatement shall not terminate any disciplinary proceeding then pending against the attorney, the disposition of which shall be determined by the Court on the basis of all available evidence pertaining to both guilt and the extent of discipline to be imposed.

Rule 84.6 81 March 4, 2014

Rule 84.7 DISCIPLINE IMPOSED BY OTHER COURTS

(a) Duty to Disclose.

Any attorney admitted to practice before this Court shall, upon being subjected to public discipline by any other Court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth or possession of the United States, promptly inform the Clerk of this Court of such action.

(b) Notification of Attorney.

Upon the filing of a judgment or order demonstrating that an attorney admitted to practice before this Court has been disciplined by another court, this Court may forthwith issue a notice directed to the attorney containing:

1. (1)  a copy of the judgment or order from the other court;
2. (2)  an order immediately suspending the attorney, in the event the discipline

imposed by the other court consists of suspension or disbarment, or an order enjoining the attorney from the practice before this Court, in the event the attorney has been enjoined from the practice of law; and

(3) an order directing the attorney to show cause within thirty (30) days after service of that order why identical action by this Court would be unwarranted.

(c) Discipline in Other Jurisdiction Stayed.

In the event the discipline imposed in the other jurisdiction has been stayed there, any reciprocal discipline imposed in this Court shall be deferred until such stay expires.

(d) Imposition of Identical Discipline.

Upon the expiration of the thirty (30) days from service of the notice issued above, this Court may impose the identical discipline unless the respondent-attorney demonstrates, or this Court finds based on the record upon which the discipline in another jurisdiction is predicated, that it clearly appears:

(1) the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;

(2) there was such an infirmity of proof establishing the misconduct as to give rise to the firm conviction that this Court could not, consistent with its duty, accept as final the conclusion on that subject;

(3) the imposition of the same discipline by this Court would result in grave injustice; or

(4) the misconduct established is deemed by this Court to warrant substantially different discipline or injunctive action.

Rule 84.7 82 March 4, 2014

Where this Court determines any of said elements exist, it shall enter such order as it deems appropriate.

(e) Final Adjudication in Another Court.

In all other respects, a final adjudication in another court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for purposes of a disciplinary proceeding in this Court.

Rule 84.7 83 March 4, 2014

Rule 84.8 DISBARMENT ON CONSENT OR RESIGNATION IN OTHER COURTS

(a) Disbarment in Other Courts.

An attorney admitted to practice before this Court who resigns or is disbarred on consent from the bar of any other Court of the United States or the District of Columbia, or from any state, territory, commonwealth or possession of the United States, while an investigation into allegations of misconduct is pending, shall, upon the filing with this Court of the judgment or order accepting such disbarment on consent or resignation, cease to be permitted to practice before this Court.

(b) Notification of Clerk of Court.

An attorney admitted to practice before this Court shall, upon being disbarred on consent or resigning from the bar of any Court of the United States or the District of Columbia, or from any state, territory, commonwealth or possession of the United States while an investigation into allegations of misconduct is pending, within fourteen (14) days inform the Clerk of this Court of such disbarment on consent or resignation.

Rule 84.8 84 March 4, 2014

Rule 84.9 DISBARMENT ON CONSENT WHILE UNDER DISCIPLINARY INVESTIGATION OR PROSECUTION

(a) Consent to Disbarment.

A respondent-attorney admitted to practice before this Court who is the subject of an investigation into, or a pending proceeding involving allegations of misconduct before this Court, may consent to disbarment by delivering to this Court an affidavit stating the attorney desires to consent to disbarment and that:

1. (1)  the attorney's consent is freely and voluntarily rendered;
2. (2)  the attorney is not being subjected to coercion or duress;
3. (3)  the attorney is fully aware of the implications of consenting;
4. (4)  the attorney is aware of a presently pending investigation or proceeding

involving allegations that constitute grounds for the attorney's discipline, the nature of which the attorney shall specifically set forth;

(5) the attorney acknowledges the material facts alleged are true, unless such acknowledgment involves the admission of a crime; and

(6) the attorney consents because the attorney knows he or she could not successfully defend himself or herself against the charge(s).

(b) Receipt of Affidavit.

Upon receipt of the required affidavit, this Court shall enter an order disbarring the attorney.

(c) Order Disbarring Attorney.

The order disbarring the attorney on consent shall be a matter of public record. However, the affidavit required under the provisions of this Rule shall not be publicly disclosed or made available for use in any other proceeding, except upon order of this Court.

Rule 84.9 85 March 4, 2014

Rule 84.10 REINSTATEMENT

(a) When Court Order Required.

An attorney suspended for three (3) months or less shall be automatically reinstated at the end of the period of suspension upon filing with the Court an affidavit of compliance with the provisions of the order. An attorney suspended for more than three (3) months or disbarred may not resume practice until reinstated by order of this Court.

(b) Time of Petition Following Disbarment.

A person who has been disbarred after hearing or by consent may not petition for reinstatement until the expiration of the term of at least five (5) years from the effective date of the disbarment.

(c) Hearing on Petition.

A petition for reinstatement by a disbarred or suspended attorney under this Rule shall be filed with the Chief Judge of this Court. Upon receipt of the petition, the Chief Judge may promptly refer it to disciplinary counsel and shall assign the matter for prompt hearing before one or more judges of this Court provided that, if the disciplinary proceeding was predicated upon the complaint of a judge of this Court, the hearing shall be conducted by a judge of this Court (active or senior active) to be selected, in accordance with the procedure set forth in Local Rule 84.4(d). The judge assigned shall, within thirty (30) days after referral, schedule a hearing at which the petitioner shall have the burden of demonstrating by clear and convincing evidence that he or she has the moral qualifications, competency and learning in the law required for admission to practice law before this Court and resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice or subversive of the public interest.

(d) Duty of Disciplinary Counsel.

In all proceedings upon a petition for reinstatement, disciplinary counsel is responsible for cross-examination of the petitioner, his or her witnesses and the submission of evidence, if any, in opposition to the petition.

(e) Deposit for Cost of Proceeding.

A petition for reinstatement under this Rule shall be accompanied by an advance cost deposit in an amount determined by the Court to cover anticipated costs of the reinstatement proceeding.

(f) Conditions of Reinstatement.

If the Court finds petitioner unfit to resume the practice of law, the petition shall be dismissed. If the Court finds the petitioner fit to resume the practice of law, the Court shall reinstate him or her, provided the Court may make reinstatement conditional on such terms and conditions the Court deems appropriate.

(g) Successive Petitions.

No petition for reinstatement under this Rule shall be filed within one (1) year following an adverse judgment upon a petition for reinstatement.

Rule 84.10 86 March 4, 2014

Rule 84.11 SERVICE OF PAPERS AND OTHER NOTICES

Service of an Order to Show Cause instituting a formal disciplinary proceeding shall be made by personal service or by registered or certified mail addressed to the attorney at the most current address on record with the Clerk of Court. Service of any other papers or notices required by these Rules shall be deemed to have been made, if such paper or notice is addressed to the attorney at the most current address on record in the Clerk of Court's office.

**District of Columbia District Court**

Violations of the Rules of Professional Conduct (as adopted by the District of Columbia Court of Appeals except as otherwise provided by specific Rule of this Court) by attorneys subject to these Rules shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship.

The Complaint shall be presented to the Committee by lodging it with the Clerk to the Committee. The Committee shall have the inherent power without any formal Complaint to inquire into misconduct of attorneys subject to these Rules. Any court, judge or United States magistrate judge in the District of Columbia may refer to the Committee the name of any attorney subject to these Rules on a Complaint that such attorney has engaged in conduct which, if substantiated, would warrant the imposition of discipline.