U. S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
FEB 21 1997
NANCY DOHERTY, CLERK
By Y. Kelly
Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

Special Order No. 2-41

1. Fed. R. Civ. P. 83(a)(1), Fed. R. Crim. P. 57(a)(1), Fed. R. Bankr. P. 8018(a)(1), and Fed. R. Bankr. P. 9029(a)(1) require that all local rules must conform to any uniform numbering system prescribed by the Judicial Conference of the United States. These national rules also direct that local rules must be consistent with, and not duplicative of, Acts of Congress and national rules. On March 12, 1996 the Judicial Conference approved a recommendation of its Committee on Rules of Practice and Procedure to adopt a uniform numbering system. District courts are required to adopt this system no later than April 15, 1997. The District Judges of this Court have accordingly considered and adopted the attached local civil rules, local criminal rules, and local bankruptcy rules, using the approved numbering system and eliminating any rules or parts of rules that are inconsistent with or duplicative of Acts of Congress or national rules.

2. Unless modified after receipt of public comment, these rules shall take effect on April 15, 1997 and shall apply to all proceedings in civil and criminal actions thereafter commenced and, insofar as just and practicable, all proceedings in civil and criminal actions then pending. In all actions to which these rules apply, they shall supersede in their entirety the current Local Rules of this Court, and Local Rules 8005, 8007, and 8011 of the United States Bankruptcy Court for the Northern District of Texas.

3. The Local Rules of the United States Bankruptcy Court for the Northern District of Texas other than those specifically identified in ¶ 2 of this order are not affected by this order.

4. To the extent the local civil and local criminal rules are inconsistent with Miscellaneous Order No. 6 of this court, the local civil and local criminal rules shall control.

5. For the convenience of the Bench, Bar, and public, the Court has also adopted the attached disposition and derivation tables, reflecting the disposition of the Court's current Local Rules and the derivation of the Court's local civil rules and local criminal rules.

6. Any persons who desire to comment on any of these rules may do so by submitting written comments to:

Clerk of Court
United States District Court for the Northern District of Texas
Attention: 1997 Rules Revision Comments
1100 Commerce Street, Room 14A20
Dallas, Texas 75242-1495

The deadline by which the Clerk must receive comments is March 31, 1997.

7. The Clerk of Court is directed to make the necessary distribution.

SO ORDERED.

February 21, 1997.

FOR THE COURT:

Jerry Buchmeyer

JERRY BUCHMEYER, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

LOCAL CIVIL RULES OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

LR 1.1 Definitions.

Unless the context indicates a contrary intention, the following definitions apply in these rules:

(a) Court. The word "court" means the district judges of the United States District Court for the Northern District of Texas, as a collective body.

(b) Presiding Judge. The term "presiding judge" means the judge to whom a case is assigned. The word "judge" includes district judges and magistrate judges.

(c) Attorney. The word "attorney" means either:

(1) a person licensed to practice law by the highest court of any state or the District of Columbia; or

(2) a party proceeding pro se in any civil action.

(d) Clerk. The word "clerk" means the clerk of this court.

(e) Discovery Materials. The term "discovery materials" means notices of and depositions upon oral examination or written questions, interrogatories, requests for documents and things, requests for inspection, requests for admission, and answers and responses thereto, and disclosures made in compliance with Fed. R. Civ. P. 26(a)(1) or (2).

LR 3.1 Filing Complaint.

When a complaint is filed, the plaintiff must provide the clerk with the following:

(a) sufficient copies of the complaint for service on each defendant whom the plaintiff desires to be served;

(b) an original and one copy of a completed civil summons form for each defendant whom the plaintiff desires to be served;

(c) an original and one copy of a civil cover sheet;

(d) the required filing fee or the appropriate application to proceed without prepayment of fees; and

(e) two additional copies of the complaint and civil summons form, and the required fee, for each defendant whom the plaintiff desires to be served through an agent authorized by law to receive service of process.

LR 4.1 Proof of Service or of Waiver of Service.

Proof of service or of waiver of service must be made by filing with the clerk an original and one copy of the summons, affidavit, or executed waiver.

LR 4.2 Marshal's Fees.

Unless a judge has permitted a party to proceed without prepayment of fees, the United States Marshal shall not render any service for which a fee is required unless the appropriate fee, and any immediate costs to the marshal, are paid.

LR 5.1 Filing of Pleadings, Motions, or Other Papers.

(a) Filing with the Clerk. All pleadings, motions, or other papers that the Federal Rules of Civil Procedure permit or require to be filed, except discovery materials, must be filed with the clerk's office for the appropriate division. Such pleadings, motions, or other papers shall not be sent directly to the presiding judge.

(b) Duplicates Required. An original and one copy of each pleading, motion, or other paper must be filed with the clerk.

(c) Document Containing More Than One Pleading, Motion, or Other Paper. Except for a proposed order or judgment, a document may contain more than one pleading, motion, or other paper. Any such document must clearly identify each included pleading, motion, or other paper in its title.

LR 5.2 Filing Discovery Materials.

(a) Discovery Materials Not to be Filed. Discovery materials, except deposition notices, must not be filed unless the presiding judge otherwise directs. The party requesting the discovery material shall become its custodian.

(b) Deposition Notices Not to be Filed. Deposition notices must be filed by the clerk only if the attorney who served the notices requests that it be filed.

(c) Filing Discovery Materials for Use in Discovery Disputes. A motion that relates to a discovery dispute must only contain the portions of the discovery materials in dispute.

(d) Filing Discovery Materials for Use in Pretrial Motions. When discovery materials are necessary for consideration of a pretrial motion, a party shall file only the portions of discovery on which that party relies to support or oppose the motion.

LR 5.3 Prisoner's Civil Rights Complaints.

A prisoner's complaint alleging violations of civil rights under 28 U.S.C. § 1331 or 1343 must be filed in accordance with the current miscellaneous order establishing procedures for such actions.

LR 5.4 Post-Conviction Relief.

A prisoner petition or motion filed under 28 U.S.C. § 2254 or § 2255 must be filed in accordance with the current miscellaneous order establishing procedures for such petitions or motions.

LR 7.1 Motion Practice.

Unless otherwise directed by the presiding judge, motion practice is controlled by subsection (h) of this rule. In addition, the parties must comply with the following:

(a) Conference Requirement. Before filing a motion, an attorney for the moving party must confer with an attorney for each party affected by the requested relief to determine whether the motion is opposed. Conferences are not required for motions to dismiss, motions for judgment on the pleadings, motions for summary judgment, motions for new trial, or when a conference is not possible.

(b) Certificate of Conference.

(1) Each motion for which a conference is required must include a certificate of conference indicating that the motion is unopposed or opposed.

(2) If a motion is opposed, the certificate must state that a conference was held, indicate the date of conference and the identities of the attorneys conferring, and explain why agreement could not be reached.

(3) If a conference was not held, the certificate must explain why it was not possible to confer, in which event the motion will be presumed to be opposed.

(c) Proposed Orders. An unopposed motion must be accompanied by an agreed proposed order, signed by the attorneys or parties. An opposed motion must be accompanied by a proposed order, unless an order is not required by subsection (h) of this rule. A proposed order must be set forth on a separate document.

(d) Briefs. An opposed motion must be accompanied by a brief setting forth the movant's contentions of fact and law, unless a brief is not required by subsection (h) of this rule.

(e) Time for Response. Any response to a motion must be filed within 20 days from the date the motion is filed.

(f) Reply Briefs. Unless otherwise directed by the presiding judge, a party who files a motion may file a reply brief within 15 days from the date the response is filed.

(g) No Oral Argument. Unless otherwise directed by the presiding judge, oral argument on a motion will not be held.

(h) Uniform Requirements on Motion Practice.

B--Brief required (not required with agreed motion)
C--Certificate of conference required
O--Order required

MOTION (to/for):	B	C	O
AMEND		x	x
CHANGE OF VENUE	x	x	x
COMPEL	x	x	x
CONSOLIDATION	x	x	x
CONTINUANCE		x	x
DISMISS	x		
EXTEND TIME		x	x
INTERVENE	x	x	x
JUDGMENT AS A MATTER OF LAW	x		x
JUDGMENT ON PLEADINGS	x		
LEAVE TO FILE	x	x	x
LIMINE	x	x	x
MORE DEFINITE STATEMENT	x	x	x
NEW TRIAL	x		
PRELIMINARY INJUNCTION	x	x	x
PRODUCE DOCUMENTS	x	x	x
PROTECTIVE ORDER	x	x	x
QUASH	x	x	x
REMAND	x	x	x
SANCTIONS	x	x	x
STAY	x	x	x
STRIKE	x	x	x
SUBSTITUTE COUNSEL		x	x
SUMMARY JUDGMENT	x		
WITHDRAW		x	x

NOTE: If a motion is not listed, a brief, certificate of conference, and an order are required.

LR 7.2 Briefs.

(a) General Form. A brief must must be printed, typewritten, or presented in some other legible form.

(b) Amicus Briefs. An amicus brief may not be filed without leave of the presiding judge. The brief must specifically set forth the interest of the *amicus curiae* in the outcome of the litigation.

(c) Length. A brief must not exceed 25 pages (excluding the table of contents and table of authorities). A reply brief must not exceed 10 pages. Permission to file a brief in excess of these page limitations will be granted by the presiding judge only for extraordinary and compelling reasons.

(d) Tables of Contents and Authorities. A brief in excess of 10 pages must contain:

(1) a table of contents with page references; and

(2) an alphabetically arranged table of cases, statutes, and other authorities cited, with page references to the location of all citations.

LR 7.3 Confirmation of Informal Leave of Court.

When a presiding judge informally grants leave, such as an extension of time to file a response, an attorney for the party to whom leave is granted must file a document confirming the leave and must serve the document on all other parties.

LR 9.1 Social Security and Black Lung Cases.

(a) Form of Complaint. A complaint filed pursuant to Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for benefits under Titles II, XVI, or XVIII of the Social Security Act, or Part B, Title VI, of the Federal Coal Mine Health and Safety Act, must contain the social security number of:

(1) the worker on whose wage record the application for benefits is filed, regardless whether the worker is the plaintiff; and

(2) the plaintiff.

(b) Summary Judgment Motions Required. Unless otherwise directed by the presiding judge, all parties to actions filed under 42 U.S.C. § 405(g) must file motions for summary judgment within 30 days after the answer is filed.

LR 10.1 Required Form.

In addition to the requirements of the Federal Rules of Civil Procedure, each pleading, motion, or other paper must:

(a) contain on its face a title clearly identifying each included pleading, motion, or other paper;

(b) contain a signature block that sets forth the attorney's bar number for the jurisdiction in which the attorney is admitted to practice, and a facsimile number where information may be sent to the attorney; and

(c) be filed on paper measuring 8½ x 11 inches.

LR 12.1 Motion for More Definite Statement.

Except for motions complaining of failure to plead fraud or mistake with particularity pursuant to Fed. R. Civ. P. 9(b), a motion for more definite statement may only be filed where the information sought cannot be obtained by discovery.

LR 15.1 Motions to Amend.

A motion for leave to file an amended pleading must be accompanied by the proposed amended pleading.

LR 16.1 Exemptions from Pretrial Scheduling and Management.

The following categories of cases are exempt from the scheduling and planning requirements of Fed. R. Civ. P. 16(b) and 26(f):

(a) actions for social security benefits, including appeals from decisions of the Secretary of Health and Human Services, and black lung cases subject to LR 9.1;

(b) prisoner civil rights complaints filed pursuant to 42 U.S.C. § 1981 *et seq.*;

(c) forfeiture actions;

(d) cases filed by the United States Attorney for collection of promissory notes payable to the United States or any government agency;

(e) bankruptcy appeals;

(f) cases involving pro se plaintiffs;

(g) habeas corpus complaints filed pursuant to 28 U.S.C. § 2254 or § 2255;

(h) petitions for enforcement of an Internal Revenue Service summons;

(i) actions for review of the administrative action of any federal agency; and

(j) all cases not reported by the clerk for statistical purposes as filed cases.

LR 16.2 Authority of Magistrate Judges as to Scheduling Orders.

Unless the presiding judge otherwise directs, a magistrate judge shall have the authority under Fed. R. Civ. P. 16(b) to enter and modify scheduling orders.

LR 16.3 Settlement.

(a) Settlement Negotiations. Parties in a civil action must make good-faith efforts to settle. Settlement negotiations must begin at the earliest possible time, well in advance of any pretrial conference.

(b) Settlement Conferences. A judge will be available for settlement discussions. In nonjury cases the presiding judge will not discuss settlement figures unless requested to do so by all concerned parties.

LR 16.4 Pretrial Order.

Unless otherwise directed by the presiding judge, a pretrial order must be submitted to the presiding judge at least 10 days before the scheduled date for trial. All attorneys are responsible for preparing the pretrial order, which must contain the following:

(a) a summary of the claims and defenses of each party;

(b) a statement of stipulated facts;

(c) a list of contested issues of fact;

(d) a list of contested issues of law;

(e) an estimate of the length of trial;

(f) a list of any additional matters that might aid in the disposition of the case;

(g) the signature of each attorney; and

(h) a place for the date and the signature of the presiding judge.

LR 23.1 Complaint.

A complaint alleging a class action must bear in its title the designation "COMPLAINT--CLASS ACTION," and must contain a separate heading entitled "Class Action Allegations."

LR 23.2 Motion for Certification; Briefs.

Within 90 days of filing a class action complaint, an attorney for the plaintiff must move for certification. A brief must accompany the motion for certification and must specifically set out the following:

(a) the appropriate sections of Fed. R. Civ. P. 23 under which the suit is properly maintainable as a class action;

(b) specific factual allegations concerning the alleged class, including:

(1) the approximate number of class members;

(2) the definition of the class and any subclasses;

(3) the distinguishing and common characteristics of class members, such as geography, time, and common financial incentives;

(4) questions of law and fact that are common to the class; and

(5) in actions asserting a class under Fed. R. Civ. P. 23(b)(3), allegations concerning the findings required by that section;

(c) the basis of the named plaintiff's claim to be an adequate representative of the class, including financial responsibility to fund the action;

(d) the basis for determining any required jurisdictional amount;

(e) the type and estimated expense of notice to be given to class members, and the source of funds from which notice costs will be paid;

(f) the discovery necessary for a class certification hearing and the estimated time necessary for such discovery; and

(g) all arrangements for payment of plaintiffs' attorney's fees.

LR 23.3 Class Notice Responses.

(a) Once a case is conditionally certified as a class action and the presiding judge requires that notice be given to potential class members, the following rules apply:

(1) if there are fewer than 1,000 potential class members, the presiding judge may require that notification responses be sent directly to the clerk; but

(2) if there are 1,000 or more potential class members, the presiding judge may require that notification responses be sent to a United States Postal Service box in the name of the clerk. Plaintiff must pay the fees for the box, but such fees will be taxed as costs.

(b) The presiding judge may name an individual to collect, account for, and tabulate notice responses. Plaintiff must pay such individual a reasonable fee for these services, as determined by the presiding judge, but such fee will be taxed as costs.

LR 26.1 Initial Disclosures Not Required.

Unless the presiding judge otherwise directs by order or other appropriate notice issued in a civil action, or the parties otherwise stipulate, the parties shall not comply with the initial disclosure requirements of Fed. R. Civ. P. 26(a)(1).

LR 26.2 Exchanging Exhibits, Exhibit Lists, and Witness Lists.

(a) Exchanging Exhibits. All exhibits must be marked with gummed labels or tags that identify them by the exhibit number under which they will be offered at trial. When practicable, a copy of such exhibits must be furnished to the presiding judge at a time and in a manner prescribed by the presiding judge.

(b) Exchanging Exhibit and Witness Lists. At least 3 days before the scheduled trial date, the parties must file with the clerk and deliver to opposing parties and the court reporter, separate lists of exhibits and witnesses, except those offered solely for impeachment.

(c) **Designating Depositions.** The parties must designate, in lists delivered to opposing parties and filed with the clerk at least 3 days before the scheduled trial date, the portions of any depositions to be offered at trial.

LR 40.1 Motions for Continuance.

A motion for continuance of a trial setting must be signed by the moving party as well as by the party's attorney of record. Unless the presiding judge orders otherwise, the granting of a motion for continuance will not extend or revive any deadline that has already expired in a case.

LR 41.1 Order of Dismissal.

A notice or stipulation of dismissal must be accompanied by a proposed order of dismissal.

LR 42.1 Motions to Consolidate.

Motions to consolidate civil actions, and all briefs and other papers concerning consolidation, must be served on an attorney for each party in each case sought to be consolidated. After consolidation, all pleadings, motions, or other papers must only bear the caption of the first case filed. All post-consolidation filings must also bear the legend "(Consolidated with [giving the docket numbers of all the other cases])."

LR 47.1 Contact with Jurors.

A party, attorney, or representative of a party or attorney, shall not, before or after trial, contact any juror, prospective juror, or the relatives, friends, or associates of a juror or prospective juror, unless explicitly permitted to do so by the presiding judge.

LR 51.1 Requested Jury Charge.

Unless otherwise directed by the presiding judge, at least 3 days before trial, each party must file with the clerk and serve on opposing parties the requested jury charge, including instructions and jury questions. The requested instructions and questions should cite the authorities relied on.

LR 52.1 Proposed Findings in Nonjury Cases.

Unless otherwise directed by the presiding judge, at least 3 days before trial in all nonjury cases, each party must file with the clerk and serve on opposing parties proposed findings of fact and conclusions of law. The parties must submit such amendments to the proposed findings of fact and conclusions of law as the presiding judge directs.

LR 55.1 Failure to Obtain Default Judgment.

If a defendant has been in default for 90 days, the presiding judge may require the plaintiff to move for entry of a default and a default judgment. If the plaintiff fails to do so within the prescribed time, the presiding judge will dismiss the action, without prejudice, as to that defendant.

LR 55.2 Default Judgments by the United States.

The United States may obtain a default judgment for money by following the procedures set forth in Miscellaneous Order No. 25.

LR 56.1 Summary Judgment Motion and Response Requirements.

(a) Motions. Unless otherwise directed by the presiding judge, no motion for summary judgment may be filed within 45 days of trial. A motion for summary judgment must list in numerical order:

(1) the undisputed facts upon which the motion relies; and

(2) the issues of law.

(b) Response. A response to a motion for summary judgment must list in numerical order:

(1) the disputed facts upon which the response relies; and

(2) the disputed issues of law.

LR 58.1 Proposed Judgments.

Each proposed judgment must be set forth on a separate document.

LR 62.1 Supersedeas Bond.

Unless otherwise ordered by the presiding judge, a supersedeas bond staying execution of a money judgment shall be in the amount of the judgment, plus 20% of that amount to cover interest and any award of damages for delay, plus $250.00 to cover costs. The parties may waive the requirement of a supersedeas bond by stipulation.

LR 65.1 Temporary Restraining Orders; Informal Conference.

Before the presiding judge will rule on an application for a temporary restraining order, an informal conference between the presiding judge and the attorneys will be required. To schedule an informal conference, the attorney for the applying party must:

(a) contact the presiding judge to determine the earliest possible time for setting the conference; and

(b) orally notify the adverse party of the date and time of the informal conference.

LR 67.1 Deposit of Money in Court Registry.

Except for the payment of fees or the initial deposit in an interpleader action, no money may be sent to the clerk or deposited in the registry of the court without an order from the presiding judge. Unless the presiding judge otherwise directs, money for damages, costs, expenses, attorney's fees, or sanctions, and any award made by order or judgment, shall be paid directly to the prevailing party or the party's attorney. The clerk shall not be responsible for any money sent to the clerk in contravention of this rule.

LR 71A.1 Condemnation of Property.

Where the United States files separate condemnation actions and a single declaration of taking relating to the separate actions, the clerk may establish a master file for the declaration of taking. The single declaration in such master file shall constitute a filing of the declaration in each individual action to which it relates.

LR 77.1 Notice of Orders and Judgments.

(a) Furnishing Copies of Orders and Judgments. Unless the presiding judge otherwise directs, the clerk shall furnish a copy of each order and judgment to counsel of record by first class mail or, where the clerk has the capability to do so, by facsimile transmission. To receive orders and judgments by facsimile transmission, the attorney of record must sign an agreement form provided by the clerk, and must comply with the applicable procedures established by the clerk. Where a party is represented by more than one attorney of record, the attorney designated in accordance with LR 77.1(b) or (c) shall receive copies of orders and judgments and distribute them to co-counsel for the same party.

(b) Designation of Counsel to Receive Orders and Judgments. The clerk shall designate an attorney to receive copies of orders and judgments, in the following manner:

(1) the first attorney to sign a plaintiff's complaint;

(2) the first attorney to sign a defendant's initial responsive pleading;

(3) the first attorney to sign a removing party's notice of removal, and the first attorney listed on the civil cover sheet and/or supplemental civil cover sheet for the remaining parties; and

(4) the first attorney listed on the bankruptcy docket sheet for each party in a bankruptcy withdrawal or bankruptcy appeal.

(c) Change in Designation of Counsel. If the attorney designated to receive orders and judgments desires that another attorney be substituted for this purpose, the attorney must request substitution in the manner prescribed by the clerk.

LR 79.1 Case Files.

(a) Maintenance of Files. The clerk shall maintain the original case file and docket sheet for each case filed in this district.

(b) Inspection of Files. The original file in each pending case shall be available for public inspection in the clerk's office in the division where the case is filed. The clerk shall not release a file from the clerk's custody without the permission of the presiding judge, or except as permitted by subsection (d) of this rule.

(c) Inspection of Closed Files. The file in a closed case shall be available for public inspection in the clerk's office in the division where the case was filed, unless the file has been removed to the appropriate federal records center.

(d) Copies of Files. Upon request, the clerk shall provide copies of the contents of case files, including transcripts of oral depositions and court proceedings. The clerk shall charge the fee established by the court for this service. When large numbers of copies are requested, the clerk is authorized to release the file to a commercial copying service, and to direct that the copy fee be paid directly to the service by the requesting party.

LR 79.2 Disposition of Exhibits.

(a) Release While Case Pending. Without an order from the presiding judge, no exhibit in the custody of the court may be removed from the clerk's office while the case is pending.

(b) Removal or Destruction After Final Disposition of Case. All exhibits in the custody of the court must be removed from the clerk's office within 60 days after final disposition of a case. The attorney who introduced the exhibits shall be responsible for their removal. Any exhibit not removed within the 60-day period may be destroyed or otherwise disposed of by the clerk.

LR 80.1 Court Reporter's Fees.

Unless a judge has permitted a party to proceed without prepayment of fees, a court reporter shall not perform any service for which a fee is required unless the appropriate fee, or security therefor in the amount determined by the court reporter, has been paid.

LR 83.1 Application of Rules by a Presiding Judge.

Notwithstanding the local civil rules, a presiding judge may direct the parties to proceed in any manner that the judge deems just and expeditious.

LR 83.2 Miscellaneous and Special Orders.

The clerk shall maintain in each division a copy of all miscellaneous and special orders adopted by the court, and shall make these orders available for inspection and copying.

LR 83.3 Assignment of Cases.

The district judges shall determine the method by which all cases are assigned to individual judges.

LR 83.4 Conduct of Attorneys at Trial or Hearing.

Unless the presiding judge otherwise directs, during a trial or hearing, attorneys must:

(a) stand when making objections or otherwise addressing the presiding judge;

(b) use the lectern while examining or cross-examining witnesses;

(c) when examining a witness, refrain from making statements, comments, or remarks before or after asking a question;

(d) limit to one attorney for each party the examination or cross-examination of a witness; and

(e) in making an objection, state plainly and briefly the grounds for objecting and not offer argument unless requested by the presiding judge.

LR 83.5 Clerk's Fees.

Unless a judge has permitted a party to proceed without prepayment of fees, the clerk shall not render any service for which a fee is required unless the appropriate fee is paid.

LR 83.6 Applications to Proceed In Forma Pauperis.

A party desiring to proceed without prepayment of fees or costs must complete the appropriate form and file it with the clerk.

LR 83.7 Admission of Attorneys.

Attorneys must fulfill the following requirements to be admitted to practice in this court:

(a) 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.

(b) Procedure for Admission. Attorneys desiring admission to the bar of this court must complete an application for admission and, except as provided in subsection (c) of this rule, be introduced by a member in good standing of the bar of this court, and take the required oath or affirmation before a district judge of this court. After the oath or affirmation is administered, and the applicant has paid the appropriate fee, the clerk shall issue a certificate stating that the attorney is admitted to practice before this court.

(c) Admission Before Judges of Other Districts. Any nonresident attorney who has completed all requirements for admission to the bar of this court may, with the approval of a district judge of the division where the application is pending, have the oath of admission administered by a district judge in another district. The nonresident attorney must file the oath with the clerk and pay the appropriate fee before the attorney's name will be added to the roll of attorneys for this district.

(d) Admission is Discretionary. All admissions to practice before this court shall be discretionary with the district judge reviewing the application for admission.

LR 83.8 Loss of Membership and Discipline of Attorneys.

(a) Loss of Membership. Membership in the bar of this court shall be automatically revoked under the following circumstances:

(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:

(A) the courts of the State of Texas;

(B) the highest court of any other state or the District of Columbia; or

(C) any federal court; or

(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) conduct unbecoming a member of the bar;

(2) failure to comply with any rule or order of this court;

(3) unethical behavior;

(4) inability to conduct litigation properly;

(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. If an attorney's membership in the bar of this court is suspended or revoked, the attorney shall have the right to petition the chief judge of this court for relief. The petition must be filed within 10 days after the

discipline is ordered. The chief judge shall have absolute discretion as to what, if any, further action will be taken in respect to the matter.

(d) Reporting by Members. Any member of the bar of this court who has:

(1) lost or relinquished, temporarily or permanently, the right to practice in any court of record;

(2) been disciplined, publicly or privately, by any court, bar, court agency, or committee; or

(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, includes any conduct that violates any code, rule, or standard of professional conduct or responsibility governing the conduct of attorneys authorized to practice law in the State of Texas.

(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) a full disclosure concerning the attorney's loss or relinquishment of membership in the bar of this court; and

(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. The judge reviewing an application for admission 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.

LR 83.9 Attorneys Not Admitted to Practice before this Court.

(a) Eligibility to Appear. An attorney who is licensed to practice law by the highest court of any state or the District of Columbia, but who is not admitted to practice before this court, may represent a party in proceedings in this court only by permission of the presiding judge.

(b) Application to Appear. Unless exempted by LR 83.11, an attorney who is not admitted to practice in this court, who desires to represent a party in a proceeding, and who is eligible pursuant to subsection (a) of this rule to appear, shall apply for admission *pro hac vice*. The attorney shall affirm in writing that the attorney has read *Dondi Properties Corp. v. Commerce Savs. & Loan Ass'n*, 121 F.R.D. 284 (N.D. Tex. 1988) (en banc), and the local civil rules of this court, and that the attorney will comply with the standards of practice adopted in *Dondi*, and with the local civil rules.

(c) Regulation of Attorneys Admitted *Pro Hac Vice*. By appearing in any case, an attorney becomes subject to the rules of this court.

LR 83.10 Requirement of Local Counsel.

(a) Local Counsel Required. Unless exempted by LR 83.11, local counsel is required in all cases where an attorney appearing in a case does not reside or maintain an office in this district. "Local counsel" means a member of the bar of this court who resides or maintains an office within 50 miles of the division in which the case is pending. Attorneys desiring to proceed without local counsel must obtain leave from the presiding judge. If the request for leave is denied, written designation of local counsel must be filed within 10 days of the denial.

(b) Duties of Local Counsel. Local counsel must be authorized to present and argue a party's position at any hearing called by the presiding judge on short notice. Local counsel must also be able to perform, on behalf of the party represented, any other duty required by the presiding judge or the local rules of this court.

LR 83.11 Exemption from Admission to Practice, and from Requirement of Local Counsel, for Attorneys Appearing on Behalf of the United States Justice Department or the Attorney General of the State of Texas.

Unless the presiding judge otherwise directs, an attorney appearing on behalf of the United States Justice Department or the Attorney General of the State of Texas, and who is eligible pursuant to Rule 83.9(a) to appear in this court, shall be exempt from the requirements of Rules 83.9(b) and 83.10, but shall otherwise be subject to all requirements applicable to attorneys who have been granted leave to appear *pro hac vice*.

LR 83.12 Withdrawal of Attorney.

An attorney desiring to withdraw in any case must file a motion to withdraw. This motion must, in addition to the matters required by LR 7.1, specify the reasons requiring withdrawal and provide the name and address of the succeeding attorney. If the succeeding attorney is not known, the motion must set forth the name, address, and telephone number of the client and bear the client's signature approving withdrawal.

LR 83.13 Change of Address or Name.

When an attorney admitted to practice in this district changes the attorney's business address or name, the attorney shall, within 30 days, file notice of the change with the clerk, using the approved form. On the form, the attorney shall list the style and docket number of all cases that the attorney has pending before this court.

LR 83.14 Parties Proceeding Pro Se.

Any party proceeding on the party's own behalf is considered pro se. Pro se parties must read and follow the local civil rules of this court and the Federal Rules of Civil Procedure.

LR 83.15 Attorney as a Witness.

(a) Acceptance of Employment. An attorney must not accept employment in a contemplated or pending case if the attorney knows, or in the exercise of reasonable diligence should know, that the attorney or another attorney in the firm may be called as a witness on behalf of the client. The attorney may accept employment, and the attorney or another attorney in the firm may testify, if the testimony relates solely to:

(1) an uncontested matter;

(2) a matter of formality where there is no reason to believe that substantial evidence will be offered in opposition to the testimony; or

(3) the nature and value of legal services rendered.

(b) Exception for Substantial Hardship. Notwithstanding the requirements of subsection (a), an attorney may accept employment if refusal would work a substantial hardship on the client because of the distinctive value of the attorney or the firm in the particular case.

(c) Withdrawal From Representation. If, after accepting employment in a case, an attorney learns, or in the exercise of reasonable diligence should know, that the attorney or another attorney in the firm may be called as a witness on behalf of the client, the attorney and the firm must withdraw from the case unless one of the exceptions listed in subsection (a) or (b) applies.

(d) Testimony Prejudicial to Client. If, after accepting employment in a case, an attorney learns, or in the exercise of reasonable diligence should know, that the attorney or another attorney in the firm may be called as a witness other than on behalf of the client, the attorney and firm may continue to represent the client unless it appears that the testimony will or may be prejudicial to the client.

LR 83.16 Dress and Conduct.

All persons present in a courtroom where a trial, hearing, or other proceeding is in progress must dress and conduct themselves in a manner demonstrating respect for the court. The presiding judge shall have the discretion to establish appropriate standards of dress and conduct.

LR 83.17 Weapons Forbidden.

Firearms and other weapons are prohibited in areas of buildings designated for court use. Such weapons may be carried by the United States Marshal, the marshal's deputies, courtroom security personnel, and other persons to whom a presiding judge has given approval.

LR 83.18 Photographs, Broadcasting, Recording, and Television Forbidden.

No person may photograph, electronically record, televise, or broadcast a judicial proceeding. No person may possess, on any floor of a building on which is located a courtroom, jury assembly room, or any room in which a jury is being impaneled, any equipment or device capable of photographing, electronically recording, televising, or broadcasting a judicial proceeding. This rule shall not apply to ceremonial proceedings or electronic recordings by an official court reporter or other authorized court personnel.

LOCAL CRIMINAL RULES OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

LCrR 1.1 Definitions.

Unless the context indicates a contrary intention, the following definitions apply in these rules:

(a) Court. The word "court" means the district judges of the United States District Court for the Northern District of Texas, as a collective body.

(b) Presiding Judge. The term "presiding judge" means the judge to whom a case is assigned. The word "judge" includes district judges and magistrate judges.

(c) Attorney. The word "attorney" means either:

(1) a person licensed to practice law by the highest court of any state or the District of Columbia; or

(2) a party proceeding pro se in any criminal action.

(d) Clerk. The word "clerk" means the clerk of this court.

LCrR 16.1 Exchanging Exhibits, Exhibit Lists, and Witness Lists.

(a) Exchanging Exhibits. All exhibits, except those offered solely for impeachment, that a party intends to offer at trial, must be marked with gummed labels or tags that identify them by the exhibit number under which they will be offered at trial, and must be exchanged with opposing parties at least 3 days before the scheduled date for trial. When practicable, a copy of such exhibits must be furnished to the presiding judge.

(b) Exchanging Exhibit and Witness Lists. At least 3 days before the scheduled date for trial, the parties must file with the clerk and deliver to opposing parties and the court reporter, separate lists of exhibits and witnesses, except those offered solely for impeachment.

LCrR 23.1 Proposed Findings in Nonjury Cases.

Unless otherwise directed by the presiding judge, at least 3 days before trial in all nonjury cases, parties must file with the clerk and serve on opposing parties proposed findings of fact and conclusions of law. The parties must submit such amendments to the proposed findings of fact and conclusions of law as the presiding judge directs.

LCrR 24.1 Contact with Jurors.

A party, attorney, or representative of a party or attorney, shall not, before or after trial, contact any juror, prospective juror, or the relatives, friends, or associates of a juror or prospective juror, unless explicitly permitted to do so by the presiding judge.

LCrR 30.1 Requested Jury Charge.

Unless otherwise directed by the presiding judge, at least 3 days before trial, each party must file with the clerk and serve on opposing parties the requested jury charge, including instructions. The requested instructions should cite the authorities relied on.

LCrR 32.1 Nondisclosure of Recommendation.

A probation officer shall not disclose any recommendation regarding the sentence.

LCrR 47.1 Motion Practice.

Unless otherwise directed by the presiding judge, motion practice is controlled by subsection (h) of this rule. In addition, the parties must comply with the following:

(a) Conference Requirement. Before filing a motion, an attorney for the moving party must confer with an attorney for each party affected by the requested relief to determine whether the motion is opposed. Conferences are not required for motions to dismiss the entire action or indictment, or when a conference is not possible.

(b) Certificate of Conference.

(1) Each motion for which a conference is required must include a certificate of conference indicating that the motion is unopposed or opposed.

(2) If a motion is opposed, the certificate must state that a conference was held, indicate the date of conference and the identities of the attorneys conferring, and explain why agreement could not be reached.

(3) If a conference was not held, the certificate must explain why it was not possible to confer, in which event the motion will be presumed to be opposed.

(c) Proposed Orders. An unopposed motion must be accompanied by an agreed proposed order, signed by the attorneys or parties. An opposed motion must be accompanied by a proposed order, unless an order is not required by subsection (h) of this rule. A proposed order must be set forth on a separate document.

(d) Briefs. An opposed motion must be accompanied by a brief setting forth the movant's contentions of fact and law, unless a brief is not required by subsection (h) of this rule.

(e) Time for Response. Any response to a motion must be filed within 10 days from the date the motion is filed.

(f) Reply Briefs. Reply briefs may not be filed unless the moving party requests, and the presiding judge grants, leave to do so. If leave is granted, the reply brief shall be filed no later than the deadline set by the presiding judge.

(g) No Oral Argument. Unless otherwise directed by the presiding judge, oral argument on a motion will not be held.

(h) Uniform Requirements on Motion Practice.

B--Brief required (not required with agreed motion)
C--Certificate of conference required
O--Order required

MOTION (to/for):	B	C	O
CHANGE OF VENUE	x	x	x
COMPEL	x	x	x
CONSOLIDATION	x	x	x
CONTINUANCE		x	x
DISMISS	x		
EXTEND TIME		x	x
JUDGMENT OF ACQUITTAL	x		x
LEAVE TO FILE	x	x	x
LIMINE	x	x	x
NEW TRIAL	x		
PRODUCE DOCUMENTS	x	x	x
PROTECTIVE ORDER	x	x	x
QUASH	x	x	x
SANCTIONS	x	x	x
SUBSTITUTE COUNSEL		x	x
WITHDRAW		x	x

NOTE: If a motion is not listed, a brief, certificate of conference, and an order are required.

LCrR 47.2 Briefs.

(a) General Form. A brief must must be printed, typewritten, or presented in some other legible form.

(b) Amicus Briefs. An amicus brief may not be filed without leave of the presiding judge. The brief must specifically set forth the interest of the *amicus curiae* in the outcome of the litigation.

(c) Length. A brief must not exceed 25 pages (excluding the table of contents and table of authorities). A reply brief must not exceed 10 pages. Permission to file a brief in excess of these page limitations will be granted by the presiding judge only for extraordinary and compelling reasons.

(d) Tables of Contents and Authorities. A brief in excess of 10 pages must contain:

(1) a table of contents with page references; and

(2) an alphabetically arranged table of cases, statutes, and other authorities cited, with page references to the location of all citations.

LCrR 47.3 Confirmation of Informal Leave of Court.

When a presiding judge informally grants leave, such as an extension of time to file a response, an attorney for the party to whom leave is granted must file a document confirming the leave and must serve the document on all other parties.

LCrR 49.1 Filing Criminal Cases.

When a criminal case is filed, the United States must also submit, for each defendant, an original and one copy of a completed criminal case cover sheet, in the approved form.

LCrR 49.2 Filing of Pleadings, Motions, or Other Papers.

(a) Filing with the Clerk. All pleadings, motions, or other papers that the Federal Rules of Criminal Procedure permit or require to be filed, except discovery materials, must be filed with the clerk's office for the appropriate division. Such pleadings, motions, or other papers must not be sent directly to the presiding judge.

(b) Duplicates Required. An original and one copy of each pleading, motion, or other paper must be filed with the clerk.

(c) Document Containing More Than One Pleading, Motion, or Other Paper. Except for a proposed order, a document may contain more than one pleading, motion, or other paper. Any such document must clearly identify in the title each included pleading, motion, or other paper.

LCrR 49.3 Required Form.

In addition to the requirements of the Federal Rules of Criminal Procedure, each pleading, motion, or other paper must:

(a) contain on its face a title clearly identifying each included pleading, motion, or other paper;

(b) contain a signature block that sets forth the attorney's bar number for the jurisdiction in which the attorney is admitted to practice, and a facsimile number where information may be sent to the attorney; and

(c) be filed on paper measuring 8½ x 11 inches.

LCrR 49.4 Notice of Orders and Judgments.

(a) Furnishing Copies of Orders and Judgments. Unless the presiding judge otherwise directs, the clerk shall furnish a copy of each order and judgment to counsel of record by first class mail or, where the clerk has the capability to do so, by facsimile transmission. To receive orders and judgments by facsimile transmission, the attorney of record must sign an agreement form provided by the clerk, and must comply with the applicable procedures established by the clerk. Where a party is represented by more than one attorney of record, the attorney designated in accordance with LCrR 49.5 (b) or (c) shall receive copies of orders and judgments and distribute them to co-counsel for the same party.

(b) Designation of Counsel to Receive Orders and Judgments. The clerk shall designate an attorney to receive copies of orders and judgments, in the following manner:

(1) the first attorney to sign an indictment; and

(2) the attorney appointed or retained to represent a defendant, or, when a defendant is represented by more than one attorney, the attorney who appears to be acting as lead counsel.

(c) Change in Designation of Counsel. If the attorney designated to receive orders and judgments desires that another attorney be substituted for this purpose, the attorney must request substitution in the manner prescribed by the clerk.

LCrR 53.1 Photographs, Broadcasting, Recording, and Television Forbidden.

No person may photograph, electronically record, televise, or broadcast a judicial proceeding. No person may possess, on any floor of a building on which is located a courtroom, jury assembly room, or any room in which a jury is being impaneled, any equipment or device capable of photographing, electronically recording, televising, or broadcasting a judicial proceeding. This rule shall not apply to ceremonial proceedings or electronic recordings by an official court reporter or other authorized court personnel.

LCrR 53.2 Dress and Conduct.

All persons present in a courtroom where a trial, hearing, or other proceeding is in progress must dress and conduct themselves in a manner demonstrating respect for the court. The presiding judge shall have the discretion to establish appropriate standards of dress and conduct.

LCrR 53.3 Weapons Forbidden.

Firearms and other weapons are prohibited in areas of buildings designated for court use. Such weapons may be carried by the United States Marshal, the marshal's deputies, courtroom security personnel, and other persons to whom a presiding judge has given approval.

LCrR 55.1 Case Files.

(a) Maintenance of Files. The clerk shall maintain the case file and docket sheet.

(b) Inspection of Files. The original file in each pending case shall be available for public inspection in the clerk's office in the division where the case is filed. The clerk shall not release a file from the clerk's custody without the permission of the presiding judge, or except as permitted by subsection (d) of this rule.

(c) Inspection of Closed Files. The file in a closed case shall be available for public inspection in the clerk's office in the division where the case was filed, unless the file has been removed to the appropriate federal records center.

(d) Copies of Files. Upon request, the clerk shall provide copies of the contents of case files, including transcripts of oral depositions and court proceedings. The clerk shall charge the fee established by the court for this service. When large numbers of copies are requested, the clerk is authorized to release the file to a commercial copying service, and to direct that the fee charged be paid directly to the service.

LCrR 55.2 Disposition of Exhibits.

(a) Release While Case Pending. Without an order from the presiding judge, no exhibit in the custody of the court may be removed from the clerk's office while the case is pending.

(b) Removal or Destruction After Final Disposition of Case. All exhibits in the custody of the court must be removed from the clerk's office within 60 days after final disposition of a case. The attorney who introduced the exhibits shall be responsible for their removal. Any exhibit not removed within the 60-day period may be destroyed or otherwise disposed of by the clerk.

LCrR 57.1 Application of Rules by a Presiding Judge.

Notwithstanding the local criminal rules, a presiding judge may direct the parties to proceed in any manner that the judge deems just and expeditious.

LCrR 57.2 Miscellaneous and Special Orders.

The clerk shall maintain in each division a copy of all miscellaneous and special orders adopted by the court, and shall make these orders available for inspection and copying.

LCrR 57.3 Assignment of Cases.

The district judges shall determine the method by which all cases are assigned to individual judges.

LCrR 57.4 Conduct of Attorneys at Trial or Hearing.

Unless the presiding judge otherwise directs, during a trial or hearing, attorneys must:

(a) stand when making objections or otherwise addressing the presiding judge;

(b) use the lectern while examining or cross-examining witnesses;

(c) when examining a witness, refrain from making statements, comments, or remarks before or after asking a question;

(d) limit to one attorney for each party the examination or cross-examination of a witness; and

(e) in making an objection, state plainly and briefly the grounds for objecting and not offer argument unless requested by the presiding judge.

LCrR 57.5 Clerk's Fees.

Unless a judge has permitted a party to proceed without prepayment of fees, the clerk shall not render any service for which a fee is required unless the appropriate fee is paid.

LCrR 57.6 Court Reporter's Fees.

Unless a judge has permitted a party to proceed without prepayment of fees, a court reporter shall not perform any service for which a fee is required unless the appropriate fee, or security therefor in the amount determined by the court reporter, has been paid.

LCrR 57.7 Admission of Attorneys.

Attorneys must fulfill the following requirements to be admitted to practice in this court:

(a) 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.

(b) Procedure for Admission. Attorneys desiring admission to the bar of this court must complete an application for admission and, except as provided in subsection (c) of this rule, be introduced by a member in good standing of the bar of this court, and take the required oath or affirmation before a district judge of this court. After the oath or affirmation is administered, and the applicant has paid the appropriate fee, the clerk shall issue a certificate stating that the attorney is admitted to practice before this court.

(c) Admission Before Judges of Other Districts. Any nonresident attorney who has completed all requirements for admission to the bar of this court may, with the approval of a district judge of the division where the application is pending, have the oath of admission administered by a district judge in another district. The nonresident attorney must file the oath with the clerk and pay the appropriate fee before the attorney's name will be added to the roll of attorneys for this district.

(d) Admission is Discretionary. All admissions to practice before this court shall be discretionary with the district judge reviewing the application for admission.

LCrR 57.8 Loss of Membership and Discipline of Attorneys.

(a) Loss of Membership. Membership in the bar of this court shall be automatically revoked under the following circumstances:

(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:

(A) the courts of the State of Texas;

(B) the highest court of any other state or the District of Columbia; or

(C) any federal court; or

(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) conduct unbecoming a member of the bar;

(2) failure to comply with any rule or order of this court;

(3) unethical behavior;

(4) inability to conduct litigation properly;

(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. If an attorney's membership in the bar of this court is suspended or revoked, the attorney shall have the right to petition the chief judge of this court for relief. The petition must be filed within 10 days after the

discipline is ordered. The chief judge shall have absolute discretion as to what, if any, further action will be taken in respect to the matter.

(d) Reporting by Members. Any member of the bar of this court who has:

(1) lost or relinquished, temporarily or permanently, the right to practice in any court of record;

(2) been disciplined, publicly or privately, by any court, bar, court agency, or committee; or

(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, includes any conduct that violates any code, rule, or standard of professional conduct or responsibility governing the conduct of attorneys authorized to practice law in the State of Texas.

(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) a full disclosure concerning the attorney's loss or relinquishment of membership in the bar of this court; and

(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. The judge reviewing an application for admission 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.

LCrR 57.9 Attorneys Not Admitted to Practice Before this Court.

(a) Eligibility to Appear. An attorney who is licensed to practice law by the highest court of any state or the District of Columbia, but who is not admitted to practice before this court, may represent a party in proceedings in this court only by permission of the presiding judge.

(b) Application to Appear. Unless exempted by LCrR 57.11, an attorney who is not admitted to practice in this court, who desires to represent a party in a proceeding, and who is eligible pursuant to subsection (a) of this rule to appear, shall apply for admission *pro hac vice*. The attorney shall affirm in writing that the attorney has read and will comply with the local criminal rules of this court.

(c) Regulation of Attorneys Admitted *Pro Hac Vice*. By appearing in any case, an attorney becomes subject to the rules of this court.

LCrR 57.10 Requirement of Local Counsel.

(a) Local Counsel Required. Unless exempted by LCrR 57.11, local counsel is required in all cases where an attorney appearing in a case does not reside or maintain an office in this district. "Local counsel" means a member of the bar of this court who resides or maintains an office within 50 miles of the division in which the case is pending. Attorneys desiring to proceed without local counsel must obtain leave from the presiding judge. If the request for leave is denied, written designation of local counsel must be filed within 10 days of the denial.

(b) Duties of Local Counsel. Local counsel must be authorized to present and argue a party's position at any hearing called by the presiding judge on short notice. Local counsel must also be able to perform, on behalf of the party represented, any other duty required by the presiding judge or the local criminal rules of this court.

LCrR 57.11 Exemption from Admission to Practice, and from Requirement of Local Counsel, for Attorneys Appearing on Behalf of the United States Justice Department or the Attorney General of the State of Texas.

Unless the presiding judge otherwise directs, an attorney appearing on behalf of the United States Justice Department or the Attorney General of the State of Texas, and who is eligible pursuant to Rule 57.9(a) to appear in this court, shall be exempt from the requirements of Rules 57.9(b) and 57.10, but shall otherwise be subject to all requirements applicable to attorneys who have been granted leave to appear *pro hac vice*.

LCrR 57.12 Withdrawal of Attorney.

An attorney desiring to withdraw in any case must file a motion to withdraw. This motion must, in addition to the matters required by LCrR 47.1, specify the reasons requiring withdrawal and provide the name and address of the succeeding attorney. If the succeeding attorney is not known, the motion must set forth the name, address, and telephone number of the client and bear the client's signature approving withdrawal.

LCrR 57.13 Change of Address or Name.

When an attorney admitted to practice in this district changes the attorney's business address or name, the attorney shall, within 30 days, file notice of the change with the clerk, using the approved form. On the form, the attorney shall list the style and docket number of all cases that the attorney has pending before this court.

LCrR 57.14 Parties Proceeding Pro Se.

Any party proceeding on the party's own behalf is considered pro se. Pro se parties must read and follow the local criminal rules of this court and the Federal Rules of Criminal Procedure.

LCrR 57.15 Attorney as a Witness.

(a) Acceptance of Employment. An attorney must not accept employment in a contemplated or pending case if the attorney knows, or in the exercise of reasonable diligence should know, that the attorney or another attorney in the firm may be called as a witness on behalf of the client. The attorney may accept employment, and the attorney or another attorney in the firm may testify, if the testimony relates solely to:

(1) an uncontested matter;

(2) a matter of formality where there is no reason to believe that substantial evidence will be offered in opposition to the testimony; or

(3) the nature and value of legal services rendered.

(b) Exception for Substantial Hardship. Notwithstanding the requirements of subsection (a), an attorney may accept employment if refusal would work a substantial hardship on the client because of the distinctive value of the attorney or the firm in the particular case.

(c) Withdrawal From Representation. If, after accepting employment in a case, an attorney learns, or in the exercise of reasonable diligence should know, that the attorney or another attorney in the firm may be called as a witness on behalf of the client, the attorney and the firm must withdraw from the case unless one of the exceptions listed in subsection (a) or (b) applies.

(d) Testimony Prejudicial to Client. If, after accepting employment in a case, an attorney learns, or in the exercise of reasonable diligence should know, that the attorney or another attorney in the firm may be called as a witness other than on behalf of the client, the attorney and firm may continue to represent the client unless it appears that the testimony will or may be prejudicial to the client.

LCrR 58.1 Procedure Governed by Miscellaneous Order.

The procedures for conducting proceedings involving minor criminal offenses, as defined by 18 U.S.C. § 3401, shall be governed by the current miscellaneous order establishing such procedures.

LOCAL BANKRUPTCY RULES OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

LBR 8005.1 Procedure for Presenting Motion.

(a) A party moving for relief pursuant to Fed. R. Bankr. P. 8005 must first present the motion to the United States Bankruptcy Judge who signed the judgment, order, or decree, unless that judge is unavailable, in which event the party must present the motion to another bankruptcy judge for the Northern District of Texas.

(b) If no bankruptcy judge is available to hear the motion, the moving party may present the motion to a district judge assigned for that purpose pursuant to the procedure prescribed by the district court. The motion must be accompanied by a certificate, signed by an attorney for the movant, that states that following a diligent search, the attorney has determined that no bankruptcy judge is available to hear the motion.

LBR 8007.1 Transmission of Appeal Not Affected by Inaction of Parties.

The failure of a party to an appeal to designate the record on appeal or to arrange for the production of a transcript designated for inclusion in the record on appeal will not stay transmission of the record of the appeal to the district clerk. When transmitting the record to the district clerk, the bankruptcy clerk will note an appellant's failure so to act.

CIVIL RULES DERIVATION TABLE	
1997 Local Civil Rule Number	**Local Rule Number**
1.1	1.2
3.1(a), (b), (c), (d)	3.1(a)
4.1	3.1(f)
4.2	12.1(b)
5.1	2.1(b), (c), (d)
5.2	2.2
5.3	3.2(b)
5.4	3.2(c)
7.1	5.1
7.1(h)	Appendix I--Uniform Requirements on Motion Practice
7.2	5.3
7.3	5.5
9.1	10.3
10.1	2.1(c)
12.1	5.2(d)
15.1	5.2(b)
16.1	7.1(b)
16.2	Miscellaneous Order No. 6, Rule 2(c)(2), 2(c)(5)
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16.4	7.1(a)
23.1	10.2(a)
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23.3	10.2(d)
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26.2(a)	8.1(a)
26.2(b)	8.1(b)
26.2(c)	8.1(c)
40.1	5.2(e)
41.1	9.2
42.1	5.2(c)
47.1	8.2(e)
51.1	8.2(c)
52.1	8.3
55.1	3.1(h)
55.2	3.1(i)
56.1	5.2(a)
58.1	5.4
62.1	12.5
65.1	10.1
67.1	12.3
71A.1	10.4
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79.1	11.2
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83.1	1.1

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1997 Local Civil Rule Number	**Local Rule Number**
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83.14	13.7
83.15	13.8
83.16	14.1
83.17	14.2
83.18	14.3

CRIMINAL RULES DERIVATION TABLE	
1997 Local Criminal Rule Number	**Local Rule Number**
1.1	1.2
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24.1	8.2(e)
30.1	8.2(c)
32.1	10.9(k)
47.1	5.1
47.1(c)	5.4
47.1(h)	Appendix I--Uniform Requirements on Motion Practice
47.2	5.3
47.3	5.5
49.1	3.3
49.2	2.1(b), (c), (d)
49.3	2.1(e)
49.4	11.1
53.1	14.3
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55.1	11.2
55.2	11.3
57.1	1.1
57.2	1.4, 1.6
57.3	4.1

CRIMINAL RULES DERIVATION TABLE	
1997 Local Criminal Rule Number	**Local Rule Number**
57.4	8.5
57.5	12.1(a)
57.6	12.1(c)
57.7	13.1
57.8	13.2
57.9	13.3
57.10	13.4
57.11	13.9
57.12	13.5(a)
57.13	13.5(b)
57.14	1.2, 13.7
57.15	13.8
58.1	10.5

DISPOSITION TABLE	
Local Rule Number	**1997 Local Rule Numbers**
1.1	LR 83.1, LCrR 57.1
1.2	LR 1.1 and 83.14, LCrR 1.1 and 57.14
1.3	Not adopted as Local Rule
1.4	LR 83.2, LCrR 57.2
1.5	Not adopted as Local Rule
1.6	LR 83.2, LCrR 57.2
1.7	Not adopted as Local Rule
2.1(a)	Not adopted as Local Rule
2.1 (b), (c), and (d)	LR 5.1 (a), (b), and (c), LCrR 49.2
2.1(e)	LR 10.1, LCrR 49.3
2.1(f)	Not adopted as Local Rule
2.2	LR 5.2
3.1(a)	3.1
3.1(b)	Not adopted as Local Rule
3.1(c)	LR 3.1(e)
3.1(d)	Not adopted as Local Rule
3.1(e)	Not adopted as Local Rule
3.1(f)	LR 4.1
3.1(g)	Not adopted as Local Rule
3.1(h)	LR 55.1
3.1(i)	LR 55.2
3.2(a)	Not adopted as Local Rule
3.2(b)	LR 5.3

DISPOSITION TABLE	
Local Rule Number	**1997 Local Rule Numbers**
3.2(c)	LR 5.4
3.3	LCrR 49.1
4.1	LR 83.3, LCrR 57.3
4.2	Not adopted as Local Rule
5.1	LR 7.1, LCrR 47.1
5.2(a)	LR 56.1
5.2(b)	LR 15.1
5.2(c)	LR 42.1
5.2(d)	LR 12.1
5.2(e)	LR 40.1
5.3	LR 7.2, LCrR 47.2
5.4	LR 7.1(c) and LR 58.1, LCrR 47.1(c)
5.5	LR 7.3, LCrR 47.3
6.1	LR 5.2
6.2	LR 26.1
7.1(a)	LR 16.4
7.2	Not adopted as Local Rule
7.1(b)	LR 16.1
8.1	LR 26.2, LCrR 16.1
8.2 (a) and (b)	Not adopted as Local Rule
8.2(c)	LR 51.1, LCrR 30.1
8.2(d)	Not adopted as Local Rule
8.2(e)	LR 47.1, LCrR 24.1
8.3	LR 52.1, LCrR 23.1

DISPOSITION TABLE	
Local Rule Number	**1997 Local Rule Numbers**
8.4	Not adopted as Local Rule
8.5	LR 83.4, LCrR 57.4
9.1	LR 16.3
9.2	LR 41.1
9.3	Not adopted as Local Rule
10.1(a)	Not adopted as Local Rule
10.1(b)	LR 65.1
10.2(a)	LR 23.1
10.2(b)	LR 23.2
10.2(d)	LR 23.3
10.2(e)	Not adopted as Local Rule
10.3	LR 9.1
10.4	LR 71A.1
10.5	LCrR 58.1
10.6(a)	Not adopted as Local Rule
10.6(b)	Not adopted as Local Rule
10.7	Not adopted as Local Rule
10.9	Rule 10.8(k) adopted as LCrR 32.1; otherwise, not adopted as Local Rule
11.1(a)	LR 77.1, LCrR 49.4(a)
11.1(b) and (c)	LR 77.1, LCrR 49.4
11.2(a)	LR 79.1(a), LCrR 55.1
11.2(b)-(e)	LR 79.1, LCrR 55.1
11.3	LR 79.2, LCrR 55.2
12.1(a)	LR 83.5, LCrR 57.5

DISPOSITION TABLE	
Local Rule Number	**1997 Local Rule Numbers**
12.1(b)	LR 4.2
12.1(c)	LR 80.1, LCrR 57.6
12.3	LR 67.1
12.4	Not adopted as Local Rule
12.5	LR 62.1
12.6	Not adopted as Local Rule
12.7	LR 83.6
13.1	LR 83.7, LCrR 57.7
13.2	LR 83.8, LCrR 57.8
13.3	LR 83.9, LCrR 57.9
13.4	LR 83.10, LCrR 57.10
13.5(a)	LR 83.12, LCrR 57.12
13.5(b)	LR 83.13, LCrR 57.13
13.6	Not adopted as Local Rule
13.7	LR 83.14, LCrR 57.14
13.8	LR 83.15, LCrR 57.15
13.9	LR 83.11, LCrR 57.11
14.1	LR 83.16, LCrR 53.2
14.2	LR 83.17, LCrR 53.3
14.3	LR 83.18, LCrR 53.1