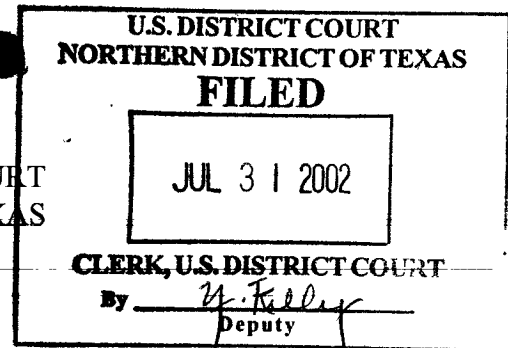


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS



Special Order No. 2-54

1. By Special Order No. 2-53, the District Judges of this Court adopted amendments to the local civil rules and local criminal rules of this Court. These amendments amended local civil rules 9.1, 23.2, 56.2(b), 83.7, 83.8, and 83.12, and local criminal rules 57.7, 57.8, and 57.12, and adopted new local civil rule 54.1.
2. Following receipt of public comment, the Court has determined to amend the local civil rules and local criminal rules in the manner set forth in the attachment to Special Order No. 2-53, with the exception that the Court withdraws proposed amended local civil rule 9.1 for further study. The amendments shall take effect on September 1, 2002 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.
3. The Clerk of Court is directed to make the necessary distribution.

SO ORDERED.

July 31, 2002

FOR THE COURT:

A. Joe Fish
A. JOE FISH, CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

ATTACHMENT

LOCAL CIVIL RULES

New material is redlined and underlined or identified with the notation, “[ALL MATERIAL THAT FOLLOWS IS NEW];” deleted material is ~~stricken through~~.

Amendment to Civil Rule 23.2

LR 23.2 Motion for Certification; Briefs.

Within 90 days of filing a class action complaint, or at such other time as the presiding judge by order directs, an attorney for the plaintiff must move for certification.

New Civil Rule 54.1

LR 54.1 Time for Filing Bill of Costs.

A party awarded costs by final judgment or by judgment that a presiding judge directs be entered as final under Fed. R. Civ. P. 54(b) must apply to the clerk for taxation of such costs by filing a bill of costs in a form approved by the clerk. Unless otherwise provided by statute or by order of the presiding judge, the bill of costs must be filed with the clerk and served on any party entitled to such service no later than 14 days after the clerk enters the judgment on the docket.

Amendment to Civil Rule 56.2(b)

LR 56.2 Limits on Time for Filing and Number of Motions.

(a) **Time for Filing.** Unless otherwise directed by the presiding judge, no motion for summary judgment may be filed within 90 days of the trial setting.

(b) **Number.** Unless otherwise directed by the presiding judge, or permitted by law, ~~the Federal Rules of Civil Procedure~~, a party may file no more than one motion for summary judgment.

Amendment to Civil Rule 83.7

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, to be approved by a district judge, 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.

Amendment to Civil Rule 83.8

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 ~~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~~ An attorney who is suspended or disbarred under I.R. 83.8(b) 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. 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.

- (1) 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 not be suspended or disbarred.
- (2) 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.

- (3) 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.

Amendment to Civil Rule 83.12

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 either bear the client's signature approving withdrawal or state specifically why, after due diligence, the attorney was unable to obtain the client's signature.

Amendment to Criminal Rule 57.7

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, to be approved by a district judge, 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.

CRIMINAL RULES

Amendments to Criminal Rule 57.8

LCrR 57.8 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 ~~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~~ An attorney who is suspended or disbarred under LR 83.8(b) 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.

(h) Reciprocal Discipline.

- (1) A member of the bar who is subject to suspension or disbarment under LCrR 57.8(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 not be suspended or disbarred.
- (2) 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.
- (3) 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.

Amendment to Criminal Rule 57.12

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 either bear the client's signature approving withdrawal or state specifically why, after due diligence, the attorney was unable to obtain the client's signature.