



**United States District Court
Eastern District of New York
Southern District Of New York**

Dora L. Irizarry
Chief Judge, E.D.N.Y.

Colleen McMahon
Chief Judge, S.D.N.Y.

JOINT NOTICE TO THE BAR
September 18, 2018

CONTACT
S.D.N.Y. - (212) 805-0500
E.D.N.Y. - (718) 613-2600

**Eastern and Southern Districts Adopt Revisions to
Local Civil Rule 1.3, Admission to the Bar, and Invite Public Comment**

The United States District Courts for the Eastern and Southern Districts of New York have adopted revisions to Local Civil Rule 1.3, and invite public comment.

Local Civil Rule 1.3 has been revised to reflect the new process, effective October 9, 2018, for electronically filing an application for admission to the bar. This change in the Local Rule is made necessary by the courts' upcoming adoption of [NextGen CM/ECF](#). The modified Local Rule follows this notice and may also be found at <http://nysd.uscourts.gov>.

Prior to the revised rule taking effect, the public is invited to comment. Comments are to be submitted in writing on or at the close of business on October 2, 2018, to:

Edward A. Friedland, District Court Executive
U.S. District Court for the Southern District of New York
500 Pearl Street, Room 820
New York, NY 10007-1312

or

Douglas C. Palmer, Clerk of Court
U.S. District Court for the Eastern District of New York
225 Cadman Plaza
Brooklyn, NY 11201

The revisions will become effective upon approval by the Second Circuit Judicial Council.

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Draft Revision

Local Civil Rule 1.3. Admission to the Bar

(a) A member in good standing of the bar of the State of New York, or a member in good standing of the bar of the United States District Court in Connecticut or Vermont and of the bar of the State in which such district court is located, provided such district court by its rule extends a corresponding privilege to members of the bar of this Court, may be admitted to practice in this Court on compliance with the following provisions:

~~In the first instance, e~~Each applicant for admission is required to file an application for admission in electronic form and pay the required fee ~~on the Court's Web site~~ through the Public Access to Court Electronic Records (PACER) system at www.pacer.gov. This one application will be utilized both to admit and then to provide the applicant to the bar of this Court with ~~a password and login~~ electronic filing privileges for use on the Court's Electronic Case Filing (ECF) system. The applicant shall adhere to all applicable rules of admission.

~~The applicant shall (a) complete the application on-line, (b) submit the application electronically, (c) print and sign a copy of the application, and (d) file the printed application and fee with the Clerk, together with a certificate(s) of good standing and a supporting affidavit(s).~~

~~After submitting the application in electronic form, each applicant for admission shall file with the Clerk, at least ten (10) days prior to hearing (unless, for good cause shown, the Judge shall shorten the time), the signed paper copy of the verified written petition for admission stating:~~

The application for admission shall state:

- (1) applicant's residence and office address;
- (2) the ~~time~~ date(s) when, and courts where, admitted;
- (3) applicant's legal training and experience;
- (4) whether applicant has ever been held in contempt of court, and, if so, the nature

of the contempt and the final disposition thereof;

(5) whether applicant has ever been censured, suspended, disbarred or denied admission or readmission by any court, and, if so, the facts and circumstances connected therewith;

(6) that applicant has read and is familiar with

(a) the provisions of the Judicial Code (Title 28, U.S.C.) which pertain to the jurisdiction of, and practice in, the United States District Courts;

(b) 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.

The ~~petition~~ application shall be accompanied by a certificate of the clerk of the court for each of the states in which the applicant is a member of the bar, which has been issued within thirty (30) days of filing and states that the applicant is a member in good standing of the bar of that state court.

The ~~petition~~ application shall also be accompanied by an affidavit of an attorney of this Court who has known the applicant for at least one year, stating when the affiant was admitted to practice in this Court, how long and under what circumstances the attorney has known the applicant, and what the attorney knows of the applicant's character and experience at the bar.

Such ~~petition~~ application shall be placed at the head of the calendar and, on the call thereof,

the attorney whose affidavit accompanied the ~~petition~~ application shall, for the Eastern District of New York, and may, and is encouraged to, for the Southern District of New York, personally move the admission of the applicant. If the ~~petition~~ application is granted, the applicant shall take the oath of office and sign the roll of attorneys.

A member of the bar of the state of New York, Connecticut, or Vermont who has been admitted to the bar of this Court pursuant to this subsection and who thereafter voluntarily resigns from membership in the bar of the state pursuant to which he was admitted to the bar of this Court, and who does not within 30 days of that voluntary resignation file an affidavit with the Clerk of this Court indicating that such person remains eligible to be admitted to the bar of this Court pursuant to other provisions of this subsection (such as because he is still a member of the bar of another eligible state and, where applicable, a corresponding district court), shall be deemed to have voluntarily resigned from the bar of this Court as of the same date the member resigned from the bar of the underlying state, provided that such resignation shall not be deemed to deprive this Court of jurisdiction to impose discipline on this person, pursuant to Rule 1.5 infra, for conduct preceding the date of such resignation.

(b) A member in good standing of the bar of either the Southern or Eastern District of New York may be admitted to the bar of the other district without formal application

(1) upon electronically filing ~~in that district~~ through the PACER website a certificate of the Clerk of the United States District Court for the district in which the applicant is a member of the bar, which has been issued within thirty (30) days of filing and states that the applicant is a member in good standing of the bar of that Court;

(2) an affidavit by the applicant stating

(a) whether the applicant has ever been convicted of a felony,

(b) whether the applicant has ever been censured, suspended, disbarred or

denied admission or readmission by any court,

(c) whether there are any disciplinary proceedings presently against the applicant and

(d) the facts and circumstances surrounding any affirmative responses to (a) through (c); and

(3) upon taking the oath of office, signing the roll of attorneys of that district, and paying the fee required in that district. Each district retains the right to deny admission based upon the content of the affidavit in response to item (2).

(c) A member in good standing of the bar of any state or of any United States District Court may be permitted to argue or try a particular case in whole or in part as counsel or advocate, upon motion ~~(which may be made by the applicant)~~ as described below.

After requesting pro hac vice electronic filing privileges through the PACER website, applicants shall electronically file a motion for admission pro hac vice on the court's ECF system and pay the required fee.

~~and (1) upon filing with the Clerk of the District Court~~ The motion must be accompanied by a certificate of the court for each of the states in which the applicant is a member of the bar, which has been issued within thirty (30) days of filing and states that the applicant is a member in good standing of the bar of that state court, and an affidavit by the applicant stating

~~(a)~~ whether the applicant has ever been convicted of a felony,

~~(b)~~ whether the applicant has ever been censured, suspended, disbarred or denied admission or readmission by any court,

~~(c)~~ whether there are any disciplinary proceedings presently against the applicant and

~~(d)~~ the facts and circumstances surrounding any affirmative responses to (a) through

~~(c); and (2) upon paying the required fee.~~

Attorneys appearing for the Department of Justice may appear before the Court without requesting pro hac vice admission. **Such attorneys shall request electronic filing privileges through the PACER website.** Attorneys appearing for other federal agencies must move for pro hac vice admission but the fee requirement is waived and the certificate(s) of good standing may have been issued within one year of filing. Only an attorney who has been so admitted or who is a member of the bar of this Court may enter appearances for parties, sign stipulations or receive payments upon judgments, decrees or orders.

(d) If an attorney who is a member of the bar of this Court, or who has been authorized to appear in a case in this Court, changes his or her residence or office address, the attorney shall immediately notify the Clerk of the Court, in addition to serving and filing a notice of change of address in each pending case in which the attorney has appeared.

2011 COMMITTEE NOTE

The Committee recommends that Local Civil Rule 1.3(c) be amended to clarify that a motion for admission pro hac vice may be made by the applicant, and does not need to be made by a member of the Court's bar. This is a logical corollary of the fact that the Southern and Eastern Districts no longer require that attorneys admitted pro hac vice be associated with local counsel who are members of the Court's bar.

2013 COMMITTEE NOTE

The amendments to Local Civil Rule 1.3(c) have two purposes. First, to conform the rule to local practice, i.e., to reflect the required fee for pro hac vice admission and the practice, mandated by 28 U.S.C. ' 517, of not requiring Department of Justice attorneys, who are not members of the bar of this Court, to be admitted pro hac vice before appearing. The second purpose of the rule is to make pro hac vice admission less onerous for other federal agency attorneys by waiving the fee requirement and easing the certificate of good standing requirement. It was the considered judgment of the Court that pro hac vice admission remains necessary to ensure recourse in the event of any violation of the rules of court.

2016 COMMITTEE NOTE

A candidate for admission to the bar must respond to inquiries on the application regarding the candidate's criminal and disciplinary history. The amendment requires that the same information be supplied in two circumstances not previously covered by the Rule: (1) an application for admission pro hac vice; and (2) the admission to a second district (whether the Southern or Eastern District of New York) upon the filing of a certificate of good standing from the first district (whether the

Southern or Eastern District of New York) within 30 days of admission in the first district. In the latter circumstance, the amendment also provides that the second district may deny admission based upon the disclosed criminal and disciplinary history.

2018 COMMITTEE NOTE

Local Rule 1.3 is revised solely to reflect the new process for electronically filing an application for admission and obtaining electronic filing privileges.