



**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

Howard H. Baker Jr. United States Courthouse
800 Market Street, Suite 130
Knoxville, Tennessee 37902
(865) 545-4228
www.tned.uscourts.gov

JOHN L. MEDEARIS
Clerk of the Court

LEANNA R. WILSON
Chief Deputy Clerk

NOTICE

Pursuant to 28 U.S.C. § 2071(b), the Clerk of the Court hereby gives notice of and an opportunity for comment regarding the Court's proposal to amend the Eastern District of Tennessee Local Rule LR 83.5 (Bar Admission). Additions are underlined and deletions are struck through.

(a) Admission to Practice Generally

(1) Qualifications. ~~It shall be required to practice generally in this Court that an applicant be~~Only attorneys who are currently admitted to practice in the highest court of a state, territory, or the District of Columbia, and ~~that the applicant who~~ appear to the Court to be of good moral and professional character may be admitted as members of the bar of this Court. Admission will be based (to the extent applicable) upon standards contained in the Rules of Professional Conduct as adopted by the Supreme Court of Tennessee. However, this Court will not be bound by any decision of the Tennessee courts, the Board of Professional Responsibility, or the committee, regarding an applicant for admission or reinstatement before this Court.

(2) Application. Each applicant shall ~~file with~~ submit to the Clerk an executed copy of the application approved by the Court and furnished by the Clerk containing the applicant's personal statement and the statement of two sponsors ~~(who must be members of the bar of this Court and must personally know, but not be related to, the applicant)~~ endorsing the correctness of the applicant's statement, stating that the applicant possesses all the qualifications required for admission and affirming that the applicant is of good moral and professional character. The sponsors must be members of the bar of this Court and must personally know, but not be related to, the

applicant. Each applicant shall pay a nonrefundable application fee to the Clerk, ~~which is NOT refundable.~~

(3) Processing of Applications. All applications for admission to practice in this Court shall be transmitted by the Clerk to a Standing Committee on Admissions, which shall be composed of members of the Tennessee bar, although not necessarily members from a local bar association. The Committee shall reviews the qualifications of the applicants and make a recommendation reports to the Court as to whether the applicant should be granted admission to practice before this Court.

(A) Admissions Recommended. Unless otherwise ordered by the Court, applicants recommended for admission by the Committee shall ~~Applicants so certified may~~ be admitted on motion of a member of the federal bar in open court or in chambers. The Clerk will provide a successful applicant with a certificate of admission.

(B) Admissions Not Recommended. When the standing committee does not recommend granting admission to an applicant, the Committee must submit to the Court a written report detailing the reasons for the Committee's recommendation. The Court shall forward the Committee's report to the applicant or shall otherwise provide notice to the applicant of the Committee's recommendation of denial and the reasons therefor. The applicant shall have fourteen (14) days to respond in writing and state why the Court should not adopt the Committee's recommendation, and may request a hearing on the matter. After an applicant is provided an opportunity to respond, the Court will enter an Order on the matter stating whether the attorney's application for admission will be granted or denied and the reasons therefor.

(4) Hearings. At the discretion of the Court, the Court may order an appropriate hearing regarding any applicant for admission or reinstatement. ~~Regarding applications for initial admission, the Court will first submit the application to a committee composed of members of the Tennessee bar, not necessarily from a local bar association, and obtain their recommendation concerning the applicant. The Court may schedule a hearing following the Committee's recommendation. At the discretion of the Court, the Court may submit applications for reinstatement to a committee composed of members of the Tennessee bar and obtain their recommendation concerning the applicant.~~

~~Admission will be based (to the extent applicable) upon standards contained in the Rules of Professional Conduct and the Rules of the Supreme Court of~~

~~Tennessee. However, this Court will not be bound by any decision of the Tennessee courts, the Board of Professional Responsibility, or the committee, regarding an applicant for admission or reinstatement before this Court.~~

(5) **Oath.** Upon notice that an attorney's application for admission has been approved, the attorney admitted to practice shall take and sign an oath or affirmation as prescribed by Rule 5 of the Supreme Court of the United States. If the lawyer attorney so admitted fails to take and sign the oath or affirmation as herein directed within one year of admission, that lawyer attorney's application shall be deemed withdrawn.

(6) **Effect.** This admission shall entitle an attorney to practice in this Court ~~while and so~~ for as long as he or she remains in good standing in this Court and is entitled to practice in the court of the state, territory, or District of Columbia identified on the attorney's application for admission.

(b) **Admission Pro Hac Vice and ~~Special Admission for Certain Attorneys~~**

(1) **~~Admission Pro Hac Vice--Reciprocity With Other Districts.~~**

(A) Upon motion, attorneys who are members~~An attorney who is a member in good standing of the bar of the highest court of a state, territory, or the District of Columbia and who are~~is admitted to and entitled to practice in another United States District Court may, upon motion, be permitted to practice specially in this district pro hac vice in a particular case before this Court. This rule does not apply to attorneys who reside and/or who are regularly employed within the geographic confines of the Eastern District of Tennessee.

(B) An applicant must submit with his or her motion for admission pro hac vice a certificate of good standing from, provided it is certified by the presiding judge or clerk of the other United States District Court where that the attorney is admitted and entitled to practice a member in good standing of that court's bar. Said~~The~~certificates must be no more than 30 days old and should be filed with the motion for admission pro hac vice.

(C) Applicants must pay a fee of \$90.00 upon filing a motion for admission pro hac vice unless the applicant has an application for admission pending under LR 83.5(a), in which case, the applicant may be admitted pro hac vice upon proper motion without payment of a fee, provided the applicant files an affidavit of their application for admission to the bar of this Court.

(D) If thean applicant's motion for admission pro hac vice is not

filed contemporaneously with the first pleading, ~~the motion~~^{it} **must** be filed; and ~~the motion~~ granted; before the attorney proceeds further in the case. ~~Attorneys desiring to appear pro hac vice shall pay a fee of \$90.00 upon filing of such motion.~~

~~(2) — Admission Pro Hac Vice — Pending Application for Admission. Attorneys who have an application pending under ¶ (a)(2) above may be admitted pro hac vice upon proper motion without payment of a fee, provided they file an affidavit of their application for admission to the bar of this Court.~~

(3c) Special Admission for Certain Attorneys. Attorneys who are members in good standing of the bar of the highest court of a state or any other district court, and are employed by the United States Government or Federal Defender Services as an attorney, may appear in particular cases without either an application for admission as set forth in ¶LR 83.5 (a)(2), or the filing of a motion to practice *pro hac vice* as set forth in ¶LR 83.5 (b)(1).

(ed) Duty to Report. Attorneys admitted to practice generally, specially, or pro hac vice in this Court under this rule~~generally, pro hac vice, or specially under paragraphs (a) and (b) of this section~~ shall report to the Clerk, in writing, within seven days of the initiation of disciplinary action against the attorney by the state in which he or she is a member, or by any court of record. Failure to make such a report within the allotted time will subject the attorney to disciplinary action in this Court.

Comments should be directed in writing to John L. Medearis, Clerk of Court, by April 1, 2020, at the above address.

Comment:

Language has been added to (a)(3) to clarify the admissions process and specifically stating how the standing committee shall handle attorney applications not recommended for admission.

Additionally, section (b)(1) has been revised to clarify the pro hac vice process. In particular, it is noted that attorneys who are not a member of the bar of the Eastern District of Tennessee and who reside and/or regularly practice in the geographic confines of the district may not use the procedures outlined in (b)(1) to gain admission.

Revisions include general stylistic changes for clarity.