

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

IN RE:)
)
AMENDMENT OF LOCAL RULE 83.5) LR-20-01

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| <p>FILED CLERK'S OFFICE United States District Court Eastern District of Tennessee Date: <i>Apr 14, 2020, 12:08 pm</i></p> |
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ORDER

Pursuant to Rule 83, *Federal Rules of Civil Procedure*, and 28 U.S.C. § 2071, it is **ORDERED** that Local Rule 83.5 is **AMENDED** to read as follows:

(a) Admission to Practice Generally

(1) Qualifications. Only attorneys who are currently admitted to practice in the highest court of a state, territory, or the District of Columbia, and 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 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 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.

(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 review the qualifications of the applicants and make a recommendation to the Court as to whether the applicant should be granted admission to practice before this Court.

(A) Admission Recommended. Unless otherwise ordered by the Court, applicants recommended for admission by the Committee

shall 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) Admission 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. The Court may schedule a hearing following the Committee's recommendation.

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fails to take the oath or affirmation as herein directed within one year, that attorney's application shall be deemed withdrawn.

(6) Effect. This admission shall entitle an attorney to practice in this Court 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*

(1) Admission *Pro Hac Vice*.

(A) 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 is admitted and entitled to practice in another United States District Court may, upon motion, be permitted to practice *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 the other United States District Court where the attorney is admitted and entitled to practice. 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 an applicant's motion for admission *pro hac vice* is not filed contemporaneously with the first pleading, the motion must be filed and granted before the attorney proceeds further in the case.

(c) **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).

(d) **Duty to Report.** Attorneys admitted to practice generally, specially, or *pro hac vice* in this Court under this rule 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.

SO ORDERED.

ENTERED BY THE COURT:


PAMELA L. REEVES
CHIEF UNITED STATES DISTRICT JUDGE