

## GENERAL RULE 4 – ATTORNEY ADMISSIONS AND DISCIPLINE

### OKLAHOMA NORTHERN DISTRICT COURT – REDLINE VERSION

#### **LGnR4-1 Committee on Admissions and Grievances**

A Committee on Admissions and Grievances shall be appointed by the Court. Membership of the committee shall be determined by order of the court. The Committee shall (1) investigate applications for admission to the bar of this Court referred to the Committee by the Court Clerk and (2) investigate complaints of professional misconduct submitted to the Committee by a judge of this Court.

#### **LGnR4-2 Admissions**

- (a) Roll of Attorneys.** The bar of this Court shall consist of those attorneys admitted to practice before this Court who have taken the prescribed oath and submitted the fee, if required.
- (b) Eligibility.** Any member of the bar of the Supreme Court of the United States, or of any United States Court of Appeals, or of any District Court of the United States, or a member in good standing of the bar of the highest court of any state of the United States, is eligible for admission to the bar of this Court.
- (c) Procedure for Admission.** Every applicant for admission shall complete an electronic application for admission through PACER, and submit the fee, if required. Instructions for submitting the electronic application can be obtained from the clerk's office or our public web site. **The completed application for admission must include the following.**
- 1) An executed and notarized Oath of Applicant form which can be obtained from the clerk's office or on our public web site, or
  - 2) Either 1) a Certificate of Good Standing from any eligible court per LGnR4-2(b) or 2) an attorney recommendation form completed by two attorneys admitted and in good standing to the bar of this court, available from the clerk's office or our public web site.
- (d) Consent to Release of Information; Certification of Familiarity with Local Rules. An attorney who applies for admission to the bar of the court:**
- (1) consents to the release of information in their records by Disciplinary and Admitting authorities for confidential consideration by this Court and/or Committee on Admissions and Grievances; and**
  - (2) certifies familiarity with the Federal Rules of Civil Procedure, the Federal Criminal Procedure, the Federal Rules of Evidence, and the Rules of the Northern District of Oklahoma.**
- (e) Referral to Committee. If the Court Clerk determines that questions exist regarding the applicant's qualifications or fitness to be admitted to the bar of this Court, the Court Clerk shall refer the application to the Committee on Admissions and Grievances for investigation. The Committee shall**

report its recommendations in writing to the Court Clerk. Upon a favorable report of the Committee, the applicant may be admitted by any judge of this Court or the Court Clerk.

**MODIFIED TO REFLECT NEW ADMISSION PROCEDURES WITH CMECF NEXT GEN. ADDED NEW SECTION ON CONSENT TO RELEASE INFORMATION. NO LONGER SUBMIT TO COMMITTEE APPLICATIONS UNLESS THERE IS AN ISSUE TO INVESTIGATE. THE RECIPROCITY RULE IS MUTE.**

- (f) **Attorneys for the United States.** Attorneys who are employed or retained by the United States or its agencies may practice in this Court in all cases or proceedings in which they represent the United States or such agencies.
- (g) **Admission Pro Hac Vice.** Any attorney who is eligible for admission to the bar of this Court may in the discretion of a judge of this Court be granted temporary admission to practice in a pending case. Attorneys requesting such admission are required to file a motion and attach a completed Request for Admission Pro Hac Vice form provided by the Court Clerk's office along with the required fee.

#### **LGnR4-3 Association of Local Counsel.**

- (a) **Responsibilities of Non-Resident Counsel.** When representing a party in this Court, any attorney who is not a resident of, and does not maintain an office in, Oklahoma shall show association with an attorney who is personally appearing in the action and who is a resident of the State and maintains a law office within the State of Oklahoma, and who has been duly and regularly admitted to practice in this Court.
- (b) **Responsibilities of Local Counsel.** It is the responsibility of local counsel appearing in any case to file the motion of the non-resident attorney to be admitted Pro Hac Vice and to certify in the motion that the non-resident attorney is a member in good standing of the bar of the highest court of the state where the non-resident attorney resides or is licensed. The local attorney shall sign the first pleading filed and shall continue in the case unless other local counsel is substituted. Any notice, pleading or other paper may be served upon the local counsel with the same effect as if personally served on the non-resident attorney.
- (c) **Relief from this Rule.** Relief from this rule is within the Court's discretion upon motion establishing financial hardship, special qualifications of non-resident counsel, or other good cause, provided that out-of-state counsel certifies familiarity with the local civil court rules.

#### **LGnR4-4 Appearance and Withdrawal of Counsel.**

- (a) **Entry of Appearance.** An attorney appearing for a party shall enter an appearance by signing and filing an entry of appearance on the form prescribed by the Court Clerk.
- (b) **Attorneys of record shall not withdraw from the case except upon reasonable notice to the client and all other parties who have appeared in the case and by leave of the judge to whom the case is assigned.**

**ELIMINATION OF LAST SECTION AS DUPLICATIVE. MOVED WITHDRAW SECTION HERE TO COMBINE WITH APPEARANCE.**

LGNR4-5 Resolving Scheduling Conflicts

- (a) Definition. An attorney shall not be deemed to have a conflict unless: 1) the attorney is lead counsel in two or more of the actions affected; and 2) the attorney certifies that the matters cannot be adequately handled, and the clients interest adequately protected, by other counsel for the party in the action or by other attorneys in lead counsel's firm; certifies compliance with the rule and has nevertheless been unable to resolve the conflicts; and certifies in the notice a proposed resolution by list of such cases in the order of priority specified by this rule.
- (b) When an attorney is scheduled to appear in two or more courts (trial or appellate, state or federal), the attorney shall give prompt written notice, as specified in (a) above, of the conflict to opposing counsel, to the clerk of each court, and to the judge before whom each action is set for hearing. The written notice shall contain the attorney's proposed resolution of the appearance conflicts in accordance with the priorities established by this rule and shall set forth the order of cases to be tried with a listing of the date and data required as to each case arranged in the order in which the cases should prevail under this rule. Attorneys confronted by such conflicts are expected to give written notice as soon as the conflict arises but in any event at least seven (7) days prior to the date of the conflicting settings. In resolving scheduling conflicts, the following priorities should ordinarily prevail:
- (1) Criminal (felony) actions shall prevail over civil actions set for trial or appellate proceedings;
  - (2) Jury trials shall prevail over non-jury matters, including trials and administrative proceedings;
  - (3) Trials shall prevail over appellate arguments, hearings and conferences;
  - (4) Appellate proceedings shall prevail over all trial hearings, other than actual trials;
  - (5) Within each of the above categories only, the action which was first set shall take precedence.
- (c) In addition to the above priorities, consideration should be given to the comparative age of the cases, their complexity, the estimated trial time, the number of attorneys and parties involved, whether the trial involves a jury, and the difficulty or ease of rescheduling.
- (d) The judges of the courts involved in a scheduling conflict shall promptly confer, resolve the conflict, and notify counsel of the resolution. The judge presiding over the older case (i.e., the earliest filed case) will be responsible for initiating this communication.
- (e) Conflict resolution shall not require the continuance of the other matter or matters not having priority. In the event the matter determined to have priority is disposed of prior to the scheduled time set, the attorney shall immediately notify all affected parties, including the court affected of the disposal and shall, absent good cause shown to the court, proceed with the remaining case or cases which did not have priority if the setting was not vacated.

- (f) Nothing in these guidelines is intended to prevent courts from voluntarily yielding a favorable scheduling position, and judges of all courts are urged to communicate with each other in an effort to lessen the impact of conflicts and continuances on all courts.

#### **ADDED LANGUAGE FROM 1998 GENERAL ORDER ON SCHEDULEING CONFLICTS.**

##### **LGnR4-6 Standards of Practice.**

The following are principles intended to guide attorneys in practicing in the Northern District of Oklahoma:

- (a) In fulfilling his or her primary duty to the client, a lawyer must be ever conscious of the broader duty to the judicial system that serves both attorney and client.
- (b) A lawyer owes, to the judiciary, candor, diligence and utmost respect.
- (c) A lawyer owes, to opposing counsel, a duty of courtesy and cooperation, the observance of which is necessary for the efficient administration of our system of justice and the respect of the public it serves.
- (d) A lawyer owes, to the administration of justice, the fundamental duties of personal dignity and professional integrity.
- (e) Lawyers should treat each other, the opposing party, the Court, and members of the Court staff with courtesy and civility and conduct themselves in a professional manner at all times.
- (f) A client has no right to demand that counsel abuse the opposite party or indulge in offensive conduct. A lawyer shall always treat adverse witnesses and suitors with fairness and due consideration.
- (g) In adversary proceedings, clients are litigants and though ill feeling may exist between clients, such ill feeling should not influence a lawyer's conduct, attitude, or demeanor towards opposing lawyers.
- (h) A lawyer should not use any form of discovery, or the scheduling of discovery, as a means of harassing opposing counsel or counsel's client.
- (i) Lawyers will be punctual in communications with others and in honoring scheduled appearances and will recognize that neglect and tardiness are demeaning to the lawyer and to the judicial system.
- (j) If a fellow member of the bar makes a just request for cooperation, or seeks scheduling accommodation, a lawyer will not arbitrarily or unreasonably withhold consent.
- (k) Effective advocacy does not require antagonistic or obnoxious behavior and members of the bar will adhere to the higher standard of conduct which judges, lawyers, clients, and the public may rightfully expect.

## **LGnR4-7 Discipline by the Court.**

- (a) **Discipline by Other Courts; Criminal Convictions.** Whenever any member admitted to practice in this Court, including a person admitted *pro hac vice*, has been suspended, disbarred or resigned pending disciplinary proceedings from the practice of law by the Supreme Court of Oklahoma or by any other court of competent jurisdiction or has been convicted of a felony or any crime involving moral turpitude in any court, such disbarment, suspension, or conviction shall operate as an automatic suspension of the attorney's right to practice in this Court, and an order of suspension shall be issued by the Court. Any attorney subject to this rule must notify the Court immediately upon any such conviction, suspension, disbarment or resignation. The notification shall be in writing to the Court Clerk. The automatic suspension from this Court shall remain in effect unless the attorney has by motion to the Court within twenty- eight (28) days of the order of suspension shown good cause as to why the suspension should not remain in effect. The Chief Judge or his or her designee shall rule on such motion. If the attorney was disbarred, suspended, resigned or was convicted as stated above, an order of disbarment will issue if no motion for good cause has been filed within the required time period.
- (b) **Requirement to Self Report.** Failure to self-report is a separate cause for disciplinary action. However, a failure to self-report an administrative suspension for failure to pay an annual registration fee or to comply with mandatory continuing legal education requirements shall not constitute separate cause for further disciplinary action by this Court.
- (c) **Professional Misconduct.** Complaints of professional misconduct by an attorney are subject to Fed. R. Civ. P. 11. Complaints of professional misconduct may be submitted by a judge of the Court, at his or her discretion, to the Committee on Admissions and Grievances. Upon receipt of a complaint regarding the professional conduct of an attorney, the Committee on Admissions and Grievances shall, after providing the attorney notice and opportunity to be heard, report and recommend to the Court whether:
- (1) The inquiry should be terminated because the question raised is unsupported or insubstantial;
  - (2) The alleged professional misconduct justifies further inquiry and, for members of the Oklahoma Bar Association, the matter should be referred to the Office of the General Counsel of the Oklahoma Bar Association for investigation and prosecution by that Office, if warranted;
  - (3) The alleged professional misconduct warrants consideration of prompt disciplinary action by this Court regarding the attorney's right to practice before the Court;
  - (4) The alleged professional misconduct of an attorney not a member of the Oklahoma Bar Association justifies further inquiry by the Court. Any attorney whose conduct in this Court is under investigation by the Committee on Admissions and Grievances shall not be admitted *pro hac vice* until the pending investigation is concluded. Any action taken by the Court pursuant to a report and recommendation by the Committee on Admissions and Grievances shall be by a majority vote of the active judges.

Nothing contained in this Local Rule shall limit the right of an individual judge to manage the cases assigned to that judge, which right shall include, without limitation, the authority to impose any sanctions, penalties or other restrictions which may be appropriate in a particular case, or the authority to refer a matter for consideration to the Committee on Admissions and Grievances on an advisory basis.

- (d) Right to a Hearing.** Except as otherwise provided under subsection (a), this Court shall not impose any disciplinary action affecting an attorney's right to practice before the Court until after a hearing on the matter has been held before a judge or panel of judges. The attorney may waive the right to a hearing. At the hearing, the attorney whose conduct is the subject of the complaint shall be afforded an opportunity to appear in person and/or by counsel, to present oral and documentary evidence, to compel the attendance of witnesses or the production of documents, to cross-examine witnesses, and to present argument orally or in writing. If not called by the attorney whose conduct is being investigated, it is within the discretion of the judge or panel to call the complaining party to appear at the hearing.
- (e) Sanctions.** Discipline by this Court may include disbarment, suspension from practice for a definite time, reprimand, or other discipline which the Court deems proper. Referral of a complaint to the Office of the General Counsel of the Oklahoma Bar Association for investigation shall not constitute such discipline as to entitle the attorney to a hearing in this Court on the propriety of the referral.
- (f) Contempt of Court.** Disciplinary proceedings under this rule shall not affect or be affected by any proceeding for contempt under Title 18 of the United States Code or under Fed. R. Crim. P. 42.
- (g) Unauthorized Practice.** Any person who before admission to the bar of this Court or who during disbarment or suspension exercises any of the privileges bestowed upon members of this bar, or who pretends to be entitled to such privileges, or who otherwise engages in the unauthorized practice of law before the Court, shall be guilty of contempt of this Court and shall be subject to punishment therefor and shall be subject to any other discipline which the Court may impose.
- (h) Reinstatement.** Persons disbarred indefinitely from practice before this Court may not petition for reinstatement until three (3) years following disbarment or until two (2) years following an adverse decision upon a previous petition for reinstatement; provided, however, that a person disbarred under subsection (a) may apply for reinstatement at any time upon being reinstated by the disciplining body. Persons suspended indefinitely must satisfy all conditions to reinstatement imposed by the Court at the time of suspension.

#### **MINOR CHANGES**

(A)

**MOVED LOCAL RULE ON PROFESSIONAL CONDUCT AND BEHAVIOUR TO LGnR3 DEALING WITH CONDUCT.**