

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
2211 U.S. Courthouse
75 Ted Turner Drive, SW
Atlanta, Georgia 30303-3361**

**District Court Executive
and Clerk of Court**

404-215-1600

May 6, 2020



PUBLIC NOTICE AND REQUEST FOR COMMENT

The United States District Court for the Northern District of Georgia has approved revisions to Local Rules 83.1(A) through (E), which govern attorney admission and withdrawal. A full copy of the proposed revisions to these rules is available at the public counter of each divisional office of the Court and on the Court's public website at: www.gand.uscourts.gov.

The Court is soliciting comments from the public and the bar on these rules.

Comments should be made in writing by June 5, 2020, to:

James N. Hatten
District Court Executive and Clerk of Court
Room 2217, U.S. Courthouse
75 Ted Turner Drive, S.W.
Atlanta, Georgia 30303-3361

Attachments:

1. List of substantive revisions to Local Rules 83.1(A) through (E).
2. Clean copy of approved revisions to Local Rules 83.1(A) through (E).
3. Redline copy of approved revisions to Local Rules 83.1(A) through (E).
4. Clean copy of current version of Local Rules 83.1(A) through (E).

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FOR PUBLIC COMMENT:

SUBSTANTIVE REVISIONS TO LOCAL RULES 83.1(A) THROUGH (E)

Disclaimer: *This attachment is provided for convenience only and may not identify all revisions that could be considered substantive in nature. It is not intended to be a substitute for a careful review of all revisions.*

83.1(A)(2)(a): Clarify that an applicant is deemed a member of the bar upon payment of the admission fee.

83.1(A)(2)(b): Clarify that the monthly admissions ceremonies are optional.

83.1(A)(3): Clarify that attorneys representing the United States government or any agency thereof who do not reside in the district need not be admitted to practice as long as they are members in good standing of the bar of another United States district court. Add “appointment” to clarify that attorneys who receive an appointment as opposed to a “commission” are included.

83.1(B)(1) and (B)(2)(d): Clarify that attorneys admitted to the State Bar of Georgia are eligible for admission *pro hac vice* if they do not reside in the district and that attorneys who are not members of the State Bar of Georgia are eligible for admission *pro hac vice* regardless of where they reside.

83.1(B)(2)(a): Require applicant to provide an email address instead of a fax number.

83.1(B)(3): Clarify that a judge’s signature on the application for admission *pro hac vice* is not necessary for approval.

83.1(B)(4): Require local counsel to reside and maintain an office in this district. Require that local counsel verify the bar admission status of the attorney being sponsored for admission. Clarify information to be included in the application for admission *pro hac vice*, including local counsel's email address. Clarify that local counsel must authorize and sign pleadings and therefore is subject to Fed. R. Civ. P. 11.

83.1(E)(2)(b)(H): Clarify that a corporation may be represented by an attorney appearing *pro hac vice*.

83.1(E)(3): Require that the Certificate of Consent demonstrate that the client has been advised of the items set forth in LR 83.1(E)(2)(b)(B) through (H). Clarify that the Court may reject withdrawal by consent after submission of the pretrial order, when withdrawal would delay trial of the case, or for other good cause.

83.1(E)(4): Require requests for leaves of absence of fewer than 21 days to be made by filing electronically a letter addressed to the district judge's courtroom deputy instead of submitting a paper letter.

*In addition to these substantive changes, other revisions are intended to improve readability, style, and grammar.

LR 83: RULES BY DISTRICT COURTS

LR 83.1 ATTORNEYS: ADMISSION TO PRACTICE BEFORE THE COURT

(A) Admission to the Bar of this Court.

(1) Eligibility. Any attorney who is an active member of the State Bar of Georgia in good standing is eligible for admission to this Court's bar. Continued admission is contingent on an attorney's maintaining active membership in good standing with the State Bar of Georgia.

(2) Admission Procedure.

(a) Application. Applicants for admission must complete the admission process through www.pacer.gov and, following approval of the application, pay the admission fee. Once an applicant pays the fee, the applicant is deemed a member of this Court's bar with no further action required.

(b) Optional Admissions Ceremonies. Optional admissions ceremonies will be held monthly in open court for any applicant who chooses to attend. The clerk of court also will schedule a ceremonial admissions day each year for attorneys who recently passed the Georgia Bar Examination.

(c) Oath. The following oath must be administered to each attorney at the time of admission:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will bear true faith and allegiance to the Government of the United States; that I will maintain the respect due to the courts of justice and judicial offices; that I will well and faithfully discharge my duties as an attorney and officer of this Court; and that I will demean myself uprightly and according to the law and the recognized standards of ethics of the legal profession. So help me God."

(3) Attorneys for the United States. Attorneys representing the United States government or any agency thereof who reside within this district but are not yet members of the State Bar of Georgia must be admitted to this Court's bar before they may practice before this Court. Notwithstanding this requirement, these attorneys will be allowed 18 months from the date of their appointment or commission within which to become members of the State Bar of Georgia, provided that they at all times are members in good standing of the bar of another United States district court. These attorneys will be deemed provisionally admitted to the bar of this Court until they are formally admitted. The requirements of this rule do not apply to government attorneys who are expressly exempted by statute from the necessity of local bar membership or to judge advocates of the Army, Navy, Marine Corps, or Air Force representing the United States before a magistrate judge.

Attorneys representing the United States government or any agency thereof who do not reside in this district need not be admitted to practice before this Court provided that they at all times are members in good standing of the bar of another United States district court.

(B) Permission to Appear *Pro Hac Vice*.

(1) Eligibility. An attorney who does not represent the United States government or any agency thereof may apply in writing for permission to appear *pro hac vice* in a particular case if the attorney (1) is not an active member in good standing of the State Bar of Georgia but is a member in good standing of the bar of any United States court or of the highest court of any State or (2) is an active member in good standing of the State Bar of Georgia but does not reside in this district.

Except as set forth in LR 83.1(A)(3), an attorney must be admitted in any case in which the attorney will appear in this Court on behalf of a party, apply for fees, sign his or her name to a document filed with the Court, or otherwise substantially participate in preparing or presenting a case. This requirement does not mean that every attorney within a law firm providing legal services that may be included in a fee request must be admitted *pro hac vice* so long as attorneys within the firm who have appeared in the case are directing that work and are either (1) admitted to the bar of this Court as regular members or (2) have been admitted *pro hac vice* in the particular case.

(2) Application Process. Applications for admission *pro hac vice* may be obtained from the clerk. The applicant must state, under penalty of perjury, the following:

(a) the applicant's residential address, office address, telephone number, and email address;

(b) all courts to which the applicant has been admitted to practice and the dates of admission;

(c) that the applicant is in good standing and eligible to practice in all courts to which the applicant has been admitted; and

(d) that the applicant either does not reside in the district or is not a member of the State Bar of Georgia.

(3) Fees and Permission. Applications for admission *pro hac vice* must be accompanied by payment of a prescribed admission fee. An applicant for admission *pro hac vice* will not be permitted to appear until the application has been granted by the district judge to whom the case is assigned or, in cases in which the parties have consented to a magistrate judge presiding, the magistrate judge to whom the case is assigned.

(4) Designation, Qualifications, and Duties of Local Counsel. An attorney applying to appear *pro hac vice* must designate local counsel with whom opposing counsel and the Court readily may communicate regarding the conduct of the case and upon whom papers may be served. The designated local counsel must reside and maintain an office in this district and be a member in good standing of the bar of this Court and the State Bar of Georgia. Local counsel must file the application for admission *pro hac vice* and must verify the bar admission status of the attorney being sponsored for admission. The address, telephone number, email address, and written consent of local counsel must be filed with the application. Local counsel must authorize and sign all pleadings and other papers filed in the case by the attorney appearing *pro hac vice*. Accordingly, local counsel is subject to Fed. R. Civ. P. 11.

(5) Effect of Failure to Respond by Attorney Appearing *Pro Hac Vice*. If the attorney appearing *pro hac vice* fails to respond to any order of the Court for appearance or otherwise, local counsel will have the responsibility and

full authority to act on behalf of the client in all proceedings related to the case, including hearings, pretrial conferences, and trial.

(C) Standards of Professional Conduct. All lawyers practicing before this Court are governed by and must comply with the specific rules of practice adopted by this Court and, unless otherwise provided, with the Georgia Rules of Professional Conduct and the decisions of this Court interpreting those rules.

(D) Appearances.

(1) In Civil Cases. An attorney's appearance as attorney of record for a plaintiff may be evidenced by signature on the complaint and for a defendant by signature on the answer to the complaint or on a Fed. R. Civ. P. 12(b) pre-answer motion. Any other attorney who signs a subsequent pleading or paper on behalf of a party must file a Notice of Appearance.

An attorney whose appearance has not been noticed will not be permitted to represent a party at trial or in any other Court proceeding until the attorney has filed a Notice of Appearance. Furthermore, failure to file a Notice of Appearance may result in the attorney not receiving notices, orders, or other important communications from the Court.

(2) Pro Se Appearance Limitations. When an attorney has appeared on behalf of a party, the party normally may not appear or act on the party's own behalf in the action or proceeding. However, a party may do so if he or she provides notice to the attorney of record and the opposing party of the party's intention to appear on his or her own behalf and obtains an order of substitution from the Court. Notwithstanding this rule, the Court may in its discretion hear a party in open court even though the party is represented by an attorney.

(3) Duty to Supplement. Every attorney registered to use the ECF system must notify the PACER Service Center online at www.pacer.gov of any changes to the attorney's primary email address, mailing address, and/or telephone number. Parties appearing pro se must notify the clerk's office by letter of any such change. If a failure to provide notice of any such change causes delay or adversely affects the management of a case, the Court may impose an appropriate sanction.

(E) Withdrawal.

(1) Withdrawal Policy. Under ordinary circumstances, counsel will not be permitted to withdraw after submission of the pretrial order or when withdrawal would delay trial of the case.

(2) Motions to Withdraw. In order to seek withdrawal from any action or proceeding or to have counsel removed as attorney of record for a party, the attorney must comply with the following procedure:

(a) File a motion requesting permission to withdraw unless withdrawal is with the client's consent in a civil case pursuant to LR 83.1(E)(3).

(b) The motion must state that the attorney has given the client 14 days' notice of the attorney's intention to request permission to withdraw and must describe the manner in which notice was provided. The notice must be served on the client personally or at the client's last known address and must include the style of the action and the names, addresses, and telephone numbers of the clerk and opposing counsel. The notice must advise the client of the following:

- (A)** The attorney's intent to request permission to withdraw;
- (B)** The Court's retention of jurisdiction over the action;
- (C)** The client's obligation to keep the Court informed of a location where notices, pleadings, or other papers may be served;
- (D)** If a trial date has been set, the client's obligation to prepare for trial or hire other counsel to prepare for trial;
- (E)** Failure or refusal to satisfy court-related obligations could result in adverse consequences including, in criminal cases, bond forfeiture and arrest;
- (F)** The dates of any scheduled proceedings, including trial, and that these dates will not be affected by the withdrawal of counsel;
- (G)** Notices may be served on the client at the client's last known address;
- (H)** If the client is a corporation or organization, it may only be represented by an attorney, who must sign all pleadings and papers submitted to the Court; a corporate officer may not represent the client unless that officer is admitted to the bar of this Court as a regular

member or has been admitted *pro hac vice* in the case; and failure to comply with this rule could result in a default judgment against the client; and

(I) The client's right to object within 14 days of the date when notice of the attorney's intention to request permission to withdraw was served.

(c) A copy of the notice required by LR 83.1(E)(2)(b) must be filed with the motion.

(d) The attorney must serve a copy of the motion on opposing counsel and the client.

(e) The clerk must submit the motion to the Court within 14 days after its filing.

(3) Withdrawal by Consent. With the client's consent, counsel may withdraw from any civil action (except a class action) by filing a Certificate of Consent with the Court that has been signed by the client, the withdrawing attorney, and, if selected, the attorney who will serve as the client's replacement counsel. The Certificate of Consent must demonstrate that the client has been advised of the items set forth in LR 83.1(E)(2)(b)(B) through (H). An attorney representing the United States or any agency thereof who is withdrawing by consent is not required to include the client's signature on the Certificate of Consent, provided that the client's consent is acknowledged by both withdrawing and replacement counsel. The Court may reject the withdrawal by consent after submission of the pretrial order, when withdrawal would delay trial of the case, or for other good cause.

(4) Leaves of Absence. All leaves of absence require the Court's approval. A request for a leave of absence of 21 days or more must be made by motion. Lead counsel must file the motion in each individual case in which leave is requested, set forth the dates of the requested absence and the reason for the absence, and include a proposed order. Lead counsel must request a leave of absence of fewer than 21 days by filing electronically a letter addressed to the district judge's courtroom deputy requesting that the case not be calendared during the period of absence. Only lead counsel as identified in the Joint Preliminary Report and Discovery Plan must request a leave of absence. A leave of absence

does not extend previously scheduled filing deadlines or other deadlines imposed by the Court.

(5) Responsibilities of Party Upon Removal of Attorney. When an attorney withdraws or otherwise is removed as counsel of record, the party whom the attorney was representing must notify the clerk within 21 days or before any further proceedings are conducted of the retention of another attorney or of the party's decision to proceed *pro se*. The party also must provide the clerk with the current telephone number, address, and email address of the replacement attorney or of the party, if proceeding *pro se*. Failure to comply with this rule will constitute a default by the party.

LR 83: RULES BY DISTRICT COURTS

LR 83.1 ATTORNEYS: ADMISSION TO PRACTICE BEFORE THE COURT

(A) Admission to the Bar of this Court.

(1) **Eligibility.** Any attorney who is an active member ~~in good standing~~ of the State Bar of Georgia in good standing is eligible for admission to this Court's ~~the bar of this Court~~. Continued ~~membership in this Court's bar~~admission is contingent on ~~the an~~ attorney's ~~maint~~maintaining a~~ing~~ active membership ~~status~~ in good standing with the State Bar of Georgia.

(2) Admission Procedure.

(a) Application. Applicants for admission must complete the admission process through www.pacer.gov and, following approval of the application, pay the admission fee. Once an applicant pays the fee, the applicant is deemed a member of this Court's bar with no further action required.

(b) Optional Admissions Ceremonies. Optional admissions ceremonies will be held monthly in open court for any applicant who chooses to attend. The clerk of court also will schedule a ceremonial admissions day each year for attorneys who recently passed the Georgia Bar Examination. ~~The clerk will provide notice of the date for the ceremonial admissions day, along with applicable instructions.~~

~~(b) Other admission proceedings will be held monthly in open court. Applicants for admission must complete the admission process through www.pacer.gov and pay the admission fee.~~

(c) Oath. The following oath must be administered to each attorney at the time of admission:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will bear true faith and allegiance to the Government of the United States; that I will maintain the respect due

to the courts of justice and judicial offices; that I will well and faithfully discharge my duties as an attorney and officer of this Court; and that I will demean myself uprightly and according to the law and the recognized standards of ethics of the legal profession. So help me God."

(3) Attorneys for the United States. ~~Attorneys~~ representing the United States government or any agency thereof who reside within this district but are not yet members of the State Bar of Georgia ~~are required to~~ must be admitted to this Court's bar before ~~they they may shall be permitted to~~ practice before this Court. Notwithstanding this ~~rule requirement, and provided they are at all times members of the bar of some United States District Court, assistant United States attorneys and attorneys representing agencies~~ these attorneys of the government shall will be given allowed ~~eighteen~~ (18) months from the date of their appointment or commission ~~in within~~ which to become members of the State Bar of Georgia, provided that they at all times are members in good standing of the bar of another United States district court. ~~During this period, t~~ These attorneys shall will be deemed provisionally admitted to the bar of this Court until they are formally admitted. The requirements of this rule do not apply to ~~those~~ government attorneys who are expressly exempted by statute from the necessity of a local bar membership or to requirement or to judge advocates of the Army, Navy, Marine Corps, or Air Force representing the United States before a magistrate ~~in Magistrates Court~~ judge.

(3) Attorneys representing the United States government or any agency thereof who do not reside in this district need not be admitted to practice before this Court provided that they at all times are members in good standing of the bar of another United States district court.-

(B) Permission to ~~Practice in a Particular Case~~ Appear Pro Hac Vice.

(1) Eligibility ~~and Procedure.~~ ~~An~~ A non-resident attorney who does not represent the United States government or any agency thereof may apply in writing for permission to appear pro hac vice in a particular case if the attorney who (1) ~~is~~ not an active member in good standing of the State Bar of Georgia; ~~but who~~ is a member in good standing of the bar of any United States court or of the highest court of any State or (2) is an active member in good standing of the State Bar of Georgia but does not reside in this district.

~~_____ must apply in writing for permission to appear *pro hac vice*~~ Except as set forth in LR 83.1(A)(3), an attorney must be admitted in any case in which the attorney will appear in this Court on behalf of a party, apply for fees, sign his or her name to a document filed with the Court, or otherwise substantially participate in preparing or presenting a case. This requirement ~~is not designed to require~~ does not mean that every attorney within a law firm providing legal ~~research, writing, or other~~ services that may ~~result in a portion of~~ be included in a fee request must ~~or should~~ be admitted *pro hac vice* so long as attorneys within the firm, who have appeared in the case, are directing that work, and ~~such attorneys~~ are either (1) admitted to the bar of this Court as regular members or (2) have been admitted *pro hac vice* in the particular case.

(2) Application Process. Applications for admission *pro hac vice* may be obtained from the clerk. The applicant ~~shall~~ must state, under penalty of perjury, the following:

(a) the applicant's (1) residential address, (2) office address, telephone number, and email address facsimile number;

(3b) all the courts to which the applicant has been admitted to practice and the dates of admission;

(c) the dates of admission, and (4) a statement that the applicant is in good standing and eligible to practice in all courts to which the applicant has been admitted; and

(d) that the applicant either does not reside in the district or is not a member of the State Bar of Georgia.

(3) Fees and Permission. Applications for admission *pro hac vice* must be accompanied by payment of a prescribed admission fee. An applicant for admission *pro hac vice* non-resident attorney will not be permitted to appear until the applicant's application for admission *pro hac vice* has been signed granted by the district judge to whom the case is assigned or, in cases in which the parties have consented to a magistrate judge presiding, the magistrate judge to whom the case is assigned. ~~The presiding judge's courtroom deputy may sign the application if so authorized by the district judge.~~

(24) Designation, Qualifications, and Duties of Local Counsel. An attorney applying to appear *pro hac vice* must ~~also~~ designate ~~a local member of the bar of this Court~~ local counsel with whom ~~the~~ opposing counsel and the Court ~~may~~ readily may communicate regarding the conduct of the case and upon whom papers ~~shall~~ may be served. The designated local counsel must reside and maintain an office in this district and be a member in good standing of the bar of this Court and the State Bar of Georgia. Local counsel must file the application for admission pro hac vice and must verify the bar admission status of the attorney being sponsored for admission. The address, telephone number, email address, and written consent of local counsel must be filed with the application. Local counsel must authorize and sign all pleadings and other papers filed in the case by the attorney appearing *pro hac vice*. Accordingly, local counsel is subject to Fed. R. Civ. P. 11. The address, telephone number, facsimile number and written consent of the designated local counsel must be filed with the attorney's pro hac vice application.

(5) Effect of Failure to Respond by Attorney Appearing Pro Hac Vice. If the ~~non-resident~~ attorney appearing pro hac vice fails to respond to any order of the Court for appearance or otherwise, ~~the local attorney shall~~ local counsel will have the responsibility and full authority to act ~~for and~~ on behalf of the client in all proceedings ~~in connection with~~ related to the case, including hearings, pretrial conferences, and trial.

(C) Standards of Professional Conduct. All lawyers practicing before this Court ~~shall be~~ governed by and shall must comply with the specific rules of practice adopted by this Court and, unless otherwise provided, with the Georgia Rules of Professional Conduct ~~contained in the Rules and Regulations of the State Bar of Georgia~~ and ~~with~~ the decisions of this Court interpreting ~~these rules and standards.~~

(D) Appearances.

(1) In Civil Cases. An attorney's appearance as attorney of record for a ~~party plaintiff~~ may be evidenced, ~~for plaintiff,~~ by signature on the complaint ~~at filing~~ and, for a defendant, by signature on the answer to the complaint or on a Fed. R. Civ. P. 12(b) pre-answer motion ~~filed prior to answer~~. Any other attorney who signs a subsequent pleading or paper on behalf of a party must file a Nnotice of a ~~appearance with the clerk.~~

An attorney whose appearance has not been ~~previously~~ noticed will not be permitted to represent a party at trial or in any other Court proceeding until the attorney has filed a ~~an~~ Notice of ~~a~~ Appearance ~~with the clerk~~. ~~Furthermore, a~~ failure to file a ~~an~~ Notice of ~~a~~ Appearance may result in the attorneys not receiving notices, orders, or other important communications from the Court.

(2) **Pro Se Appearance Limitations.** When ~~ever an attorney party~~ has appeared ~~on behalf of a party by attorney~~, the party ~~normally~~ may not ~~thereafter~~ appear or act ~~in~~ on the party's own behalf in the action or proceeding. ~~However, a party may do so if he or she provides or take any step therein unless the party has first given notice of the party's intention to the attorney of record and to the opposing party of the party's intention to appear on his or her own behalf and has obtained~~ an order of substitution from the Court. Notwithstanding this rule, the Court may in its discretion hear a party in open court even though the party ~~has previously appeared or~~ is represented by ~~an~~ attorney.

(3) **Duty to Supplement.** Every attorney registered to use the ECF system must notify the PACER Service Center online at www.pacer.gov of any changes to the attorney's primary email address, mailing address, and/or telephone number. Parties appearing pro se must notify the clerk's office by letter of any such change. If a failure to provide notice of any such change causes delay or adversely affects the management of a case, the Court may impose an appropriate sanction.

(E) Withdrawal.

(1) **Withdrawal Policy.** ~~Under ordinary circumstances, a~~ counsel will not ~~ordinarily~~ be ~~allowed~~ ~~permitted~~ to withdraw after ~~submission of the~~ pretrial ~~order~~ or ~~at a time~~ when withdrawal ~~will cause a~~ ~~would~~ delay ~~in the~~ trial of the case.

(2) **Motions to Withdraw.** ~~This policy notwithstanding~~ ~~In order to seek withdrawal from any action or proceeding or to have counsel removed, an attorney wishing to withdraw the attorney's appearance in any action or proceeding or wishing to have the attorney's name stricken as attorney of record for a party, the attorney must in any case shall~~ comply with the following procedure:

(a) (a) File a motion requesting permission to withdraw ~~unless withdrawal is with the client's consent in a civil case pursuant to LR 83.1(E)(3).~~

~~(b)~~ (b) The motion ~~shall~~must state that the attorney has given the client ~~fourteen (14) days' prior~~ notice of the attorney's intention to request permission to withdraw and ~~shall~~must describe specify the manner ~~of such in which~~ notice was provided. The notice ~~shall~~must be served ~~upon~~ the client, personally or at ~~the~~ client's last known address, ~~and~~ must include the style of the action and the names, addresses, and telephone numbers of the clerk and opposing counsel. ~~†The notice shall contain at least~~must advise ~~the following~~client of the following ~~information~~:

~~(A)~~ (A) ~~That the attorney's intent to request permission~~ wishes to withdraw;

~~(B)~~ (B) ~~The style of the action in which counsel seeks to withdraw, the name, address and telephone number of the Clerk and opposing counsel;~~

~~(C)~~(B) ~~That the Court's retention of aims~~ jurisdiction of ~~ver~~ the action;

~~(D)~~(C) _____ Th
~~at the client's obligation to~~ has the burden of keeping the Court informed respecting of a location where notices, pleadings, or other papers may be served;

~~(E)~~(D) _____ If
a trial date has been set, ~~†that the client's~~ has the obligation to prepare for trial or hire other counsel to prepare for trial ~~when the trial date has been set;~~

~~(F)~~(E) ~~That if the client~~ failures or refusal to meet these burdens satisfy court-related obligations could result, ~~the client may suffer in~~ adverse consequences, including, in criminal cases, bond forfeiture and arrest;

~~(G)~~(F) _____ The dates of any scheduled proceedings, including trial, and that ~~holding of such proceedings~~these dates will not be affected by the withdrawal of counsel;

~~(H)~~ (H) ~~That service of n~~ Notices may be made up served on the client at the client's last known address; ~~and,~~

~~(I)~~(G) _____
~~(H)~~(H) If the client is a ~~if the client is a corporation, that a~~ corporation or organization, it may only be represented in Court by an attorney, that an attorney who must sign all pleadings and papers submitted to the Court; ~~and that~~ a corporate officer may not represent the corporation in Court client unless that officer is also an admitted to

the bar of this Court as a regular member or has been admitted *pro hac vice* in the case; and attorney licensed to practice law in the state of Georgia, and that failure to comply with this rule could result in a default being entered judgment against the corporate party client; and

~~(J)~~ Unless the withdrawal is with the client's consent, tThe

~~(K)~~ client's right to object within fourteen (14) days of the date when of the notice of the attorney's intention to request permission to withdraw was served. A copy of the notice shall be affixed to the motion.

(I)

(c) A copy of the notice required by LR 83.1(E)(2)(b) must be filed with the motion.

(d) The attorney shall must serve a copy of the attorney's motion to withdraw upon opposing counsel and upon the client client. after filing the motion with the clerk.

(e) (e) Fourteen (14) days after filing, tThe clerk shall must submit the motion to the district judge Court within 14 days after its filing for action thereon.

(3) Withdrawal by Consent. With the client's consent, Ccounsel may - wishing to withdraw from any civil action (except a class action) may be relieved from the requirement to file a motion to withdraw by filing a Certificate of Consent with the Court that has been signed by the client, the withdrawing attorney, and, if selected, -the substituting attorney who will serve as the client's replacement counsel, if one has been selected by the client. The Certificate of Consent must demonstrate that the client has been advised of the items set forth in LR 83.1(E)(2)(b)(B) through (H). If aAn attorney representing the United States or any agency thereof who is wishes to withdrawing by consent, -it is not necessary that required to include the client's signature appear on the Certificate of Consent, provided that the client's consent is acknowledged by both the withdrawing and substituting attorney replacement counsel. The Court may reject the withdrawal by consent after submission of the pretrial order, when withdrawal would delay trial of the case, or for other good cause.

(4) Leaves of Absence. All leaves of absence ~~shall be subject to require the approval of the Court's approval. A request~~ Petitions for a leave of absence for ~~periods greater than twenty of~~ (20) ~~1~~ days ~~or more in length~~ must be made by motion. Lead counsel must file ~~a petition,~~ the motion in each individual case ~~where an absenee in which leave~~ is requested, set forth designating the period of dates of the requested absence and the reason for the absence, and include. ~~A~~ proposed order ~~for the Court shall also be attached.~~ Lead counsel must request a leave of ~~A~~ absence of fewer ~~less than twenty one~~ (21) days by filing electronically ~~requires lead counsel to submit~~ a letter addressed to the district judge's courtroom deputy requesting that ~~at~~ the case not be calendared during the period of absence. Only lead counsel, as ~~specified on identified in the Joint p~~ Preliminary Report statement and scheduling order Discovery Plan, ~~need must petition the Court for request a~~ leave of absence. A leave of absence does not extend previously ~~set~~ scheduled filing deadlines ~~nor relieve counsel from other deadlines requirements~~ imposed by the Court.

(3) (5) Responsibilities of Party Upon Removal of Attorney.

When ~~ever~~ an attorney withdraws or otherwise dies or is removed ~~or suspended or for any other reason ceases to act as~~ attorney counsel of record, the party whom the attorney was representing must notify the clerk within ~~twenty one~~ (21) days or before any further proceedings are ~~had in the action before the Court conducted~~ notify the clerk of the appointment retention of another attorney or of the party's decision to appear proceed pro se. The party ~~must~~ also must provide the clerk with the current telephone number, ~~and~~ address, and email address of the ~~newly appointed replacement~~ attorney or of the party, if proceeding *pro se*. Failure to comply with this rule ~~shall~~ will constitute a default by the party.

Attachment 4-Current Version of LR 83.1(A)-(E)

(F) Chain of Custody. The filing party or the party's attorney must maintain a chain of custody for each returned exhibit during the time permitted for filing an appeal (*see* Fed. R. App. P. 4) and during the pendency of an appeal filed in compliance with Fed. R. App. P. 3.

(G) Transcripts. The original transcripts of testimony and any record of proceedings filed with the clerk by an official court reporter must not be removed from the clerk's office by the parties or anyone acting on their behalf.

(H) Closed Files. Closed files of this Court are forwarded to the Federal Records Center for this district. Persons desiring use of any such files may, on an appropriate form furnished by the clerk and upon payment of the prescribed fee, request that such files be returned for examination in the clerk's office. Alternatively, the clerk may provide the requestor the accession number(s) for the closed file(s) so that the requestor may request copies directly from the Federal Records Center.

XI. GENERAL PROVISIONS

LR 83: RULES BY DISTRICT COURTS

LR 83.1 ATTORNEYS: ADMISSION TO PRACTICE BEFORE THE COURT

(A) Admission to the Bar of this Court.

(1) Eligibility. Any attorney who is an active member in good standing of the State Bar of Georgia is eligible for admission to the bar of this Court. Continued membership in this Court's bar is contingent on the attorney's maintaining active status in good standing with the State Bar of Georgia.

(2) Admission Procedure.

(a) The clerk of court will schedule a ceremonial admissions day each year for attorneys who recently passed the Georgia Bar Examination. The clerk will provide notice of the date for the ceremonial admissions day, along with applicable instructions.

(b) Other admission proceedings will be held monthly in open court. Applicants for admission must complete the admission process through www.pacer.gov and pay the admission fee.

(c) The following oath must be administered to each attorney at the time of admission:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will bear true faith and allegiance to the Government of the United States; that I will maintain the respect due to the courts of justice and judicial offices; that I will well and faithfully discharge my duties as an attorney and officer of this Court; and that I will demean myself uprightly and according to the law and the recognized standards of ethics of the legal profession. So help me God."

(3) Attorneys for United States. Attorneys representing the United States government or any agency thereof who reside within this district are required to be admitted to this Court's bar before they shall be permitted to practice before this Court. Notwithstanding this rule and provided they are at all times members of the bar of some United States District Court, assistant United States attorneys and attorneys representing agencies of the government shall be given eighteen (18) months from the date of their commission in which to become members of the State Bar of Georgia. During this period, these attorneys shall be provisionally admitted to the bar of this Court. The requirements of this rule do not apply to those government attorneys who are expressly exempted by statute from a local bar membership requirement or to judge advocates of the Army, Navy, Marine Corps, or Air Force representing the United States in Magistrates Court.

(B) Permission to Practice in a Particular Case.

(1) Eligibility and Procedure. A non-resident attorney who is not an active member in good standing of the State Bar of Georgia, but who is a member in good standing of the bar of any United States court or of the highest court of any State must apply in writing for permission to appear *pro hac vice* in any case in which the attorney will appear in Court on behalf of a party, apply for fees, sign his or her name to a document filed with the Court, or otherwise substantially participate in preparing or presenting a case. This requirement is not designed to require that every attorney within a law firm providing legal research, writing, or other services that may result in a portion of a fee request must or should be admitted *pro hac vice* so long as attorneys

within the firm, who have appeared in the case, are directing that work, and such attorneys are either (1) admitted to the bar of this Court as regular members or (2) have been admitted *pro hac vice* in the case.

Applications for admission *pro hac vice* may be obtained from the clerk. The applicant shall state under penalty of perjury the applicant's (1) residence address, (2) office address, telephone number and facsimile number, (3) the courts to which admitted to practice and the dates of admission, and (4) a statement that the applicant is in good standing and eligible to practice in all courts to which admitted. Applications for admission *pro hac vice* must be accompanied by payment of a prescribed admission fee. A non-resident attorney will not be permitted to appear until the applicant's application for admission *pro hac vice* has been signed by the district judge or, in cases in which the parties have consented to a magistrate judge presiding, the magistrate judge to whom the case is assigned. The presiding judge's courtroom deputy may sign the application if so authorized by the district judge.

(2) Designation and Duties of Local Counsel. An attorney applying to appear *pro hac vice* must also designate a local member of the bar of this Court with whom the opposing counsel and the Court may readily communicate regarding the conduct of the case and upon whom papers shall be served. The designated local counsel must sign all pleadings and other papers filed in the case by the attorney appearing *pro hac vice*. The address, telephone number, facsimile number and written consent of the designated local counsel must be filed with the attorney's *pro hac vice* application.

If the non-resident attorney fails to respond to any order of the Court for appearance or otherwise, the local attorney shall have the responsibility and full authority to act for and on behalf of the client in all proceedings in connection with the case, including hearings, pretrial conferences, and trial.

(C) Standard of Professional Conduct. All lawyers practicing before this Court shall be governed by and shall comply with the specific rules of practice adopted by this Court and, unless otherwise provided, with the Georgia Rules of Professional Conduct contained in the Rules and Regulations of the State Bar of Georgia and with the decisions of this Court interpreting these rules and standards.

(D) Appearances.

(1) In Civil Cases. An attorney's appearance as attorney of record for a party may be evidenced, for plaintiff, by signature on the complaint at filing and, for defendant, by signature on the answer to the complaint or on a Fed. R. Civ. P. 12(b) motion filed prior to answer. Any other attorney who signs a subsequent pleading or paper on behalf of a party must file a notice of appearance with the clerk.

An attorney whose appearance has not been previously noticed will not be permitted to represent a party at trial or in any other Court proceeding until the attorney has filed a notice of appearance with the clerk. Failure to file a notice of appearance may result in the attorneys not receiving notices, orders, or other important communications from the Court.

(2) Pro se Appearance Limitations. Whenever a party has appeared by attorney, the party may not thereafter appear or act in the party's own behalf in the action or proceeding or take any step therein unless the party has first given notice of the party's intention to the attorney of record and to the opposing party and has obtained an order of substitution from the Court. Notwithstanding this rule, the Court may in its discretion hear a party in open court even though the party has previously appeared or is represented by attorney.

(3) Duty to Supplement. Every attorney registered to use the ECF system must notify the PACER Service Center online at www.pacer.gov of any changes to the attorney's primary email address, mailing address, and/or telephone number. Parties appearing pro se must notify the clerk's office by letter of any such change. If a failure to provide notice of any such change causes delay or adversely affects the management of a case, the Court may impose an appropriate sanction.

(E) Withdrawal.

(1) Withdrawal Policy. Counsel will not ordinarily be allowed to withdraw after pretrial or at a time when withdrawal will cause a delay in the trial of the case.

(2) Motions to Withdraw. This policy notwithstanding, an attorney wishing to withdraw the attorney's appearance in any action or proceeding or wishing to have the attorney's name stricken as attorney of record for a party in any case shall comply with the following procedure:

(a) File a motion requesting permission to withdraw.

(b) The motion shall state that the attorney has given the client fourteen (14) days prior notice of the attorney's intention to request permission to withdraw and shall specify the manner of such notice. The notice shall be served upon the client, personally or at that client's last known address, and the notice shall contain at least the following information:

(A) That the attorney wishes to withdraw;

(B) The style of the action in which counsel seeks to withdraw, the name, address and telephone number of the Clerk and opposing counsel;

(C) That the Court retains jurisdiction of the action;

(D) That the client has the burden of keeping the Court informed respecting where notices, pleadings or other papers may be served;

(E) That the client has the obligation to prepare for trial or hire other counsel to prepare for trial when the trial date has been set;

(F) That if the client fails or refuses to meet these burdens, the client may suffer adverse consequences, including, in criminal cases, bond forfeiture and arrest;

(G) The dates of any scheduled proceedings, including trial, and that holding of such proceedings will not be affected by the withdrawal of counsel;

(H) That service of notices may be made upon the client at the client's last known address, and,

(I) If the client is a corporation, that a corporation may only be represented in Court by an attorney, that an attorney must sign all pleadings submitted to the Court, and that a corporate officer may not represent the corporation in Court unless that officer is also an attorney licensed to practice law in the state of Georgia, and that failure to comply with this rule could result in a default being entered against the corporate party; and

(J) Unless the withdrawal is with the client's consent, the client's right to object within fourteen (14) days of the date of the notice. A copy of the notice shall be affixed to the motion.

(c) The attorney shall serve a copy of the attorney's motion to withdraw upon opposing counsel and upon the client after filing the motion with the clerk.

(d) Fourteen (14) days after filing, the clerk shall submit the motion to the district judge for action thereon.

Counsel wishing to withdraw from any civil action (except a class action) may be relieved from the requirement to file a motion to withdraw by filing a Certificate of Consent with the Court that has been signed by the client, the withdrawing attorney, and the substituting attorney, if one has been selected by the client. If an attorney representing the United States or any agency thereof wishes to withdraw, it is not necessary that the client's signature appear on the Certificate of Consent, provided the client's consent is acknowledged by both the withdrawing and substituting attorney.

(3) Leave of Absence. All leaves of absence shall be subject to the approval of the Court. Petitions for leave of absence for periods greater than twenty (20) days in length must be made by motion. Lead counsel must file a petition, in each individual case where an absence is requested, designating the period of absence and the reason for the absence. A proposed order for the Court shall also be attached. Absence of less than twenty-one (21) days requires lead counsel to submit a letter to the district judge's courtroom deputy requesting that a case not be calendared during the period of absence. Only lead counsel, as specified on the preliminary statement and scheduling order, need petition the Court for leave of absence. A leave of absence does not extend previously set filing deadlines nor relieve counsel from other deadline requirements imposed by the Court.

(4) Responsibilities of Party Upon Removal of Attorney. Whenever an attorney withdraws or dies or is removed or suspended or for any other reason ceases to act as attorney of record, the party whom the attorney was representing must within twenty-one (21) days or before any further proceedings are had in the action before the Court notify the clerk of the appointment of another attorney or of the party's decision to appear *pro se*. The party must also provide the clerk with the current telephone number and address of the newly-appointed attorney or of the party, if proceeding *pro se*. Failure to comply with this rule shall constitute a default by the party.