

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.uscourts.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 ~~ee~~ 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. Except as otherwise ordered by the presiding judge for good cause, a non resident attorney applicant for admission *pro hac vice* 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. ~~Except as otherwise ordered by the presiding judge for good cause, t~~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 ~~th~~ese 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 ~~N~~notice 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.uscourts.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) ~~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, t~~The

(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 clientclient. 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 a~~An 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 attorneyreplacement 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 absence 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 ~~the~~ case not be calendared during the period of absence. Only lead counsel, as ~~specified on identified in the Joint 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.