



NEWS FROM U.S. DISTRICT COURT

July 8, 2022

Last month we advised that our local civil and criminal rules of practice had been updated and we highlighted some of the changes. This month, we continue our review of changes to the local rules.

Attorneys. The civil and criminal rules regarding attorneys have been revised in three sections. Section C of [Civ. LR 83.2](#) and [Crim. LR 44.1](#) clarifies that the Court will contact approved applicants to schedule an attorney admission ceremony and adds a time requirement for the scheduling of an admission ceremony after approval for admission. Section E has been changed to require attorneys seeking admission pro hac vice to disclose prior instances where the attorney's conduct resulted in sanctions in addition to disclosing disciplinary actions. Finally, Section F has been revised to create two subsections for resident attorneys and non-resident attorneys for the United States and Federal Public Defender, and to distinguish between regular admission and provisional admission for resident attorneys.

Withdrawal of Counsel. The civil and criminal rules regarding withdrawal of counsel have been revised to clarify that the rule regarding withdrawal and substitution of counsel does not apply to situations where withdrawal results in continued representation by the same firm or organization. [Civ. LR 83.7](#) and [Crim. LR 57.4](#).

Civil Motions. [Civil Local Rule 7.1 B](#) has been revised. It now requires a written brief for every opposed motion (and no longer for every motion) raising a question of law except oral motions made during a hearing or trial. Under the changes, the word count was stricken, but the 25-page limit was increased to 30 pages. The reference to attachments was stricken, making it clear that the brief itself cannot exceed 30 pages, unless the presiding judge grants a motion to allow additional pages.

Criminal Subpoenas and Writs. Another criminal rule that was recently revised is [Crim. LR 17.1](#). It clarifies that defendants who are unable to pay for service of a subpoena must file an ex parte motion and attach a prepared [AO89](#) that includes a physical address for service. If the defendant has retained counsel and is able to pay, no motion is required. See March newsletter.

Section C of the rule on applications for writs of habeas corpus ad testificandum that are to be served by the United States Marshal Service has also been revised. The rule is now triggered when an application is filed rather than when a writ is issued and delivered to the United States Marshal Service.