

CA02db CourtBallots

From:

Sent:

Thursday, July 13, 2023 4:12 PM

To:

Brenda Sannes; Debra Livingston; Elizabeth Wolford; Geoffrey Crawford; Joseph Bianco; Laura Swain; Margo Brodie; Michael Park; Michael Shea; Raymond Lohier; Richard Sullivan; Steven Menashi; William Nardini

Cc:

Subject:

Proposed Changes to Local Rules - District of Connecticut - ACTION REQUESTED

Attachments:

Local Rule 83.1(c) clean.pdf; Local Rule 83.1(c) redlined.pdf; Local Rule 83.11 clean.pdf; Local Rule 83.11 redlined.pdf

Dear Judicial Council:

The District of Connecticut seeks Judicial Council approval for proposed changes to two of their local rules of civil procedure.

The proposed changes have been published on the Court's website and in the Connecticut Law Tribune for comment. A clean and redline version of the proposed changes are attached.

Kindly reply with your vote by July 20.

Thank you,
Aisha D. Parks



Office of the Circuit Executive
Thurgood Marshall U.S. Courthouse
40 Foley Square, Room 2904
New York, NY 10007
(212)-857-8700

RULE 83.1

ADMISSION OF ATTORNEYS

(Amended ~~[date]~~ December 1, 2020)

(a) Qualifications

Any attorney of the Bar of the State of Connecticut or of the bar of any United States District Court, whose professional character is good, may be admitted to practice in this Court upon a Petition for Admission, in form and substance prescribed by subsection (b) of this Rule, after paying the admission fee, taking the proper oath, and signing the Roll of Attorneys Admitted to the Bar of the United States District Court for the District of Connecticut.

(b) Procedure for Admission

An attorney seeking admission to the Bar of this Court shall file with the Clerk of this Court a written Petition for Admission in the form prescribed by the Judges of this Court. A certificate of good standing from all of the petitioner's state bar(s) must be included with the Petition. Such petition shall also be accompanied by a sworn affidavit setting forth the following information:

- (i) the petitioner's residence and office address, and office telephone number, fax number and email address;
- (ii) a list of courts to which the petitioner has been admitted to practice;
- (iii) the petitioner's legal training and experience at the bar;
- (iv) the petitioner's representation that he or she has studied carefully the jurisdictional provisions of Title 28 U.S.C., the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and the Local Rules of this Court;
- (v) the petitioner has never been convicted of any crime, other than minor traffic offenses;
- (vi) the petitioner has no pending disciplinary complaint(s) as to which a finding has been made that such complaint(s) should proceed to a hearing; and
- (vii) the petitioner has not been denied admission to, been disciplined by, resigned from, surrendered a license to practice before, or withdrawn an application for admission to practice while facing a disciplinary complaint before, this Court or any other court.

If the petitioner cannot so state as to (b)(v), (vi) and (vii), then the petitioner must describe in full the circumstances of any such conviction, complaint, denial, discipline, resignation, surrender, or withdrawal, including the reasons therefor, any penalty, sanction or other discipline imposed, whether such discipline was satisfied, and whether the attorney is currently in good standing in such jurisdiction(s). The Judges of this District or their designee shall make such inquiry as deemed appropriate. It shall take a majority vote of the Judges to admit such

petitioner to this Bar. For the purpose of this Rule, “minor traffic offenses” shall mean motor vehicle violations which are neither felonies nor misdemeanors.

The petition and affidavit of the petitioner shall be accompanied by the sworn affidavits of two sponsoring members of the Bar of this Court. The sponsoring attorney’s affidavits must attest:

- (i) where and when the sponsor was admitted to practice in this Court,
- (ii) that the sponsor has known the petitioner in a professional legal capacity for at least six months,
- (iii) that the petitioner has good professional character,
- (iv) that the petitioner is experienced at the bar,
- (v) how long and under what circumstances the sponsor has known the petitioner’s professional character and experience as an attorney, and
- (vi) that the sponsor knows of no fact which would call into question the integrity or character of the petitioner.

The Clerk will examine the petition and affidavits and, if found to be in compliance with this Rule, the petition for admission will be presented to the Court at a time and place selected by the Clerk. The requirement of two sworn affidavits may be waived in whole or in part, for good cause shown, by a majority vote of the Judges of this District.

When a hearing is held on a petition, a member of the Bar of this District shall move the admission of the petitioner. The petitioner shall take an oath in open Court to support the Constitution and laws of the United States of America, and to discharge faithfully his duties as an attorney according to the law and the recognized standards of ethics of the profession. Under the direction of the Clerk, the newly admitted attorney shall sign the Roll of Attorneys and pay the fee required by law. Additionally, he or she shall pay a fee of \$52.00, which shall be placed by the Clerk in a fund to be used for expenses incurred pursuant to Rule 83.2 of these Local Rules of Civil Procedure.

(c) Address with the CourtLocal Office

~~(1) Unless otherwise ordered by the Court for good cause shown, no visiting lawyer admitted specially under Rule 83.1(d) not having an office for the transaction of business in person within the District of Connecticut shall appear as attorney of record in any cause without specifying on the record a member of the bar of this Court having an office within the District of Connecticut, upon whom service of all papers shall also be made. Because the use of local counsel often enhances cooperation between counsel and thereby reduces overall litigation expense to the parties, and otherwise facilitates the business of the Court, the showing of good cause required by this subsection is not satisfied merely by a statement that the use of local counsel will impose additional expense on the parties. All communications sent by the Court to the local office so designated shall have the same force and effect as if said communications were sent to the out of state office of a visiting lawyer who has been admitted pursuant to Rule 83.1(d), even where~~

~~the sponsoring lawyer has been excused from attendance in Court pursuant to Rule 83.1(d)(2) of these Local Rules of Civil Procedure.~~

~~(2)(1)~~ Any self-represented party must provide an address where service can be made upon such party.

~~(3)(2)~~ A member of the bar of this Court who changes his or her office address shall notify the Clerk of such change of address within 30 days of such change.

(d) Visiting Attorneys

(1) Attorneys not members of the Bar of this Court, but who are members in good standing of the bar of another Federal or State Court, may be permitted to represent clients in criminal, civil and miscellaneous proceedings in this Court on written motion by a member of the Bar of this Court. The motion shall be accompanied by an affidavit, duly sworn or declaration on a form available from the Clerk's Office or on the website and executed by the proposed visiting attorney:

(a) stating the proposed visiting attorney's office address, telephone number, fax number, and e-mail address;

(b) identifying the bar of each court of which said attorney is and has ever been a member, and the corresponding bar identification number(s); or if no such numbers have been assigned, so stating;

(c) stating that said attorney:

(i) has no pending disciplinary complaints as to which a finding has been made that such complaint should proceed to a hearing; and

(ii) has not been denied admission to, been disciplined by, resigned from, surrendered a license to practice before, or withdrawn an application for admission to practice while facing a disciplinary complaint before, this Court or any other court; or, if the visiting attorney cannot so state as to subsections (c)(i) and (c)(ii), then the visiting attorney must describe in full the circumstances of any such complaint, denial, discipline, resignation, surrender, or withdrawal, including the reasons therefor, any penalty, sanction or other discipline imposed, whether such discipline was satisfied, and whether the attorney is currently in good standing in such jurisdiction(s);

(d) stating that said attorney has fully reviewed and is familiar with the Federal Rules of Civil Procedure (for an attorney seeking admission in a civil case) or Criminal Procedure (for an attorney seeking admission in a criminal case), the applicable Local Rules of the United States District Court for the District of Connecticut, and the Connecticut Rules of Professional Conduct; and

~~(d)~~

~~(e)~~ (e) designating the sponsoring attorney as his or her agent for service of process and

the District of Connecticut as the forum for the resolution of any dispute arising out of said attorney's admission under this Local Rule 83.1(d), to include matters involving grievances filed against the visiting attorney and matters of attorney discipline that relate thereto. -

(2) Said motion shall be made promptly and may be denied if granting the motion will require modification of a scheduling order entered pursuant to Fed. R. Civ. P. 16(b). If the motion is granted, the sponsoring attorney may apply to be excused from attendance in Court and participation in other proceedings before the Court. A sponsoring attorney who is excused is not thereby relieved of any other obligation of an appearing attorney. A visiting attorney admitted pursuant to this Local Rule may participate in depositions, Rule 26(f) conferences, and other conferences with other parties not involving Court personnel without the presence of ~~the sponsoring attorney~~local counsel.

(3) Each such motion filed on behalf of an attorney shall be accompanied by payment to the Clerk of this Court of a fee of \$200.00, which shall be placed in a fund maintained by the Clerk pursuant to the Plan for the Administration of the Non-Appropriated Fund.

(4) Upon admission under this rule, an attorney shall promptly file with the Clerk of the Court a certificate of good standing from the court of the state in which he or she has his or her primary office.

Such certificate of good standing shall be filed no later than 60 days after the date of admission and shall be dated no more than 60 days before the date of admission. Failure to file such certificate will result in the automatic revocation of the visiting attorney status of said attorney, absent an order of the Court. Furthermore, upon revocation of a visiting attorney's status in one case, the Clerk of the Court shall examine the Court's Docket and revoke said attorney's visiting attorney status in all cases in which said attorney has filed an appearance.

RULE 83.11

RECORDINGS AND PHOTOGRAPHS, RECORDINGS, AND BROADCASTS

(Amended ~~[date]~~October 26, 2017)

~~Except for ceremonial occasions, and then only upon the approval of the presiding Judge, the taking of photographs, the electronic recording by any means, and or the broadcasting by any means of a court proceeding by any person other than the official court reporter or court-operated recording system is strictly prohibited. For purposes of this rule: (a) "recording" includes, but is not limited to, making a video or audio record, and using software that converts speech to text, but does not include taking notes by hand or by manual typing on an electronic device; and (b) "broadcasting" includes, but is not limited to, the use of videoconferencing software (e.g., FaceTime, Zoom, Teams, or Google Meet) that allows persons not present in the courtroom to hear or see the proceedings, and the transmission by internet, radio, or television, or telephone signal of the proceedings. This rule applies to or the recording of the proceedings by any person other than the official court reporter in or from the courtroom during the progress of or in connection with judicial proceedings, including proceedings before the Grand Jury or a Magistrate Judge, whether or not the Court is actually in session.~~

~~The, restrictions set forth in this rule may be relaxed for ceremonial occasions or otherwise with the express permission of the presiding Judge.is prohibited.~~