

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTSALEM, OHIO

**In Re: Adoption of a Local Rule to Replace
the S. D. Ohio Bar Examination with a
Required Seminar**

GENERAL ORDER NO. 11-03

Under authority of the Rules Enabling Act (28 U.S.C. § 2071) and Fed. R. Civ. P. 83, and by unanimous vote of the District Judges of this Court, the following local rule is adopted, effective immediately, to replace this Court's bar examination with a required federal practice seminar:

83.3 Admission to the Bar

- (a) **Roll of Attorneys.** The permanent bar of this Court consists of those attorneys currently admitted and those attorneys hereafter admitted, in accordance with these Rules or by order of this Court, to practice in this Court. Attorneys admitted *pro hac vice* are not permanent members of the bar of this Court.
- (b) **Eligibility.** Any member in good standing of the bar of the Supreme Court of Ohio is eligible for admission as a permanent member of the bar of this Court.
- (c) **Application for Admission**
 - (1) All candidates for admission to the bar of this Court, other than those eligible under subsection (c)(2) and (c)(3) of this Rule, must file with the Clerk evidence of attendance at the Southern District of Ohio federal district court practice seminar prescribed by S. D. Ohio Civ. R. 83.3(d). The candidate must affirmatively certify that he or she is familiar with the Court's ECF system. The application must also contain a certificate of two permanent

members of the bar of this Court, vouching for the good moral character and professional reputation of the candidate.

- (2) Applicants in good standing as members of the permanent bar of the United States District Court for the Northern District of Ohio for at least two years immediately preceding their application to become members of the bar of this Court are not required to submit the certificate of two permanent members of the bar of this Court, or to take the Southern District of Ohio federal district court practice seminar. Such applicants must, however, comply with all other requirements of Rule 83.3.
- (3) Attorneys for the United States of America who are authorized by statute to appear in all federal courts and assistant federal public defenders are permitted to appear in this Court upon filing an application for admission on the form provided by the Clerk, and providing a current certificate of good standing from the highest court of the State in which the attorney is admitted to practice. These two groups of attorneys are not required to take the Southern District of Ohio federal district court practice seminar, submit the certificate of two permanent members of the bar of this Court, or pay the application fee for admission, but they must register with this Court for electronic filing.
- (d) **Federal District Court Practice Seminar.** At least twice annually, the Federal Bar Association chapter at each location of court shall conduct a federal district court practice seminar covering civil practice in this Court including, for example, the following topics: subject matter and personal jurisdiction, venue, the Civil Justice Reform Act, case management planning, the Federal Rules of Civil Procedure, the

Federal Rules of Evidence, these Local Rules, and such other topics as the presenters deem advisable.

- (e) **Applications for leave to appear *pro hac vice*.** In its discretion, the Court may grant leave to appear *pro hac vice* to any attorney who is a member in good standing of the bar of the highest court of any State. Any attorney seeking that type of admission must do so by way of a motion filed in each case in which the attorney wishes to appear. That motion must (1) be signed by a permanent member of the bar of this Court; (2) be accompanied by the filing fee prescribed by the Court for *pro hac vice* admission except as provided in subsection (g)(4) of this Rule; and (3) be accompanied by an original certificate of good standing from the highest court of a State (and not from another federal court) that has been issued not more than three months prior to the date of the motion. If the attorney seeking *pro hac vice* admission is eligible for permanent admission to the bar of this Court, the application must also be accompanied by a written affirmation signed by the attorney that he or she will seek permanent admission as promptly as is practicable. Only one filing fee need be tendered if the attorney is seeking leave to appear *pro hac vice* in cases which have been consolidated under Fed. R. Civ. P. 42(a) for all purposes including trial. The names of attorneys who are not members of the bar of this Court and who have not been admitted *pro hac vice* may appear on Court filings, but such attorneys may not sign any document filed with the Court in that case or conduct any proceeding before the Court or any deposition taken in the case. Their names will also not appear as counsel on the Court's docket and they will not receive any notices or mailings from the Court.

(f) **Rights and responsibilities of attorneys admitted *pro hac vice*.** Any attorney admitted *pro hac vice* is subject to the same requirements as are permanent members of the bar of this Court, including those requirements relating to registration for electronic filing. The Court may, in accordance with governing substantive law, revoke an attorney's *pro hac vice* status at any time. Unless otherwise ordered pursuant to S.D. Ohio Civ. R. 83.4(a), an attorney admitted *pro hac vice* may not serve as the trial attorney for any party.

(g) **Fees**

- (1) Upon admission or upon application for readmission following disbarment or suspension from the bar of this Court, the attorney must pay to the Clerk such fees as are prescribed by the Judicial Conference of the United States and by order of this Court. Any fee prescribed by order of this Court must be paid into the Court's Attorney Admission Fund to be used for such purposes as inure to the benefit of the bench and bar in the administration of justice within this District as determined to be appropriate by the Court.
- (2) Each attorney applying for initial admission to the bar of this Court must tender to the Clerk any fee prescribed for such admission by order of this Court.
- (3) Each attorney previously disbarred or suspended from the bar of this Court, must tender to the Clerk any fee prescribed for readmission by order of this Court upon application for readmission to the bar of this Court. Such readmission is subject to the Order for Readmission of this Court.
- (4) All attorneys seeking admission *pro hac vice* pursuant to subsection (e) of this Rule must tender to the Clerk any fee prescribed for admission *pro hac*

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vice by order of this Court. This fee shall not be collected from attorneys representing governmental agencies of the United States, members of the Ohio Attorney General's Office, assistant federal public defenders, or attorneys employed by the Ohio Public Defender who appear in either civil or criminal matters.

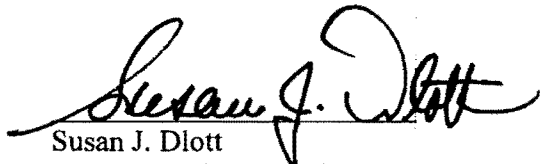
(5) All such fees collected by the Clerk must be deposited for the use of the bar and the Court in the Court's Attorney Admission Fund to be used for such purposes as inure to the benefit of the bench and bar in the administration of justice within this district as determined to be appropriate by the Court.

(h) **Disciplinary Enforcement.** The conduct of attorneys admitted to practice before this Court, including attorneys admitted *pro hac vice*, and the supervision of their conduct by this Court is governed by the Model Federal Rules of Disciplinary Enforcement (with the exception of Rules XI and XII). (See Appendix to these Rules.)

Pursuant to 28 U.S.C. § 2071(e), the Court determines there is an immediate need for this rule because of the impending admission of new attorneys by the Ohio Supreme Court and the desire of the Court to provide for their expeditious admission to practice in this Court without continuing to require a bar examination.

IT IS SO ORDERED.

Date: November 1, 2011


Susan J. Dlott
Chief United States District Judge