

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

NOTICE OF PROPOSED AMENDMENTS TO LOCAL RULES

Pursuant to Rule 83 of the Federal Rules of Civil Procedure, public notice is hereby given of proposed amendments to the Local Rules for the United States District Court, Western District of Louisiana. Amendments to **LR83.2.10** are shown as stricken below and replaced by underlined wording. **LCrR47.1** is a new rule. The following amendments to the Local Rules are proposed:

**LR83.2.10 Attorney Discipline**

*A. Initiation of Disciplinary Proceedings*

1. Any judge of this Court including a Bankruptcy Court judge may take limited action to initiate disciplinary proceedings in accordance with Section B.2. ~~including fine, suspension or disbarment, pursuant to this section. The judge may take action directly under subsection B 2. of this rule or, when appropriate, by submitting the matter to a Special Master, a United States Magistrate Judge or the Chief Judge of this court for a hearing prior to action under subsection B.2.~~
2. A complaint of attorney misconduct initiated by one other than a judge of this Court shall be filed in writing under oath with the Clerk of the Court, who shall immediately refer the matter to the Chief Judge or the Chief Judge's Article III or Magistrate Judge designee, who shall make such inquiry as is appropriate. The Chief Judge or his designee shall then report to the active judges of this Court his recommended findings of fact and proposed action if necessary pursuant to Ssubsection B.2. Action by the Article III judges shall be by majority vote of the voting Article III judges at a general or special meeting or by conference call.
3. An attorney ~~Any person~~ admitted to practice before this court shall give written notice to the Clerk of Court of any adverse action affecting his or her practice of law within thirty (30) days of such adverse action, including copies of the documents of the Louisiana Supreme Court, or any other acting body, declaring the adverse action. In this context "adverse action" is defined as (a) the filing of formal public charges against him or her by any bar association or committee thereof; (b) issuance of a public reprimand, fine, suspension

or disbarment by any court or bar association or any committee thereof; or (c) the conviction of any felony or of any misdemeanor involving such person's practice of law. The Clerk of Court shall refer all notices of adverse action to the Chief Judge or Article III designee of the Chief Judge.

*B. Disciplinary Action*

1. If another federal court or the Supreme Court of the State of Louisiana takes adverse action against an attorney in the form of a suspension or disbarment of such attorney, this Court may take the same action against such attorney in this court by signature of the Chief Judge. Nothing in this provision shall prevent this Court, by majority vote, from taking different action as a result of such adverse action by such other court.

2. ~~All other disciplinary proceedings initiated under Section A above shall be submitted to the active judges of this Court. For fines or suspensions of 90 days or less, the judge may take action directly without approval of the active judges of the court or the Chief Judge. For suspensions greater than 90 days or disbarments, the judge shall refer these proceedings for review to the Chief Judge of this court for processing in the same manner as in Section A.2. above.~~

*C. Temporary Suspension*

~~Any judge of this Court may, pursuant to the inherent powers of the Court, the Federal Rules or the United States Code, fine or suspend for a period not to exceed ninety (90) days, for good cause shown, any member of the bar of this Court without regard to any of the formalities set forth above in this rule, in addition to the right of the Court to exercise judicial control as set forth in Section E of this rule.~~

*C.D. Re-Admission*

1. In the event of disbarment.

(a) In the event that any member of the bar of this Court has been disbarred, he or she may petition the active judges of this Court for re-admission by filing a petition for re-admission with the Clerk of Court setting forth the reasons for the original disbarment, including copies of the documents of the Louisiana Supreme Court, or any other acting body, declaring the attorney disbarred, and the reasons why re-admission should be

granted, and

(b) The petition for re-admission shall be submitted to the active judges of this Court who shall either grant or deny the petition or refer the same to a Special Master of Magistrate Judge for a report and recommendation. Final action shall be by majority vote of the active judges of the Court as provided in C.1.

(d).

(c) No petition for re-admission shall be filed sooner than two (2) years from the date of the disbarment or from the date of a denial of a petition for re-admission, unless the order denying the petition for re-admission specifies another time period.

(d) A decision on re-admission shall be made by a majority vote of all active Article III judges after consultation at a regular or special meeting or by telephone conference.

(e) An attorney may, in the event of exigent circumstances, and documentation with good cause shown, petition the Court for review in an expedited fashion. Such request shall include full written reasons for the stated request. Failure to comply fully with all filing requirements will result in the filing being denied as insufficient by the Clerk of Court and returned without review. Upon receipt of properly filed documents for request for expedited review, the Clerk of Court shall forward the petition and all accompanying and all relevant documentation, including copies of the documents of the Louisiana Supreme Court, or any other acting body, declaring the attorney disbarred, in normal course, to the Chief Judge who will, within his or her discretion, determine if expedited review is warranted. Request for expedited review in no way entitles the filer to expedited review.

(f) If the Chief Judge determines expedited review is warranted, he or she shall proceed as in subsection B.

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2. In the event of suspension.

(a) If a member of this bar is suspended, the member of the bar so suspended must file a petition for reinstatement setting forth the reasons for the original suspension, including copies of the documents of the Louisiana Supreme Court, or any other acting body, declaring the attorney suspended, and the reasons why

reinstatement should be granted.

(b) If a definite time is set in the order of suspension, a petition for reinstatement may be filed after the passing of such time.

(c) If no time is set in the order of suspension, a petition for reinstatement by a suspended bar member may not be filed sooner than two (2) years after the order of suspension or two (2) years from the date of denial of a previous petition for reinstatement, unless the previous order denying reinstatement sets forth a different time period.

(d) A decision on reinstatement shall be made by a majority vote of the judges after consultation, either at a regular or special meeting or by telephone conference.

(e) An attorney may, in the event of exigent circumstances, and documentation with good cause shown, petition the Court for review in an expedited fashion. Such request shall include full written reasons for the stated request. Failure to comply fully with all filing requirements will result in the filing being denied as insufficient by the Clerk of Court and returned without review. Upon receipt of properly filed documents for request for expedited review, the Clerk of Court shall forward the petition and all accompanying and all relevant documentation, including copies of the documents of the Louisiana Supreme Court, or any other acting body, declaring the attorney suspended, in normal course, to the Chief Judge who will, within his or her discretion, determine if expedited review is warranted. Request for expedited review in no way entitles the filer to expedited review.

(f) If the Chief Judge determines expedited review is warranted, he or she shall proceed as in subsection B.

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*D.E. Judicial Control*

Nothing in this rule shall be read to limit the inherent powers of a judge to control litigation, nor to limit the powers to impose fines, penalties and sanctions granted under the **Federal Rules, United States Code** or as otherwise authorized by law. ~~Imposition of fines, penalties and sanctions otherwise so authorized may occur, without the imposing judge being required to “initiate disciplinary proceedings” within the meaning~~

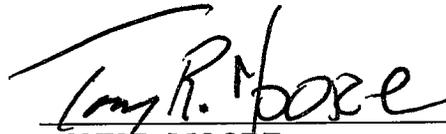
of Section A of this rule.

**LCrR47.1 Format of Caption in Multi-Defendant Criminal Cases**

For multi-defendant criminal cases, to the right of the case number, there must be appended to the case number the number of the defendant(s) to whom the filing applies. The caption on the left shall include only the names of the corresponding defendants.

Comments may be made in writing to Clerk of Court, Tony R. Moore, 800 Lafayette Street, Suite 2100, Lafayette, LA 70501, before **September 1, 2013**. You may access this notice at the court's website ([www.lawd.uscourts.gov](http://www.lawd.uscourts.gov)).

Lafayette, Louisiana, this 1st day of August, 2013.

  
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TONY R. MOORE  
CLERK OF COURT