

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

NOTICE OF PROPOSED AMENDMENT TO LOCAL RULES

Pursuant to Rule 83 of the Federal Rules of Civil Procedure, public notice is hereby given of proposed amendments to **LR83.2.10** for the United States District Court, Western District of Louisiana. The original wording that is proposed to be amended in this rule is shown as stricken and additional wording added is underlined as follows:

LR83.2.10 Attorney Discipline

A. Initiation of Disciplinary Proceedings

1. Any Article III, Magistrate, or Bankruptcy judge of this district Court ~~including a Bankruptcy Court judge~~ may take ~~limited~~ action to initiate attorney disciplinary proceedings in accordance with Section B.2 ~~this rule.~~

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 for review ~~who shall make such inquiry and the imposition of disciplinary action if 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 Subsection 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 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 providing copies of the documents from ~~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. Suspension or disbarment imposed by other courts:

If another federal court or the Louisiana 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 the ~~such~~ attorney ~~in this court~~ by signature of the Chief Judge. Nothing in this provision shall prevent this Court, by majority vote, from taking a ~~different action as a result of such adverse action by such other court.~~

2. Fines or suspensions of 90 days or less imposed by this District:

An Article III, Magistrate, or Bankruptcy judge may impose on a member of the bar of this court ~~For~~ fines or suspension of 90 days or less, ~~the judge may take action directly~~ without having to seek the approval of the ~~active~~ Article III judges of the court or the Chief Judge.

3. Suspensions greater than 90 days or disbarments imposed by this District:

An Article III, Magistrate, or Bankruptcy judge of this District shall refer proposed ~~For~~ suspensions of greater than 90 days or disbarments of attorneys, ~~the shall refer these proceedings to the Chief Judge or the Chief~~

Judge's Article III designee to investigate and determine a recommended action to take against the attorney. for processing in the same manner as in Section A.2. above. After notice to the attorney and an opportunity to be heard, the Chief Judge or his or her designee shall present any recommended action against the attorney to the Article III judges of this Court. A majority vote of the Article III judges shall then be taken on the recommended action at a general or special meeting or by email vote.

C. Reinstatement and Readmission

1 2. Reinstatement after a ~~In the event of suspension of one year or less:~~

(a) Once an attorney has served an active suspension of one year or less pursuant to disciplinary proceedings, the attorney may ~~If a member of this bar is suspended, the member of the bar so suspended must~~ file a petition for reinstatement with this Court setting forth that the attorney has fully complied with the requirements of the suspension order and the reasons for the original suspension, including why reinstatement should be granted. The attorney shall provide copies of the documents of from the Louisiana Supreme Court, or any other acting body, showing why declaring the attorney was suspended, and when reinstated 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.~~

(b) (d) A decision on reinstatement shall be made by a majority vote of the

Article III Judges after consultation, either at a general regular or special meeting or by telephone conference or by email vote.

2.1. Reinstatement after a suspension of more than one year and readmission after In the event of disbarment:

(a) In the event that a any member of the bar of this Court has been suspended more than one year or disbarred, the attorney he or she may file a petition for reinstatement or readmission with 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 why reinstatement or readmission should be granted and providing documentation of for the original suspension of more than one year or disbarment, including and copies of any action by the documents of the Louisiana Supreme Court, or any other or acting body, declaring the attorney reinstated or disbarred readmitted, and the reasons why re-admission should be granted. , and

(b) The petition for reinstatement or readmission shall be submitted to the active Article III judges of this Court who shall either grant or deny the petition or refer the same to a Special Master or Magistrate Judge for a report and recommendation. Final action shall be by majority vote of the active Article III judges of the Court as provided in C.1. (d) after consultation, either at a general or special meeting or by email vote.

~~(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 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. 2.~~

3. Expedited Review

An attorney may, in the event of exigent circumstances, and documentation with good cause shown, petition the Court for review in an expedited fashion. The request will be forwarded to the Chief Judge or his or her designee for review and consideration.

D. 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.

Comments on this amendment may be made in writing addressed to the Clerk of Court, Tony R. Moore, 800 Lafayette Street, Suite 2100, Lafayette, LA 70501, before **July 15, 2022**. This Notice may be accessed

on the court's website at www.lawd.uscourts.gov.

Lafayette, Louisiana, this _____ day of _____ 2022.

TONY R. MOORE
CLERK OF COURT