

FILED

JAN 26 2021

Mark C. McCartt, Clerk
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

IN RE: LOCAL RULES

GENERAL ORDER 21-02

Before the Court is the matter of amendments to the Local Rules. Numerous modifications have been made in accordance with the Court’s periodic review, in light of general orders, changes in the federal rules, and any needed clarifications to existing rules.

The court has given notice and opportunity for comment pursuant to Rule 83, Fed.R.Civ.P and Rule 57, Fed.R.Crim.P. The comment period has passed. Accordingly, the amendments to the Local Rules are hereby adopted. Copies of the new and amended rules listed below are attached.

NEW LOCAL RULES

- LGnR1 Scope of Rules
- LGnR3 Courthouse & Courtroom Conduct
- LGnR5 Courthouse Access & Security
- LGnR7 Local Rules
- LCvR65 Injunctions and Restraining Orders
- LCrR12.2 Insanity Defense

- LGnR2 Method and Format of Filing
- LGnR4 Attorney Admission/Discipline
- LGnR6 Electronic Devices in Courthouse
- LCvR42 Consolidation
- LCvR72 Magistrate Judges: Pretrial Order

AMENDED LOCAL RULES

- LCvR3 Commencing an Action
- LCvR5.2 Privacy Protection for Filings
- LCvR7.1 Disclosure Statement
- LCvR41 Dismissal of Actions
- LCvR45 Subpoena
- LCvR55 Default; Default Judgment
- LCvR62 Stay Proceedings to Enforce a Judgment
- LCvR81 Removed Actions
- LCrR7 Indictment and Information
- LCrR11 Pleas
- LCrR17.1 Pretrial Conference
- LCrR32 Sentencing and Judgment
- LCrR41 Search and Seizure
- LCrR49 Serving and Filing Papers

- LCvR5 Serving and Filing Pleadings
- LCvR7 Pleadings Allowed
- LCvR40 Scheduling Cases for Trial
- LCvR43 Taking Testimony
- LCvR54 Judgment: Costs
- LCvR56 Summary Judgment
- LCvR67 Deposit into Court
- LCrR5 Initial Appearance
- LCrR10 Arraignment
- LCrR16 Discovery
- LCrR23 Trials
- LCrR32.1 Revocations
- LCrR47 Revocations
- LCrR57 District Court Rules

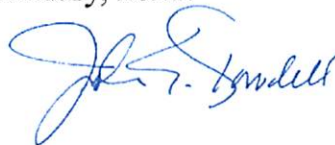
ELIMINATED/VACATED LOCAL RULES

LCvR4 Appointment of Process Servers	LCvR9 Pleading Special Matters
LCvR39 Trial by Jury or Court	LCvR79 Records Kept by the Clerk
LCvR83 Rules by District Courts	LCrR12.4 Disclosure Statements
LCrR24 Juror Selection	LCrR44 Appointment of Counsel
LCrR49.1 Privacy Protections	LCrR53 Courtroom Photography

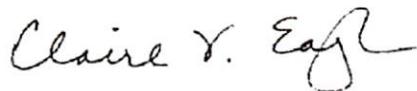
VACATED GENERAL ORDERS (INCORPORATED INTO LOCAL RULES)

94-08-30 Scheduling Conflicts (Incorporated into LGnR4)
99-01 Juror – Communication Devices (Incorporated into LGnR6)
00-11 Firearms Restrictions (Incorporated into LGnR5)
00-12 Perimeter Security (Incorporated into LGnR5)
02-01 Probation Firearms (Incorporated into LGnR5)
04-11 Probation testimony and production of Documents (LCrR57)
05-09 Automatic Magistrate Referrals (Incorporated into LCvR72)
05-11 Hyperlinks (Incorporated into LGnR2)
10-01 Perimeter Security (Incorporated into LGnR5)
11-01 Filing Requirements - Statute of Limitations (Incorporated into LCvR3)
11-05 Competency Related Filings (Incorporated into LCrR12.2)
16-08 Social Security Case Assignments (Incorporated into LCvR40)
16-09 Social Security Elimination of Answer (Incorporated into LCvR5)
16-10 Supervised Release Orders (Incorporated into LCrR32.1)
16-11 Pretrial Release Orders (Incorporated into LCrR32.1)
16-20 Registry Funds (Incorporated into LCvR67)
17-07 Probation Authorization Carry Oleoresin Capsicum (Incorporated into LGnR5)
17-10 Social Security Electronic Service (Incorporated into LCvR5)

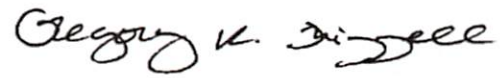
IT IS SO ORDERED this 26th day of January, 2021.



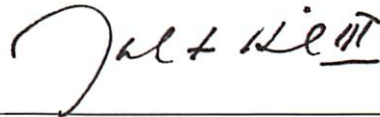
JOHN E. DOWDELL
CHIEF UNITED STATES DISTRICT JUDGE



CLAIRE V. EAGAN
UNITED STATES DISTRICT JUDGE



GREGORY K. FRIZZELL
UNITED STATES DISTRICT JUDGE



JOHN F. HEIL III
UNITED STATES DISTRICT JUDGE



TERENCE C. KERN
UNITED STATES DISTRICT JUDGE

General Rule 1 – Scope of Rules

LGNR1-1 Purpose and Scope of Rules.

These local general rules are promulgated to supplement the Federal Rules of Civil Procedure with local Court procedure, not to be inconsistent with the Federal Rules. General Orders, which are available on the Court's website, are issued by the Court to establish procedures on administrative matters and less routine matters which do not affect the majority of practitioners before this Court.

LGNR1-2 Rules of Procedure.

- (a) The rules of procedure in any proceeding in this Court shall be as prescribed by the laws of the United States, the rules of the Supreme Court of the United States, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, any applicable rules of the United States Court of Appeals for the Tenth Circuit, and these local rules.
- (b) Where in any proceeding or in any instance there is no applicable rule of procedure, a judge may prescribe the same.
- (c) The trial judge has discretion in any civil or criminal case to waive, supplement, or modify any requirement of these local rules when the administration of justice requires.
- (d) These local rules do not apply in any case or proceeding which is pending in the Bankruptcy Court for the Northern District of Oklahoma.
- (e) These local rules shall be known as the Local General Rules of the United States District Court for the Northern District of Oklahoma. They may be cited as "LGNR- ."

General Rule 2 – Method and Format of Filing

LGnR2-1 Electronic Filings.

- (a) Filing by electronic means is mandatory for attorneys. Pro se parties must not file electronically unless authorized by the Court. If the Court permits, a pro se party may register as a CM/ECF user solely for purpose of a particular action. During the course of the action if the party retains an attorney who appears on the party's behalf, the attorney must advise the Court Clerk's office to terminate the party's registration as a CM/ECF user.
- (b) Papers filed by electronic means shall be governed by these rules and the Court's CM/ECF Administrative Guide of Policies and Procedures (Administrative Guide) available from the Court Clerk's office and on the Court's website.

LGnR2-2 Paper Filings.

Parties may file paper documents by mail or in person at the Court Clerk's office. The following documents are not authorized to be filed electronically and must be filed in paper form:

- (a) documents filed in sealed cases;
- (b) other filings approved by the assigned judge to be filed conventionally;
- (c) original state court records and transcripts in capital (death penalty) habeas matters; and
- (d) items that cannot be converted to Portable Document Format (PDF) (e.g., video tapes, CDs, DVDs, blueprints, etc.).

LGnR2-3 Email Filings.

Parties not authorized to file electronically may file papers in civil matters by email sent to the Court Clerk's office as provided in the Administrative Guide. Such papers, when transmitted through email, must comply with all provisions of these rules and the Federal Rules of Civil Procedure regarding the form, format, service, and signature of pleadings and papers.

LGnR2-4 Format of Papers Presented for Filing.

- (a) **All Filings.** All papers presented to the Clerk for filing by electronic means or in paper form must be double-spaced, if typewritten, using only one side of the paper and a paper size of 8 ½ inches wide by 11 inches long. The print style, including footnotes, must not be smaller than twelve characters to an inch (i.e., 12 pitch font), and margins must be a minimum of one inch on the top, bottom, and sides. The use of "Exactly 24 pt" spacing is not permitted. All papers must be clearly legible.
- (b) **Paper Filings.** Unless the Court orders otherwise, all papers presented to the Clerk for filing in paper form shall consist of an original only.

LGR2-5 Hyperlinks.

Hyperlinks are only permissible for providing links to legal references and citations. Hyperlinks must not be included to advertise a product or for any other reason not related to the legal issues raised in the pleading. The Court shall enter an order to strike and remove any pleading that contains an inappropriate hyperlink and direct the party to refile the document without the hyperlink.

General Rule 3 – Courthouse and Courtroom Conduct

LGrR3-1 Soliciting, Loitering, and Disruptive Behavior.

The solicitation of business relating to bail bonds or to employment as counsel is prohibited. Loitering in or about federal court facilities is prohibited. Any behavior which impedes or disrupts the orderly conduct of the business of the court is prohibited. Signs, placards, or banners may not be brought into a court facility.

LGrR3-2 Professional Conduct for Attorneys.

Attorneys practicing in this Court are expected to conduct themselves in accordance with the Oklahoma Rules of Professional Conduct, as adopted by the Oklahoma Supreme Court, as the standard of conduct of all members of the Oklahoma Bar Association. See, Title 5 O.S.A. Ch.1, App. 3A. as set forth in the preamble:

A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.

In this spirit, all lawyers should become familiar with their duties and obligations, as defined and classified generally in the Oklahoma Rules of Professional Conduct, any interpretive decisions, applicable statutes, and the usages, customs, and practices of the bar.

LGrR3-3 Courtroom Behavior.

(a) **For Attorneys.** The purpose of this rule is to emphasize, not supplant, certain portions of those ethical principles applicable to the lawyer's conduct in the courtroom; therefore, in addition to all other requirements, lawyers appearing in this Court shall adhere to the following:

- (1) Be punctual in attendance at Court.
- (2) Refrain from addressing anyone in Court by first name; instead, last names should be used.
- (3) Refrain from leaving the courtroom while court is in session, unless it is absolutely necessary, and then only if the Court's permission has been obtained first.
- (4) At all times, counsel for plaintiff must occupy the table nearest the jury box and counsel for defendant must occupy the table farthest from the jury box.
- (5) Ascertain that only one lawyer is standing at a time, unless an objection is being made.
- (6) Bench conferences will be kept to a minimum. Counsel should anticipate issues which will arise during the trial and inform the Court and opposing counsel at the earliest opportunity.

Permission must be obtained from the Court to approach the bench, a witness, an exhibit, or the clerk.

- (7) Refrain from employing dilatory tactics.
- (8) Hand all papers intended for the Court to see to the courtroom deputy who, in turn, will pass them up to the judge.
- (9) Hand to the courtroom deputy any exhibits offered into evidence.
- (10) Advise clients, witnesses, and others concerning rules of decorum to be observed in court.
- (11) Use the lectern when interrogating witnesses or addressing the jury, unless otherwise permitted by the Court. Appropriate exceptions to this rule shall be made for disability or infirmity.
- (12) Never conduct or engage in experiments or demonstrations unless prior permission is granted by the Court.
- (13) Refrain from conducting a trial when they know, prior thereto, that they will be necessary witnesses, other than as to merely formal matters such as identification or custody of a document or the like. If, during the trial, it is discovered that the ends of justice require the lawyers' testimony, they should from that point on, if feasible and not prejudicial to their client's case, leave further conduct of the trial to other counsel. If circumstances do not permit withdrawal from the conduct of the trial, lawyers should not argue the credibility of their own testimony.
- (14) Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly uninfluenced by all ill feeling between the respective clients. Attorneys should abstain from any allusion to personal peculiarities and idiosyncrasies of opposing counsel.
- (15) Rise when addressing or being addressed by the Court. Appropriate exception will be made for disability or medical infirmity.
- (16) Refrain from assuming an undignified posture. Counsel should always be attired in a proper and dignified manner and should abstain from any apparel or ornament calculated to attract attention to themselves.
- (17) At all times exemplify conduct consistent with their obligation as an officer of the Court.
- (18) In making representations to the Court, know or honestly believe them to be supported by fact.

Any judicial officer may have additional rules of behavior. Individual judge's rules may be obtained from the Court Clerk's office or the Court's website.

(b) All Persons in the Courtroom.

- (1) No tobacco, e-cigarettes, or "vaping" in any form will be permitted at any time.

- (2) No propping of feet on tables or chairs will be permitted at any time.
- (3) No water bottles or other beverage containers, bottles or cups, or edibles shall be brought into the courtroom, except with permission of the marshal or courtroom deputy clerk.
- (4) No gum chewing or reading of newspapers or magazines (except as a part of the evidence in a case) will be permitted while court is in session.
- (5) No talking or other unnecessary noises will be permitted while court is in session.
- (6) Everyone must rise when instructed to do so upon opening, closing, or declaring recesses of court. Appropriate exceptions shall be made for disability or medical infirmity.
- (7) Anyone who appears in court intoxicated or under the influence of intoxicants, drugs, or narcotics may be summarily held in contempt.

LGNR3-3 Enforcement.

The United States Marshals Service and court security officers are authorized to enforce these rules. An attorney violating these rules may be subject to discipline, including disbarment, in accordance with LGNR4.

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General Rule 4 – Attorney Admissions and Discipline

LGnR4-1 Committee on Admissions and Grievances.

A Committee on Admissions and Grievances shall be appointed by the Court. Membership of the committee shall be determined by order of the Court. The Committee shall (1) investigate applications for admission to the bar of this Court referred to the Committee by the Court Clerk, and (2) investigate complaints of professional misconduct submitted to the Committee by a judge of this Court.

LGnR4-2 Admissions.

(a) **Roll of Attorneys.** The bar of this Court shall consist of those attorneys admitted to practice before this Court who have taken the prescribed oath and submitted the fee, if required.

(b) **Eligibility.** Any member of the bar of the Supreme Court of the United States, any United States Court of Appeals, or any District Court of the United States, or a member in good standing of the bar of the highest court of any state of the United States, is eligible for admission to the bar of this Court.

(c) **Procedure for Admission.** Every applicant for admission must complete an electronic application for admission through PACER, and submit the required fee, if applicable. Instructions for submitting the electronic application can be obtained from the Court Clerk's office or the Court's website. The completed application for admission must include the following:

(1) an executed and notarized Oath of Applicant form which can be obtained from the Court Clerk's office or the Court's website,

(2) either (1) a Certificate of Good Standing from any eligible court per LGnR4-2(b), or (2) an attorney recommendation form completed by two attorneys admitted and in good standing with the bar of this court, available from the Court Clerk's office or the Court's website.

(d) **Consent to Release of Information; Certification of Familiarity with Local Rules.** An attorney who applies for admission to the bar of this Court:

(1) consents to the release of information in their records by disciplinary and admitting authorities for confidential consideration by this Court and/or the Committee on Admissions and Grievances; and

(2) certifies familiarity with the Federal Rules of Civil Procedure, the Federal Criminal Procedure, the Federal Rules of Evidence, and the Rules of the Northern District of Oklahoma.

(e) **Referral to Committee.** If the Court Clerk determines that questions exist regarding the applicant's qualifications or fitness to be admitted to the bar of this Court, the Court Clerk shall refer the application to the Committee on Admissions and Grievances for investigation. The Committee shall report its recommendations in writing to the Court Clerk. Upon a favorable report of the Committee, the applicant may be admitted by any judge of this Court or the Court Clerk.

(f) **Attorneys for the United States.** Attorneys who are employed or retained by the United States or its agencies may practice in this Court in all cases or proceedings in which they represent the United States or such agencies.

(g) **Admission Pro Hac Vice.** Any attorney who is eligible for admission to the bar of this Court may, at the discretion of a judge of this Court, be granted temporary admission to practice in a pending case. Attorneys requesting such admission are required to file a motion and attach a completed Request for Admission Pro Hac Vice form, provided by the Court Clerk's office, along with paying the required fee.

LGnR4-3 Association of Local Counsel.

(a) **Responsibilities of Non-Resident Counsel.** When representing a party in this Court, any attorney who is not a resident of and does not maintain an office in Oklahoma must show association with an attorney who is personally appearing in the action, is a resident of and maintains a law office within the State of Oklahoma, and who has been duly and regularly admitted to practice in this Court.

(b) **Responsibilities of Local Counsel.** It is the responsibility of local counsel appearing in any case to file the motion of the non-resident attorney to be admitted Pro Hac Vice and to certify in the motion that the non-resident attorney is a member in good standing of the bar of the highest court of the state where the non-resident attorney resides or is licensed. The local attorney must sign the first pleading filed and shall continue in the case unless other local counsel is substituted. Any notice, pleading, or other paper may be served upon the local counsel with the same effect as if personally served on the non-resident attorney.

(c) **Relief from this Rule.** Relief from this rule is within the Court's discretion upon motion establishing financial hardship, special qualifications of non-resident counsel, or other good cause, provided that out-of-state counsel certifies familiarity with the local civil court rules.

LGnR4-4 Appearance and Withdrawal of Counsel.

(a) **Entry of Appearance.** An attorney appearing for a party must enter an appearance by signing and filing an entry of appearance on the form prescribed by the Court Clerk.

(b) Attorneys of record must not withdraw from the case except upon reasonable notice to the client and all other parties who have appeared in the case and by leave of the judge to whom the case is assigned.

LGnR4-5 Resolving Scheduling Conflicts.

(a) **Definition.** An attorney shall not be deemed to have a conflict unless:

- (1) the attorney is lead counsel in two or more of the actions affected, and
- (2) the attorney certifies that the matters cannot be adequately handled, and the clients interest adequately protected, by other counsel for the party in the action or by other attorneys in lead counsel's firm; certifies compliance with the rule and has nevertheless been unable to resolve the

conflicts; and certifies in the notice a proposed resolution by list of such cases in the order of priority specified by this rule.

(b) Whenever an attorney is scheduled to appear in two or more courts (trial, appellate, state, or federal), the attorney must give prompt written notice, as specified in (a) above, of the conflict to opposing counsel, to the clerk of each court, and to the judge before whom each action is set for hearing. The written notice shall contain the attorney's proposed resolution of the appearance conflicts in accordance with the priorities established by this rule, and shall set forth the order of cases to be tried, with a listing of the date and data required as to each case arranged in the order in which the cases should prevail under this rule. Attorneys confronted by such conflicts are expected to give written notice as soon as the conflict arises but, in any event, at least seven days prior to the date of the conflicting settings. In resolving scheduling conflicts, the following priorities shall ordinarily prevail:

- (1) Criminal (felony) actions shall prevail over civil actions set for trial or appellate proceedings.
- (2) Jury trials shall prevail over non-jury matters, including trials and administrative proceedings.
- (3) Trials shall prevail over appellate arguments, hearings, and conferences.
- (4) Appellate proceedings shall prevail over all trial hearings, other than actual trials.
- (5) Within each of the above categories only, the action which was first set shall take precedence.

(c) In addition to the above priorities, consideration should be given to the comparative age of the cases, their complexity, the estimated trial time, the number of attorneys and parties involved, whether the trial involves a jury, and the difficulty or ease of rescheduling.

(d) The judges of the courts involved in a scheduling conflict shall promptly confer, resolve the conflict, and notify counsel of the resolution. The judge presiding over the older case (i.e., the earliest filed case) will be responsible for initiating this communication.

(e) Conflict resolution shall not require the continuance of the other matter or matters not having priority. In the event the matter determined to have priority is disposed of prior to the scheduled time set, the attorney shall immediately notify all affected parties, including the court affected by the disposal, and shall, absent good cause shown to the Court, proceed with the remaining case or cases which did not have priority, if the setting was not vacated.

(f) Nothing in these guidelines is intended to prevent courts from voluntarily yielding a favorable scheduling position, and judges of all courts are urged to communicate with each other in an effort to lessen the impact of conflicts and continuances on all courts.

LGnR4-6 Standards of Practice.

The following are principles intended to guide attorneys in practicing in the Northern District of Oklahoma:

- (a) In fulfilling his or her primary duty to the client, a lawyer must be ever conscious of the broader duty to the judicial system that serves both attorney and client.
- (b) A lawyer owes, to the judiciary, candor, diligence, and utmost respect.
- (c) A lawyer owes, to opposing counsel, a duty of courtesy and cooperation, the observance of which is necessary for the efficient administration of our system of justice and the respect of the public it serves.
- (d) A lawyer owes, to the administration of justice, the fundamental duties of personal dignity and professional integrity.
- (e) Lawyers should treat each other, the opposing party, the Court, and members of the Court staff with courtesy and civility and conduct themselves in a professional manner at all times.
- (f) A client has no right to demand that counsel abuse the opposite party or indulge in offensive conduct. A lawyer shall always treat adverse witnesses and suitors with fairness and due consideration.
- (g) In adversary proceedings, clients are litigants and though ill feeling may exist between clients, such ill feeling should not influence a lawyer's conduct, attitude, or demeanor towards opposing lawyers.
- (h) A lawyer should not use any form of discovery, or the scheduling of discovery, as a means of harassing opposing counsel or counsel's client.
- (i) Lawyers will be punctual in communications with others and in honoring scheduled appearances and will recognize that neglect and tardiness are demeaning to the lawyer and to the judicial system.
- (j) If a fellow member of the bar makes a just request for cooperation, or seeks scheduling accommodation, a lawyer will not arbitrarily or unreasonably withhold consent.
- (k) Effective advocacy does not require antagonistic or obnoxious behavior and members of the bar will adhere to the higher standard of conduct which judges, lawyers, clients, and the public may rightfully expect.

LGnR4-7 Discipline by the Court.

(a) **Discipline by Other Courts; Criminal Convictions.** Whenever any member admitted to practice in this Court, including a person admitted pro hac vice, has been suspended, disbarred, or resigned, pending disciplinary proceedings, from the practice of law by the Supreme Court of Oklahoma or by any other court of competent jurisdiction, or has been convicted of a felony or any crime involving moral turpitude in any court, such disbarment, suspension, or conviction shall operate as an automatic suspension of the attorney's right to practice in this Court, and an order of suspension shall be issued by the Court. Any attorney subject to this rule must notify the Court immediately upon any such conviction, suspension, disbarment, or resignation. The notification must be in writing to the Court Clerk. The automatic suspension from this Court shall remain in effect unless the attorney has, by motion to the Court within twenty-eight days of the order of suspension, shown good cause as to why the suspension should not remain in effect. The Chief Judge or his or her designee shall rule on such motion. If the

attorney was disbarred, suspended, resigned, or was convicted as stated above, an order of disbarment will issue if no motion for good cause has been filed within the required time period.

(b) **Requirement to Self-Report.** Failure to self-report is a separate cause for disciplinary action; however, a failure to self-report an administrative suspension for failure to pay an annual registration fee or to comply with mandatory continuing legal education requirements shall not constitute separate cause for further disciplinary action by this Court.

(c) **Professional Misconduct.** Complaints of professional misconduct by an attorney are subject to Fed. R. Civ. P. 11. Complaints of professional misconduct may be submitted by a judge of the Court, at his or her discretion, to the Committee on Admissions and Grievances. Upon receipt of a complaint regarding the professional conduct of an attorney, the Committee on Admissions and Grievances shall, after providing the attorney notice and opportunity to be heard, report and recommend to the Court whether:

- (1) the inquiry should be terminated because the question raised is unsupported or insubstantial;
- (2) the alleged professional misconduct justifies further inquiry, and, for members of the Oklahoma Bar Association, the matter should be referred to the Office of the General Counsel of the Oklahoma Bar Association for investigation and prosecution by that Office, if warranted;
- (3) the alleged professional misconduct warrants consideration of prompt disciplinary action by this Court regarding the attorney's right to practice before the Court;
- (4) the alleged professional misconduct of an attorney not a member of the Oklahoma Bar Association justifies further inquiry by the Court. Any attorney whose conduct in this Court is under investigation by the Committee on Admissions and Grievances shall not be admitted pro hac vice until the pending investigation is concluded. Any action taken by the Court pursuant to a report and recommendation by the Committee on Admissions and Grievances shall be by a majority vote of the active judges.

Nothing contained in this Local Rule shall limit the right of an individual judge to manage the cases assigned to that judge, which right shall include, without limitation, the authority to impose any sanctions, penalties, or other restrictions which may be appropriate in a particular case, or the authority to refer a matter for consideration to the Committee on Admissions and Grievances on an advisory basis.

(d) **Right to a Hearing.** Except as otherwise provided under subsection (a), this Court shall not impose any disciplinary action affecting an attorney's right to practice before the Court until after a hearing on the matter has been held before a judge or panel of judges. The attorney may waive the right to a hearing. At the hearing, the attorney whose conduct is the subject of the complaint shall be afforded an opportunity to appear in person and/or by counsel, to present oral and documentary evidence, to compel the attendance of witnesses or the production of documents, to cross-examine witnesses, and to present argument orally or in writing. If not called by the attorney whose conduct is being

investigated, it is within the discretion of the judge or panel to call the complaining party to appear at the hearing.

(e) **Sanctions.** Discipline by this Court may include disbarment, suspension from practice for a definite time, reprimand, or other discipline which the Court deems proper. Referral of a complaint to the Office of the General Counsel of the Oklahoma Bar Association for investigation shall not constitute such discipline as to entitle the attorney to a hearing in this Court on the propriety of the referral.

(f) **Contempt of Court.** Disciplinary proceedings under this rule shall not affect or be affected by any proceeding for contempt under Title 18 of the United States Code or under Fed. R. Crim. P. 42.

(g) **Unauthorized Practice.** Any person who before admission to the bar of this Court, or who during disbarment or suspension exercises any of the privileges bestowed upon members of this bar, or who pretends to be entitled to such privileges, or who otherwise engages in the unauthorized practice of law before the Court, shall be guilty of contempt of this Court and shall be subject to punishment therefor and any other discipline which the Court may impose.

(h) **Reinstatement.** Persons disbarred indefinitely from practice before this Court may not petition for reinstatement until three years following disbarment or until two years following an adverse decision upon a previous petition for reinstatement; provided, however, that a person disbarred under subsection (a) may apply for reinstatement at any time upon being reinstated by the disciplining body. Persons suspended indefinitely must satisfy all conditions to reinstatement imposed by the Court at the time of suspension.

General Rule 5 – Courthouse Access and Security

LGnR5-1 Courthouse Access.

- (a) **In General.** As used in this rule, "court facility" includes any facility occupied by the United States District Court.
- (b) **Identification.** All persons entering a court facility in the Northern District of Oklahoma are required to present a valid government-issued identification card with photo. A list of [acceptable identifications](#) is available from the Court Clerk's office and on the Court's website. Any visitor under the age of 18 without an adult escort, who offers a school-issued identification card, shall be allowed access to the court facility. Any person who refuses to present a valid form of identification shall be denied entrance.
- (c) **Screening.** All visitors to a court facility must pass through a security screening device and have all belongings and packages subject to physical and/or security screening examination by the United States Marshals Service, court security officers, and employees of the Federal Protective Service. Any person who refuses to pass through screening shall be denied entrance. Whenever any person who activates the detector wishes to gain access to court facilities, such person must submit to a reasonable, limited search of his or her person and property in order to determine the existence of, if any, illegal, explosive, or dangerous items that might cause injury to persons or property.

LGnR5-2 Possession and Use of Weapons and Destructive Devices.

- (a) **Weapons in the Court Facilities.** No persons, other than the following, shall wear or bring any firearm or other weapon into the court facilities, unless specifically authorized by the Court:
- (1) United States Marshal and deputy marshals,
 - (2) court security officers, and
 - (3) Federal Protective Service officers.
- (b) **Exceptions.** With prior notification and approval of the United States Marshal, officers and agencies assisting in the transportation of federal prisoners, officers and agencies assisting the United States Attorney's office, and United States Postal Inspectors may retain their firearms. However, such approval will not be given under any circumstance that would allow firearms on the third or fourth floor of the Page Belcher Federal Building or in the Boulder Federal Building. The United States Marshal is directed to bring this rule to the attention of the officers and agencies whose officers may have occasion to carry firearms and who may come to any court facility of the Northern District of Oklahoma.
- (c) **Evidence Firearms.** All firearms to be introduced as evidence must be checked by the United States Marshal prior to court and rendered safe. Those firearms requiring chain-of-evidence control may, at the time custody is established and while court is in session, be made safe by the United States Marshal or a court security officer.

(d) **Probation Officers.** To ensure their safety, the probation officers of this Court may require the carrying of firearms in the execution of their official duties. The Chief Probation Officer, pursuant to 18 U.S.C. § 3603(9), may authorize each regularly appointed probation officer of this Court to carry a firearm for self-defense purposes in the performance of his or her duties.

The Chief Probation Officer, pursuant to the Guide to Judiciary Policy, Vol 8, Ch 5, may authorize each regularly appointed probation officer to carry Oleoresin Capsicum for self-defense purposes in the performance of his or her duties.

LGNR5-3 Perimeter Security.

(a) **Page Belcher Building.** Regarding the Page Belcher Building located at 333 W. 4th Street, Tulsa, Oklahoma, the Court directs the United States Marshal to enforce all laws relating to the perimeter and to establish such rules and restrictions as deemed necessary to protect the federal judiciary. The Marshal may defer to postal authorities and their regulations in those areas specifically designated for postal employees and postal customers; however, the United States Marshal may, when deemed necessary for the safety of the federal judiciary, implement and enforce perimeter security measures in all areas around the building.

(b) **Boulder Building.** Regarding the Tulsa Federal Building located at 224 S. Boulder Avenue, Tulsa, Oklahoma, the United States Marshal, in conjunction with the Federal Protective Service, is directed to enforce all laws relating to the perimeter and to establish such rules and restrictions as deemed necessary to protect the federal judiciary, including enforcement of restricted parking around the building. The Court requested in writing that the City of Tulsa grant jurisdiction and authority for the United States Marshal Service to enforce all laws relating to such perimeter and establish rules and restrictions as deemed necessary, including the determination and enforcement of restricted parking around such building perimeter. The City of Tulsa has, pursuant to such request, granted the requested authority. Parking spaces around the perimeter of the Tulsa Federal Building will be assigned to judicial employees by the Clerk of the District Court for the Northern District of Oklahoma.

General Rule 6 – Electronic Devices in the Courthouse

LGNR6-1 Restrictions on Possession and Use of Electronic Devices.

- (a) **Policy.** No visitor to the court facilities is permitted to bring any electronic device into the Federal Courthouse. “Electronic device” includes, but is not limited to, cellular or smart phones, laptops, tablets, iPads, and other devices capable of taking photographs, recording audio/video, transmitting information, or having wireless communications capabilities. A list of banned electronic devices is available from the Court Clerk’s office or on the Court’s website.
- (b) **Permissible Electronic Devices.** After clearing security, exempted individuals are permitted to carry into the court facility electronic devices such as cellular or smart phones, laptops, tablets, iPads, and other devices having wireless communications capability, subject to the following:
- (1) No person shall use a permissible device in any court-related space, or any public area located on the same floor as court-related space in the court facilities, or any other location in which court business and proceedings are conducted, to take photographs, stream broadcasts, or to make audio or video recordings.
 - (2) The Court prohibits the use of cellular telephones, pagers, or other electronic devices in the courtroom. Such devices may be carried on the person within a courtroom only if the device is turned off.

LGNR6-2 Exempted Individuals.

The following individuals will be permitted to bring electronic devices into the court facility with proper identification and subject to the provisions of this Local Rule:

- (a) attorneys who are members of the bar of the Northern District of Oklahoma or who have been temporarily admitted in the Northern District;
- (b) individuals who frequently assist attorneys in legal matters (such as couriers, legal assistants, paralegals, technical consultants, and expert witnesses). These individuals must have an attorney in the case notify the court security officers that they are authorized;
- (c) government contractors with regular duties in the court facility;
- (d) employees who work in the courthouse;
- (e) anyone attending a ceremonial function, such as a naturalization or investiture ceremonies; and
- (f) federal jurors. Federal jurors may only use permissible devices during their lunch break. Juror devices must be turned over to the jury clerk for storage at all other times. The jury clerk will return all devices to the jurors at the end of the day. Jurors may not use their device to take photographs or record video.

LGNR6-3 Exceptions.

- (a) A judge may approve the use of electronic or photographic equipment for the presentation of evidence or the perpetuation of a record.
- (b) A judge may approve any additional exceptions.

LGNR6-4 Enforcement and Sanctions.

- (a) **Enforcement.** The United States Marshal Service and court security officers are authorized to enforce this policy. The United States Marshal Service shall maintain a system where those not authorized to bring in a device can secure their device while visting the court facilities.
- (b) **Sanctions for Violations.** Violation of this rule may constitute contempt of court punishable by incarceration and the imposition of fines, costs, and attorney fees. Violation may result in confiscation of the offending device by the United States Marshal Service and court security officers.

General Rule 7 – Local Rules

LGnR7-1 Committee on Local Civil Rules.

A Committee on Local Rules, comprised of members of the bar of this Court and the Court Clerk or the Court Clerk's designee, shall be appointed by the Court. Such Committee shall accept comments and recommendations regarding the local rules from any member of the bar of this Court or any other interested person and make recommendations to the Court regarding proposed amendments to the local rules.

LGnR7-2 Amendments to the Local Rules.

(a) **Public Notice.** The public notice provided in 28 U.S.C. § 2071 and Fed. R. Civ.P. 83 for making and amending these rules consists of

- (1) publishing a notice of the proposed adoption or amendment of these rules on the Court's website, and
- (2) inviting written comment.

(b) **Proposing Amendments.** Procedures for submitting proposed local rule changes are available from the Court Clerk's office and on the Court's website.

(c) **Emergency Amendments.** When the Court determines there is an immediate need to implement an amendment, including a technical, clarifying, or conforming amendment, the amendment may be adopted by the Court without prior comment by the bar or the public. The effective date of an emergency amendment is the date set forth by the Court in the General Order adopting the amendment. Amendments adopted under this subsection will thereafter be circulated to the bar and the public for comment and reevaluated by the Committee and the Court for possible revision.

LCvR42 – Consolidation; Separate Trials

LCvR42-1 Consolidation.

- (a) **Motion to Consolidate.** Any party may file a motion to consolidate two or more cases before a single judge if the party believes that such cases or matters: (1) arise from substantially the same transaction or event; (2) involve substantially the same parties or property; (3) involve the same patent, trademark, or copyright; (4) call for determination of substantially the same questions of law; or (5) for any other reason would entail substantial duplication of labor or unnecessary court costs or delay if heard by different judges. A motion to consolidate shall be filed in the lowest numbered case included in the proposed consolidation, shall include a list identifying all cases pending that are related to the case, and shall be decided by the district judge to whom the lowest numbered case is assigned.
- (b) **Notice of Filing.** A notice of filing of a motion to consolidate shall be filed by the movant as a party or, with the assistance of the clerk, as an interested party in all other cases proposed for consolidation.
- (c) **Assignment.** Consolidated cases shall be reassigned to the judicial officer to whom the lowest numbered consolidated case was assigned.

LCvR65 – Injunctions and Restraining Orders

LCvR65-1 – Restraining Orders and Preliminary Injunctions.

- (a) **Motion.** A request for temporary restraining order or preliminary injunction shall be requested by motion filed separately from the complaint.
- (b) **Proposed Order.** A proposed order shall be submitted pursuant to the [CMECF Administrative Guide](#).
- (c) **Temporary Restraining Order Information Sheet.** A completed [TRO Information Sheet](#), available from the Court Clerk's office or on the [Court's website](#), should be submitted with the proposed order.

LCvR72 – Magistrate Judges: Pretrial Order

LCvR72-1 Magistrate Judges-Automatic Referrals.

Unless ordered otherwise by the presiding judge in a specific case, the Clerk of Court shall automatically refer the following matters to the magistrate judges, as indicated:

- (a) All discovery matters in civil cases (other than prisoner cases) shall be referred to the assigned magistrate judge.
- (b) All social security appeals and bankruptcy appeals shall be referred to the assigned magistrate judge for all proceedings consistent with the jurisdiction provided by 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.
- (c) All motions to confirm sale shall be referred to the magistrate judge assigned those duties for that specific year.
- (d) All garnishment, asset and writ of execution issues shall be referred to the magistrate judge assigned those duties for that specific year.
- (e) All motions for settlement conference shall be referred to the magistrate judge assigned to oversee the settlement program.

LCrR12.2 – Notice of an Insanity Defense; Mental Examination

LCrR12.2-1 Insanity Defense.

In any criminal proceeding in which a question of competency arises, and in which a competency evaluation and determination is being requested, the attorney shall file a “Motion for Determination of Competency” which shall remain pending until completion of the competency evaluation and final hearing by the presiding judge.

LCvR3 – Commencing an Action

LCvR3-1 Civil Cover Sheet and Initiating Document.

- (a) **Civil Cover Sheet.** A party commencing an action shall file, as separate documents: (1) the document initiating the civil action, and (2) a completed civil cover sheet, [Form JS-44](#), which is available from the Court Clerk's office. The civil cover sheet is for administrative purposes and information appearing on the civil cover sheet will have no legal effect in the action.
- (b) **Civil Cover Sheet Exceptions.** Persons filing civil cases who are at the time of such filing in custody of Civil, State, or Federal institutions, and persons filing civil cases pro se are not required to file a civil cover sheet.
- (c) **Initiating Documents on Court Required Forms.** Petitions for writs of habeas corpus pursuant to 28 U.S.C. § 2241 or 28 U.S.C. § 2254, motions to vacate sentence pursuant to 28 U.S.C. § 2255, and civil rights complaints pursuant to 42 U.S.C. § 1983 or *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), filed by persons in custody of Civil, State, or Federal Institutions must be submitted on forms approved by the Court and in accordance with the instructions provided with the forms. [Forms and instructions](#) are available, upon request, from the Court Clerk's office or on the [Court's website](#).
- (d) **Numbering Parties.** Counsel and pro se litigants are required to number each party only in the caption of the initiating document. The initiating document should not include any motion. Any motion intended to accompany an initiating document, such as a motion for a temporary restraining order, must be prepared and filed as a separate document.

LCvR3-2 In Forma Pauperis Motions.

- (a) **In Forma Pauperis Motion.** An applicant who seeks leave to proceed without prepayment of the filing fees must submit a motion to proceed *in forma pauperis* on the court approved form ([Pro Se](#) or [Prisoner](#)) available from the Court Clerk's office or on the [Court's website](#).
- (b) **Prisoner Account Certificate.** In the case of a prisoner, such motion must also include a certificate executed by an authorized officer of the appropriate penal institution stating: (1) the amount of money or securities currently on deposit to the prisoner's credit in any institutional account; (2) the average monthly deposits to the prisoner's account for the six-month period immediately preceding the filing of the action; and (3) the average monthly balance in the prisoner's account for the six-month period immediately preceding the filing of the action.
- (c) In the event that the prisoner has been in more than one penal institution during the six-month period immediately preceding the filing of the action, the prisoner must obtain the required certificate from the appropriate official at each institution.
- (d) **In Forma Pauperis Denial.** *In forma pauperis* status may be denied a prisoner seeking to bring a civil action, or appeal a judgment in a civil action, if the total balance of the prisoner's institutional accounts equals or exceeds the sum of the required filing fee plus \$10.00. In the event *in forma pauperis* status is denied, payment of the entire filing fee shall be required to commence the action or appeal. In the event the motion is denied, the filing party shall have twenty-one days, unless a different time is specified by the Court, within which to pay the required filing fees. Failure to pay the filing fees by the date specified, to seek a timely extension within which to make the payment, or to show cause in writing by the date specified for payment shall be cause for dismissal of the action without prejudice to refiling.

LCvR3-3 Partial Filing Fees.

- (a) **Partial Filing Fees.** Prisoners allowed to proceed in forma pauperis in civil actions or appeals in civil actions shall be assessed an initial partial filing fee payment and monthly periodic payments until the filing fee is paid in full, as prescribed by 28 U.S.C. § 1915(b).
- (b) **Failure to Pay.** Failure of any applicant to pay the initial partial filing fee or any other payment ordered by the Court by the date specified, to seek a timely extension within which to make the payment, or to show cause in writing for failure to pay by the date specified shall be cause for dismissal of the action without prejudice to refiling.

- (c) **Service of Process.** Unless otherwise directed by the Court, service of process will not issue until the applicant has paid the initial partial filing fee ordered by the Court.

LCvR3-4 Copyright, Trademark and Patent Cases.

Complaints filed in copyright, trademark, and patent cases must cite therein the copyright registration number, trademark number, or patent number. If such number is unavailable at the time of filing, the complaint must recite a serial number or other identification number obtained from the Registrar of Copyrights or the Commissioner of Patents and Trademarks. The party filing the complaint must also provide at the time of filing the required notice to the Patent and Trademark Office in patent, plant variety protection, and trademark matters (Form [AO-120](#)) and the required notice to the Copyright Office in copyright matters (Form [AO-121](#)).

LCvR3-5 Statute of Limitations.

For new cases submitted to the Court by email for which a statute of limitations issue exists, necessitating the case be filed that day, the party should notify the Court Clerk's office by telephone and also by including the information in the email. If properly notified, the Court Clerk's office shall deem the filing date of the documents the date they are received by email. A party who fails to properly notify the Court Clerk's office and files the documents after the statute of limitations has run must seek relief from the Court by written motion.

LCvR5 – Serving and Filing Pleadings and Other Papers

LCvR5-1 Social Security Cases - Electronic Service.

- (a) **In General.** The Court, the United States Attorney’s Office, and the Social Security Administration have agreed to participate in electronic service in social security cases under the terms provided in this rule. Electronic service applies only to complaints instituted by a plaintiff against the Commissioner of the Social Security Administration when: (1) the only claim is one brought pursuant to 42 U.S.C. § 405(g), and (2) the Commissioner is the sole defendant. Electronic service does not apply to any other complaints.
- (b) **Plaintiff Procedures.** A plaintiff who files a complaint satisfying the terms for electronic service, as provided in subsection (a) of this rule, and who wishes to use electronic service, shall comply with the procedures available from the Court Clerk’s office or on the Court’s website.

LCvR5-2 Social Security Cases – Elimination of Formal Answer.

This rule applies to all complaints in social security cases instituted by a plaintiff against the Commissioner in which the only claim that is being brought is pursuant to 42 U.S.C. § 405(g). No later than service of the summons and complaint, the plaintiff must provide the U.S. Attorney and the Social Security Administration with the full name and last four digits of the social security number of the individual whose benefits application was denied. The procedure for providing this information is available from the Court Clerk’s office or on the Court’s website. This identifying information is necessary for the Commissioner to obtain and produce the certified administrative record. Within 91 days following service of the summons, complaint, and identifying information, the Commissioner shall file the certified administrative record in electronic format and serve it on the plaintiff. Taking such action shall serve as the Commissioner’s Answer. No separate Answer need be filed.

LCvR5.2 – Privacy Protection for Filings Made with the Court

LCvR5.2-1 Redaction of Personal Data Identifiers.

The responsibility for redacting these personal data identifiers rests solely with counsel and the parties. The Court Clerk's office will not review each pleading for compliance with this general rule. Additional information regarding redacting can be found on the Court's website.

LCvR5.2-2 Sealed Documents.

- (a) **Policy.** It is the policy of this Court that sealed documents, confidentiality agreements, and protective orders are disfavored. Sealed documents and confidentiality agreements may be approved by the Court only upon showing that a legally protected interest of a party, non-party, or witness outweighs the compelling public interest in disclosure of records. All protective orders dealing with confidentiality must be approved by a magistrate judge and filed of record but shall not qualify as an order to seal documents for purposes of this rule.

The Court strongly urges attorneys to present all arguments and all documents in unsealed pleadings. Where possible, attorneys should generically refer to matters covered by a protective order to avoid revealing confidential information. Agreement of the parties that a document or other material should be filed under seal or the designation of a document or other material as confidential during discovery is not, by itself, sufficient justification for allowing a document or other material to be filed under seal.

- (b) **Sealed Documents in Public Cases.** Anyone seeking to file a document or other material under seal in a public case must make a good faith effort to redact or seal only as much as necessary to protect legitimate interests. Blanket sealing of entire briefs, documents, or other papers is rarely appropriate. To obtain an order allowing a document or other material to be filed under seal in whole or in part, the filing party must file: (1) a motion to seal; (2) a redacted version of the document to be sealed, if applicable, filed separately as a public document; and (3) an unredacted version of the document to be sealed, which must be filed separately under seal. The relief sought shall be narrowly tailored to serve the specific interest sought to be protected. A proposed order shall be submitted pursuant to the Administrative Guide. If the motion to seal is denied, the Court will direct that the document either be stricken or be unsealed.

- (c) **Caption of Sealed Documents.** Underneath the case number, in the style of any document sought to be sealed, the document must be marked in all caps, "SEALED."

LCvR5.2-3 Documents filed in Sealed Cases.

Documents to be filed in Sealed Cases (non-public cases) must be filed in paper format.

LCvR5.2-4 Ex Parte Filings.

Parties do not need to file a separate motion to seal for documents filed ex parte, provided that the document is filed with the caption FILED EX PARTE located under the case number.

LCvR7 – Pleadings Allowed; Form of Motions and Other Papers

LCvR7-1 Motion Practice.

- (a) **Filing.** No attached pleadings, motions, or other papers shall be removed for filing from an original motion. Nor shall pleadings, motions, or other papers be held by the Court Clerk for filing, awaiting leave to do so.
- (b) **Briefs.** Except for motions described in subsection (c), briefs must be filed in support of motions. A motion and the brief in support may be filed as one document if clearly stated in the title of the pleading. Each brief shall be clearly styled to show whether it is opening, response, reply, or supplemental; the particular motion or proceeding to which it relates; and the party or parties on whose behalf it is presented. If there are multiple parties or if there are cross-claimants or intervenors, references to them shall include the name (which may be abbreviated) of the particular party to whom reference is made. It is not acceptable to file any combination of motion, response, reply or supplemental brief.
- (c) **Motions Not Requiring Briefs.** No brief is required by either movant or respondent unless otherwise directed by the Court, with respect to the following motions: (1) to accelerate, extend, or reset any deadline; (2) to amend or supplement any previous filing; (3) to withdraw as counsel; (4) to appoint next friend or guardian ad litem; (5) to substitute parties; (6) to compel discovery responses when no response has been made; (7) to appear pro hac vice; and (8) to file an oversized brief. Said motions not requiring briefs shall state whether opposing counsel agrees or objects to the request. A separate proposed order shall be submitted pursuant to the Administrative Guide.
- (d) **Length and Format of Briefs.** Absent leave of Court, opening and response briefs shall be limited to twenty-five typewritten pages, and reply and supplemental briefs shall be limited to ten pages in length. Motions for leave to file a brief in excess of twenty-five typewritten pages shall state the requested number of pages and shall be filed no later than one day prior to the date the brief is due. Briefs exceeding fifteen pages in length shall be accompanied by an indexed table of contents showing headings or sub-headings and an indexed table of statutes, rules, ordinances, cases, and other authorities cited. Any authority not readily available, including statutes foreign to the jurisdiction and ordinances which are relied upon by a party, shall be cited and quoted in or attached to the brief of the party.
- (e) **Response Briefs.** Each party opposing a motion shall file with the Court Clerk and serve upon all other parties a response within twenty-one days from the date the motion was filed. At the discretion of the Court, any non-dispositive motion which is not opposed within twenty-one days may be deemed confessed.
- (f) **Reply and Supplemental Briefs.** Reply briefs regarding new matter in the response brief may be filed within fourteen days after the due date of the response. After the filing of the reply or the expiration of fourteen days, the motion will be deemed ripe for ruling. By order, the Court may increase or reduce this time. Supplemental briefs are not encouraged and may be filed only upon motion and leave of Court. Reply and supplemental briefs shall be limited to ten pages in length unless otherwise authorized by the Court. The requirements of Fed. R. Civ. P. 6 (d) are satisfied by this 14-day time period and an additional 3 days may not be added.
- (g) **Requests for Extensions of Time.** All motions for extension of time shall state: (1) the date the act is due to occur without the requested extension; (2) whether previous motions for extensions have been made and the disposition of said requested extensions; (3) specific reasons for such requested extension, to include an explanation why the act was not done within the originally allotted time; (4) whether the opposing counsel or party agrees or objects to the requested extension; and (5) the impact, if any, on the scheduled trial or other deadlines. A proposed order, identifying the requested new deadlines, shall be submitted pursuant to the Administrative Guide.
- (h) **Motions to Amend or Add Parties.** In a motion to amend or a motion to add parties, the movant shall state: (1) the deadline date established by the scheduling order, if any, and (2) whether any other party objects to the motion. All such motions shall be accompanied by a proposed order submitted pursuant to the Administrative Guide which specifically sets forth what is being amended and/or the names of parties being added.
- (i) **Motions Not to be Filed Within Fourteen Days of the Date a Case Is Set for Trial.** Motions filed within fourteen days of the date a case is set for trial will be stricken unless the motion is based upon a sudden emergency regarding facts that could not have been previously known.

LCvR7.1 – Disclosure Statement

LCvR7.1-1 Disclosure Statement.

Any non-governmental corporate party to an action in this Court shall file a statement identifying all of the party's parent corporations, and all of the party's subsidiaries, if any.

LCvR40 – Scheduling Cases for Trial

LCvR40-1 Assignment and Distribution of Cases.

- (a) **Random Assignment of District Judges.** Criminal and civil cases shall be assigned to district judges according to a system based on random selection both for initial assignment and for assignment in the event of recusal. The system of random case assignment, distribution of cases, and rotating supervision of the Grand Jury shall be determined by the Court.
- (b) **Random Assignment of Magistrate Judges.** A magistrate judge shall be randomly assigned to each civil case at the time the case is filed.
- (c) **Social Security Cases.** Social security cases shall be randomly assigned to the magistrate judges in this district in equal proportions. Any party wishing to decline magistrate jurisdiction should file a [Magistrate Jurisdiction Form](#) available from the Court Clerk's office or on the [Court's website](#).

The filing of a party's opening brief or response brief without first filing an executed Magistrate Jurisdiction Form will be deemed written consent to proceed before a magistrate judge. If within twenty-one days of entry of the initial scheduling order no party has filed an executed Magistrate Jurisdiction Form, it will be deemed written consent to proceed before a magistrate judge.

If any party files an executed Magistrate Jurisdiction Form declining magistrate jurisdiction, the case will thereafter be randomly reassigned to a district court judge and a magistrate judge from the civil case assignment deck. If a party declines magistrate judge jurisdiction, there will be no adverse consequences for that party.

- (d) **Capital Cases.** Capital cases shall be randomly assigned independently of other actions to ensure their equal distribution among the active district judges of this Court, or senior judges with their consent.

LCvR40-2 Assignment of Cases for Trial.

The placing of actions upon the trial calendar will be set in the Scheduling Order or upon motion by the parties.

LCvR41 – Dismissal of Actions

LCvR41-1 Administrative Closure.

A judge may close a civil action administratively, subject to reopening for good cause.

LCvR43 – Taking Testimony

LCvR43-1 List of Witnesses and Exhibits in Civil Cases.

At the commencement of the trial of a civil case or any civil proceeding in which witnesses and exhibits are utilized, the attorneys shall submit to the judge, the courtroom deputy, and the court reporter, on the forms provided by the Court Clerk: 1) a typewritten list of the witnesses they expect to call as a witness in chief, and 2) the exhibits they intend to introduce.

LCvR43-2 Use of Exhibits at Trial.

- (a) **Marking and Disclosure.** All exhibits and documents which are to be introduced in evidence are to be marked for identification, which shall include the case number, and exhibited to opposing counsel at least seven days before submission of the Pretrial Order.
- (b) **Withdrawal.** Unless otherwise ordered by the Court, all exhibits introduced in evidence in the trial of the case shall be withdrawn at the close of trial and remain in the custody of the party introducing the evidence. The Court may order the party introducing exhibits which are bulky, heavy, firearms, or controlled substances to retain custody of such exhibits during the trial. Any such order shall provide for preservation of the exhibit as justice may require.
- (c) **Photographs for Appeal.** Exhibits, diagrams, charts, and drawings may, under the supervision of the Court, be photographed for use on appeal or otherwise.

LCvR45 – Subpoena

LCvR45-1 Issuance of Subpoenas and Writs of Habeas Corpus Ad Testificandum.

- (a) **Issuance of Subpoenas.** Any litigant, whether self-represented or with counsel, who is proceeding in forma pauperis must file a written motion requesting issuance of any subpoena. The motion shall be filed not less than twenty-one days before the date set for trial or hearing and shall include the following information.
- (1) If for a hearing or deposition, the motion must set forth the name and address of each witness for whom a subpoena is sought, along with a brief summary of the substance of the witness' anticipated testimony.
 - (2) If for the production of documents, electronically stored information or tangible things, or to permit the inspection of premises, the motion must set forth a detailed description of the request.
 - (3) In its discretion, the Court may impose this requirement on self-represented litigants not proceeding in forma pauperis.
- (b) **Writs of Habeas Corpus Ad Testificandum.** In any petition for a writ of habeas corpus ad testificandum for a non-party witness, all self-represented litigants must include the name, inmate number, if any, and address of the witness, along with a brief summary of the substance of the witness' anticipated testimony.

LCvR54 – Judgment; Costs

LCvR54-1 Costs.

- (a) A prevailing party who seeks to recover costs against an unsuccessful party shall file a bill of costs on the AO 133 form, provided by the Court Clerk, and support the same with a brief. The bill of costs and brief shall be filed and served not more than fourteen days after entry of judgment. The bill of costs and brief shall be separate documents from the motion for attorney fees and its brief.
- (b) The bill of costs shall have endorsed thereon proof of service upon the opposite party. The prevailing party shall provide either receipts or documents (or, if unavailable, an affidavit) in support of the requested itemized costs. Objections to the allowance of costs must be filed within twenty-one days from the date the bill of costs was filed.
- (c) As soon as practicable after the period for filing objections has elapsed, the Court Clerk will consider the bill of costs. A hearing on the bill of costs and any objections may be scheduled at the discretion of the Court Clerk. After consideration of the bill of costs and any objections, the Court Clerk will make disposition and ruling on the bill of costs, allowing or disallowing the items in whole or part.
- (d) If a bill of costs is properly and timely filed and no written objection thereto is filed within the time herein specified, the claimed costs may be allowed in full.

LCvR54-2 Civil Attorney Fees.

- (a) A prevailing party who seeks to recover attorney fees against the unsuccessful party shall file a motion for attorney fees and support the same with a brief and affidavit.
- (b) The brief shall recite the statutory, contractual, and/or legal authority for the request and, in an affidavit, the amount of time spent on the case, the hourly fee claimed by the attorney, the hourly fee usually charged by the attorney if this differs from the amount claimed in the case, and any other pertinent factors.
- (c) **Social Security Cases.** Plaintiff's Motion for Attorney Fees filed in social security cases pursuant to 42 U.S.C. § 406(b) shall include the Certification of Notice to Plaintiff and Notice to Plaintiff, which are available as a combined form on the Court's website.

LCvR55 – Default; Default Judgment

LCvR55-1 Procedure for Obtaining Default Judgment.

- (a) **Entry of Default by Court Clerk.** To obtain an entry of default pursuant to Fed. R. Civ. P. 55(a), the party must provide the Court Clerk with a “Motion for Entry of Default by the Clerk.” The motion shall recite the facts that establish service of process, be accompanied by affirmations concerning non-military service, and state that the individual is neither an infant nor an incompetent person. Once a proper motion has been filed, the Court Clerk will prepare and enter default, after independently determining that service has been effected, that the time for response has expired, and that no answer or appearance has been filed.
- (b) **Entry of Default Judgment.** In its discretion, the Court may set a hearing on the motion with respect to which notice shall be provided by the party moving for default judgment in accordance with the requirements of Fed. R. Civ. P. 55(b).

LCvR56 – Summary Judgment

LCvR56-1 Summary Judgment Procedure.

- (a) **Number of Motions.** Absent leave of Court, each party may file only one motion under Fed. R. Civ. P. 56.
- (b) **Brief in Support.** The brief in support of a motion for summary judgment (or partial summary judgment) shall begin with a section stating the material facts to which the moving party contends no genuine issue of fact exists. The facts shall be set forth in concise, numbered paragraphs.
- (c) **Response Brief.** The response brief in opposition to a motion for summary judgment (or partial summary judgment) shall begin with a section responding, by correspondingly numbered paragraph, to the facts that the movant contends are not in dispute and shall state any fact that is disputed. All material facts set forth in the statement of the material facts of the movant shall be deemed admitted for the purpose of summary judgment unless specifically controverted by the statement of material facts of the opposing party, using the procedures set forth in this rule. Separately, the brief in opposition may, in concise, numbered paragraphs, state any additional facts the nonmovant contends preclude judgment as a matter of law.
- (d) **Reply Brief.** In a reply brief, the moving party must respond to the nonmovant's statement of additional material facts in the manner prescribed in this rule.
- (e) Each individual statement by the movant or nonmovant pursuant to subparagraphs (b), (c), or (d) of this rule shall be followed by citation, with particularity, to any evidentiary material that the party presents in support of its position pursuant to Fed. R. Civ. P. 56(c). This citation shall include reference to the pages (including paragraphs or lines, where applicable) of the evidentiary materials that are pertinent to the motion.

LCvR62 – Stay of Proceedings to Enforce a Judgment

LCvR62-1 Supersedeas Bonds and Other Security.

- (a) **Scope of Rule.** Whenever a security, bond, or undertaking is required by federal statute, the Federal Rules of Civil Procedure, or by an order of the Court, and the form or amount thereof is not otherwise specified in or determined by the statute, rule, or order, the amount and form thereof shall be as provided by this local rule.
- (b) **Security for Costs.** On its own motion or upon motion of a party in interest, the Court may, at any time, order any party to give security, bond, or undertaking in such amount as the Court may order for the payment of costs or for performance of other conditions or requirements imposed in an action or proceeding.
- (c) **Corporate Surety.** No security, bond, or undertaking with corporate surety shall be accepted or approved unless: (1) the corporate surety is in compliance with the provisions of 31 U.S.C. §§ 9301-09, and (2) there is on file with the Court Clerk a duly authenticated power of attorney appointing the agents or officers executing such obligation to act on behalf of the corporate surety. If an agent or officer so appointed is removed, resigns, dies, or becomes disabled, the corporate surety shall notify the Court, in writing, by filing a Revocation of Power of Attorney.
- (d) **Cash.** In lieu of corporate surety, a party may deposit with the Court Clerk the required amount in lawful money. Upon exoneration of the deposit, it may be returned by the Court Clerk to the true owner, after application to claims of the United States in the proceedings and to proper fees of the United States Marshal and Court Clerk.
- (e) **Submission to Jurisdiction - Agent for Service of Process.** Notwithstanding any provision of a security instrument to the contrary, every surety or depositor of security is subjected to the jurisdiction of this Court. The Court Clerk is irrevocably appointed agent upon whom any papers affecting the surety's or depositor's liability may be served, and consents that liability shall be joint and several, that judgment may be entered in accordance with the obligation simultaneously with judgment against the principal, and that execution may thereupon issue against the appropriate property.
- (f) **Further Security for Jurisdiction of Personal Sureties.** Upon reasonable notice to the party presenting the security, any other party for whose benefit it is presented may apply to the Court, at any time, for further or different security or for an order requiring the personal sureties to justify.
- (g) **Court Officers Not Allowed as Sureties.** Unless a party to the action, no clerk, marshal, member of the bar, or other officer of this Court will be accepted as surety, either directly or indirectly, on any bond or undertaking in any action or proceeding in this Court.
- (h) **Real Estate.** This Court will not accept real estate as security.

LCvR67 – Deposit into Court

LCvR67-1 Deposit and Withdrawal of Funds in Court.

In any case in which the deposit of funds is governed by Fed.R.Civ.P. 67, the depositor must, before presenting to the Clerk the funds for deposit, obtain from the Court an order directing the Clerk to invest the funds in an interest-bearing account or instrument. The Clerk shall deposit all such funds into the Court Registry Investment System (CRIS) as administered by the Administrative Office of the United States Courts (AOUSC) pursuant to 28 U.S.C. § 2045.

All court orders for the deposit of registry funds shall contain the following provision:

IT IS ORDERED that counsel presenting this order serve a copy thereof on the Court Clerk or the Chief Deputy Clerk personally. Absent this service the Clerk is hereby relieved of any personal liability relative to compliance with this order.

LCvR67-2 Disbursement of Registry Funds.

- (a) All checks drawn by the Court Clerk on deposits made in the registry of the Court shall be made payable to the order of the payee or payees as the name or names thereof shall appear in the orders of this Court providing for distribution.
- (b) Disbursements from the registry of the Court shall be made as soon as practicable upon receipt of order for disbursement except in cases where an order is appealable and must be held until the time for appeal has expired. Orders for disbursement shall be prepared for signature of the appropriate judge and presented to the Court Clerk for review and transmittal to the Court. The order for disbursement shall include the full name, any tax identification number other than social security number, and mailing address of the payee, with directions for the Court Clerk to disburse the principal amount, plus interest, less the applicable registry fee. Where more than one party is to receive proceeds, the order will designate the apportionment applicable to each party.

LCvR81 – Applicability of the Rules in General; Removed Actions

LCvR81-1 Removed Actions - Demand for Jury Trial.

Unless a written jury demand has been filed of record in state court, trial by jury is waived in any case removed from a state court unless a demand for jury trial is filed and served within the time period provided under Fed. R. Civ. P. 38 and 81.

LCvR81-2 Removed Actions - Documents to be Filed.

- (a) A defendant or defendants who remove a civil case from the state court to this Court shall, in addition to filing a notice of removal, file a clearly legible copy of all documents filed or served in the case, along with a copy of the docket sheet of the case.
- (b) If any motion remains pending in state court at the time of removal, and if the movant wishes the District Court to rule on the motion, the party that initially filed the motion must refile the motion in the District Court case, and attach any responses and replies.

LCvR81-3 Removed Actions - Bankruptcy.

A notice of removal from state court filed pursuant to Fed. R. Bankr. P. 9027 shall be filed with the Bankruptcy Clerk. Such removed actions are automatically referred to the Bankruptcy Court pursuant to LCvR84.1(a)(4).

LCrR5 – Initial Appearance

LCrR5-1 Time and Place of Initial Appearance.

Initial appearances will be regularly held before a magistrate judge at 2:00 p.m. any day the Court is open for business.

LCrR5-2 Initial Interview of Defendant by U.S. Probation Officers.

- (a) **Opportunity to Consult with Counsel.** A defendant shall be given an opportunity to consult with counsel before his or her initial interview with the probation officer. The probation officer shall:
- (1) advise the defendant of his or her rights, and
 - (2) advise the defendant that his or her counsel may be present during the initial interview.
- (b) **Notification of Counsel.** It is the responsibility of the probation officer to notify either the defendant's retained counsel or the Federal Public Defender of a scheduled initial appearance before the initial interview.

LCrR5-3 Preparation of the Financial Affidavit.

If the defendant is requesting that counsel be appointed, it is the responsibility of defendant's counsel to prepare a financial affidavit ([Form CJA 23](#)) prior to commencement of the initial appearance docket.

LCrR5-4 Appearance on a Summons.

If a summons is issued to a defendant, the defendant shall report in person to the probation office at 9:00 a.m. on the day of the scheduled initial appearance for an interview. Following the interview, the defendant will be directed to the U.S. Marshals Service for processing and then released with instructions to reappear for the scheduled initial appearance.

LCrR5-5 Unsealing Case.

Upon the initial appearance of any defendant in a sealed case, the case shall be unsealed unless the Court orders the case or portions of the case to remain sealed pursuant to a motion by a party.

LCrR7 – The Indictment and the Information

LCrR7-1 Delivery of a Complaint After Filing.

After the filing of a complaint, an attorney for the government shall deliver a copy to the U.S. Marshals Service and the U.S. Probation Office.

LCrR7-2 Related Case Notices.

- (a) **Notification of Related Cases.** Upon filing a complaint, information, or indictment related to or arising out of the same transaction or investigation as a previous civil or criminal case, the government shall file a notice of related cases, in both the previous and new cases, describing the relationship between the cases and setting forth the style and case numbers of the related cases.
- (b) **Assignment of Related Cases.** Upon the filing of the notice, the judges will determine whether the pending cases should be transferred to conserve judicial time and efficiency.

LCrR7-3 Return of Indictments.

- (a) **Indictments Filed Under Seal.** Upon the return of a sealed indictment, the government shall provide the Court with the following:
 - (1) for each defendant, an [AO-190](#) report of the number of grand jurors concurring in the indictment;
 - (2) one original indictment signed in blue ink by the attorney for the government and the Grand Jury Foreperson;
 - (3) one original indictment signed in blue ink by the attorney for the government and designated “/s/Grand Jury Foreperson;”
 - (4) six copies of the original indictment designated “/s/Grand Jury Foreperson,” and if the indictment charges more than one defendant, two additional copies of the original indictment designated “/s/Grand Jury Foreperson” shall be provided for each additional defendant;
 - (5) for each defendant, either an original arrest warrant and five copies or an original summons and four copies;
 - (6) for each defendant, an original cover sheet ([AO-257](#)) and three copies with the penalty section initialed in blue ink by the attorney for the government; and
 - (7) a yellow cover sheet designated “FILE UNDER SEAL” attached to the front of the indictment packet.
- (b) **Indictments Not Filed Under Seal.** Upon the return of a public indictment, the government shall provide the Court with the following:
 - (1) for each defendant, an [AO-190](#) report of the number of grand jurors concurring in the indictment;
 - (2) one original indictment signed in blue ink by the attorney for the government and the Grand Jury Foreperson;
 - (3) one original indictment signed in blue ink by the attorney for the government and designated “/s/Grand Jury Foreperson;”
 - (4) eight copies of the original indictment designated “/s/Grand Jury Foreperson,” and if the indictment charges more than one defendant, two additional copies of the original indictment designated “/s/Grand Jury Foreperson” shall be provided for each additional defendant;
 - (5) for each defendant, either an original arrest warrant and five copies or an original summons and four copies; and
 - (6) for each defendant, an original cover sheet ([AO-257](#)) and three copies with the penalty section initialed in blue ink by the attorney for the government.

- (a) **Filing.** Upon the filing of an information, the government shall provide the Court with the following:
- (1) the original information signed in blue ink by the attorney for the government;
 - (2) for each defendant, an original cover sheet ([AO-257](#)) with the penalty section initialed in blue ink by the attorney for the government; and
 - (3) for each defendant, an original arrest warrant or summons.
- (b) **Delivery After Filing.** After the filing of an information, an attorney for the government shall cause to be delivered a file-stamped copy of the information, cover sheet, and summons or warrant to the U.S. Marshals Service, U.S. Probation Office, and Criminal Duty Magistrate Judge.

LCrR10 – Arraignment

LCrR10-1 Waiver of Appearance.

A defendant desiring to waive his or her appearance for arraignment under Fed. R. Crim. P 10(b) shall file a waiver of appearance at least three business days prior to the scheduled arraignment. The waiver form [CR-15](#) is available from the Court Clerk's office or on the Court's [website](#).

LCrR11 – Pleas

LCrR11-1 Plea Agreements.

The parties must provide a plea agreement to the Court not later than one business day before the change of plea hearing.

LCrR11-2 Notification of a Change of Plea.

The parties must notify the Court of a change of plea sufficiently in advance of trial to avoid assembling a jury panel unnecessarily.

LCrR11-3 Petition to Enter a Plea of Guilty.

The attorney for the defendant shall prepare and submit a copy of the [petition to enter a plea of guilty](#), which is available from the Court Clerk's office or on the Court's [website](#), at least one business day prior to the change of plea hearing.

LCrR11-4 Deferring Acceptance or Rejection of Plea Agreements.

The Court may defer a decision whether to accept the plea agreement until the Court has reviewed the presentence report, even where the Court has accepted the guilty plea. For a plea agreement pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, the Court may accept or reject the agreement, or defer the decision, but if the agreement is accepted, the presentence report shall be prepared consistent with the stipulations and the agreed range or sentence contained in the Rule 11(c)(1)(C) plea agreement.

LCrR11-5 Plea Supplements.

All plea agreements shall be accompanied by a sealed document titled "Plea Supplement," the contents of which shall be limited to describing any agreement for cooperation. The plea supplement will be electronically filed under seal and shall be filed in all cases regardless of whether a cooperation agreement exists.

LCrR16 – Discovery and Inspection

LCrR16-1 Disclosure of Evidence.

The Court expects the parties will complete discovery in compliance with Rule 16 of the Federal Rules of Criminal Procedure. At the initial appearance in every criminal case, the Government shall announce the status of its discovery production. The parties need not file discovery motions unless disputes arise. The Court shall not hear any such motions unless counsel for the movant certifies in writing to the Court that the attorneys for the parties have conferred in good faith and have been unable to resolve the dispute.

LCrR17.1 – Pretrial Conference

LCrR17.1-1 Stipulations and Exhibits.

- (a) Before or during the pretrial conference, the parties should make stipulations as to the undisputed facts, the authenticity of documents, and the admissibility of exhibits, so long as the stipulations are consistent with the applicable Federal Rules of Criminal Procedure and not violate or jeopardizing the constitutional rights of the defendant., Each instrument anticipated to be offered into evidence (or photostatic copy of such instrument, if agreeable) should be marked with an exhibit number and case number prior to the trial.

LCrR23 – Jury or Nonjury Trial

LCrR23-1 Trial Rules.

Parties shall review the website of this Court for any specific Courtroom Rules published by a judge of this Court.

LCrR23-2 Use of Exhibits at Trial.

- (a) **Exhibit List.** At the beginning of trial, counsel shall provide copies of a typewritten list of the exhibits they plan to introduce, designated by trial exhibit numbers, to the judge, opposing counsel, the courtroom deputy, and the court reporter, so long as providing the list is consistent with the applicable Federal Rules of Criminal Procedure and does not violate or jeopardize the constitutional rights of the defendant.
- (b) **Exhibits.** Each exhibit anticipated to be offered into evidence should be marked with an exhibit number and case number before trial
- (c) **Withdrawal.** Unless otherwise ordered by the Court, all exhibits introduced in evidence in the trial of the case shall be withdrawn at the close of trial and remain in the custody of the party introducing the evidence. The Court may order the party introducing exhibits which are bulky, heavy, firearms or controlled substances to retain custody of such exhibits during the trial. Any such order shall provide for preservation of the exhibit as justice may require.
- (d) **Photographs for Appeal.** Exhibits, diagrams, charts and drawings may, under the supervision of the Court, be photographed for use on appeal or otherwise.

LCrR23-3 Witness List.

At the beginning of the trial, counsel shall provide copies of a typewritten list of the witnesses they expect to call, including known rebuttal witnesses, in the order they are expected to be called, to the judge, opposing counsel, the courtroom deputy, and the court reporter, so long as providing the list is consistent with the applicable Federal Rules of Criminal Procedure and does not violate or jeopardize the constitutional rights of the defendant.

LCrR23-4 Transcription of Video and Audio Recordings.

In any trial in which counsel presents as evidence a video or audio recording, counsel may waive reporting and transcription of the audio portion of the recording. Regardless of whether counsel waives reporting, counsel shall be required to clearly identify on the record with specificity which portion(s) of the recording have been played (e.g., by counter number or time sequence), and to provide any special equipment needed for playing the recording, if necessary.

LCrR32 – Sentencing and Judgment

LCrR32-1 Scheduling of Sentencing.

Sentencing proceedings shall be scheduled no earlier than ninety days following entry of a guilty plea or jury verdict, unless otherwise ordered by the Court upon consent of the parties.

LCrR32-2 Notice and Opportunity for Defendant’s Attorney to Attend Presentence Interview.

The probation officer must give the defendant’s attorney notice and a reasonable opportunity to attend the interview. After repeated attempts to schedule the interview fail or should defense counsel choose not to participate, the probation officer may interview defendant without counsel present.”

LCrR32-3 Confidential Nature of Presentence Report.

The presentence report is confidential and may only be disclosed to the Court and parties for use in this case and to the U.S. Sentencing Commission and the U.S. Bureau of Prisons for discharge of their official duties. The U.S. Probation Office is responsible for maintaining confidentiality of the report.

LCrR32-4 Disclosure of Presentence Report to Counsel.

The probation officer shall disclose the presentence report to the defendant, counsel for the defendant, and the government by email or physical delivery, at least thirty-five days before the date set for sentencing.

LCrR32-5 Objection to Presentence Report.

Within fourteen days of receipt the report, the parties must communicate initially with the probation officer via email, telephone, or letter of any material correction or objection to the report. Should the probation officer not be in agreement with the proposed revisions, the probation officer shall inform parties of his/her stance as soon as possible. The party must then file any objection of record. The filing shall include the basis for the correction and if applicable, authority in support of legal positions advanced. At least seven days before sentencing, the probation officer will respond to any written request or objection by submission of a revised report and/or an Addendum to the parties and the Court.

LCrR32-6 Sentencing Pleadings.

Motions for departure or variance must be filed at least fourteen days before sentencing, and must state the requested degree of relief and the reason for the requested relief. If a party requests both a departure and variance, it shall file a separate motion for each. Written responses must be filed at least seven days before sentencing and state all bases for any objections to the requested relief.

If a party elects to file a separate written sentencing memorandum, that memorandum must be filed at least fourteen days before sentencing. If a party elects to respond to such a memorandum, that response must be filed at least seven days prior to sentencing. Motions for variance or departure must be filed separately; requests for variance or departure contained within sentencing memoranda will not be considered by the Court.

LCrR32-7 Party’s Duty to Disclose Sentencing-Related Materials.

A party who submits any sentencing-related material to the U.S. Probation Office shall contemporaneously provide a copy of the material to opposing counsel.

LCrR32-8 Disclosure of Sentencing Recommendation.

The U.S. Probation Office shall disclose the sentencing recommendations to the Court no later than seven days prior to sentencing. The recommendation shall not be disclosed to the parties.

LCrR32-9 Requesting Presentence Report before Guilty Plea.

A motion for a presentence investigation report before a defendant has entered a plea of guilty or nolo contendere will be granted only for exceptional circumstances and shall state all bases for the motion, the position of the government, include a copy of any proposed plea agreement, and contain a waiver of the defendant's right to a speedy trial.

LCrR32-10 Correspondence.

All written correspondence to the Court for consideration in sentencing shall be directed to the U.S. Probation Office, which will provide copies to the Court, and to counsel unless the Court orders otherwise.

Any written correspondence sent directly to the Court pertaining to a defendant pending sentencing will be forwarded to the U.S. Probation Office and provided to counsel before sentencing, unless the Court orders otherwise.

Correspondence pertaining to a defendant's sentencing shall be treated in the same manner as the presentence report, and shall not be released to third parties unless the Court orders otherwise.

LCrR32-11 Disclosure of Presentence Reports.

Presentence reports contain confidential and personal information. For security purposes, presentence reports may not be disseminated to incarcerated defendants. The U.S. Probation Office may release presentence reports to the (1) counsel for the respective parties, (2) United States Sentencing Commission, (3) Federal Bureau of Prisons, (4) Courts of Appeals, and (5) other federal or state probation offices preparing a presentence report for the same person. Any other disclosure is prohibited unless authorized by the Court.

LCrR32.1 – Revoking or Modifying Probation or Supervised Release

LCrR32.1-1 Revocations.

The Court Clerk should file under seal any petition and order for warrant or summons for a violation of pretrial release, probation, or post-conviction supervised release and shall seal the subsequent warrant or summons issued. Upon execution of the warrant or summons, the United States Marshals Service and/or the United States Probation Office shall disclose the petition and order for warrant or summons to the defendant and counsel for the defendant. Following the Initial Appearance, the United States Magistrate Judge shall advise the Court Clerk's office and they shall unseal the petition and order and the issued warrant or summons.

LCrR41 – Search and Seizure

LCrR41-1 Sealing of Warrants and Related Documents.

Applications for search and seizure and tracking device warrants, affidavits in support of such applications, and warrants shall be filed under seal. Upon return of the warrant, the application, affidavit(s), inventory, and warrant shall be unsealed unless, on the government's motion, the Court orders them to remain under seal.

LCrR47 – Motions and Supporting Affidavits

LCrR47-1 Motions in Writing.

Motions shall be in writing and state with particularity the grounds therefor and the relief or order sought. All motions and responses thereto must be accompanied by a concise brief citing all authorities upon which the movant or respondent relies.

LCrR47-2 Timing of Motions.

In cases where counsel for defendant has made an appearance of record, notice may be sent by the Court Clerk, setting a time for the filing of motions and responses thereto. Unless ordered otherwise, all motions shall be filed within fourteen days after defendant's arraignment. Responses shall be filed within seven days of the motion's filing.

LCrR47-3 Proposed Order.

A proposed order granting the requested relief shall be submitted pursuant to the CM/ECF Administrative Guide of Policies & Procedures.

LCrR47-4 Statement of Objection.

A motion must state on the first page whether or not it is opposed. If opposed, the motion must recite whether concurrence was refused or explain why concurrence could not be obtained. A motion that fails to recite concurrence of each party may be summarily denied.

LCrR47-5 Length of Motion and Brief.

- (a) No brief shall be submitted that is longer than twenty-five pages without leave of Court. Motions for leave to file a brief in excess of twenty-five typewritten pages shall state the requested number of pages and shall be filed no later than one day prior to the date the brief is due.
- (b) Briefs exceeding fifteen pages in length shall be accompanied by an indexed table of statutes, rules, ordinances, cases, and other authorities cited.

LCrR47-6 Motions for Extensions of Time and Continuances.

Motions and proposed orders to continue the trial date must address with particularity 18 U.S.C. §3161(h).

LCrR47-7 Motions to Reconsider or Overrule Actions Taken by District Judges or Magistrate Judges in Connection with Ex Parte Applications.

Once a motion or application has been presented and an order entered by a district judge or magistrate judge, a request to reconsider or overrule such determination shall be presented to the district judge or magistrate judge entering the order, if available. If presented to a different district judge or magistrate judge, the movant or applicant shall make known the action taken by the district judge or magistrate judge to whom it was previously submitted. This provision is intended to apply to such matters as applications for search warrants, wiretaps, pen registers, and other such applications or motions which are made to a district judge or magistrate judge without a case having been filed. It is not a means to appeal an order entered in a case, nor is it intended to apply where a case is transferred from one district judge to another and a motion to reconsider a prior ruling is made.

LCrR47-8 Motions for Evidentiary Hearing.

A party requesting an evidentiary hearing in connection with a motion shall state the factual and legal bases for the request in the motion or response, state whether each party agrees to or opposes the request, and estimate the length of time the requested evidentiary hearing would take.

LCrR47-9 Motions Regarding Modification of Conditions or Early Termination of Supervision.

A motion requesting modification of conditions of pretrial release, probation, or supervised release, or a request for early termination of probation or supervised release must state the position of the U.S. Probation Office.

LCrR47-10 Joinder of Co-Defendant’s Motion.

A co-defendant who seeks to join a specific motion previously filed by a co-defendant must file a joinder in motion.

LCrR49 – Serving and Filing Papers

LCrR49-1 Change of Address; Proof of Service.

- (a) All papers shall contain the name, mailing address, daytime telephone number, fax number, and e-mail address, if any, of the attorney or pro se litigant. If any of this information changes, the attorney or pro se litigant must notify the Court by filing the form provided by the Clerk and serving a copy on opposing counsel or pro se parties. Papers sent by the Court will be deemed delivered if sent to the last known address given to the Court. If applicable, the attorney or pro se litigant is further required to comply with Administrative Guide procedures regarding Change of Contact Information.
- (b) Proof of service of any papers required to be served shall be made by the certificate of any attorney of record or pro se litigant, or if made by any other person, the affidavit of such person.
- (c) Receipt of the Notice of Electronic Filing, generated by the Court's Electronic Case Filing System, shall constitute the equivalent of service of the paper identified in the notice on persons who have consented to electronic service and who have waived their right to service by personal service or first class mail.

LCrR57 – District Court Rules

LCrR57-1 Release of Information by Courthouse Personnel.

All court-related personnel, including the Clerk's Office, Chambers staff, U.S. Marshal's Office, Court Reporters, and Court Security Officers shall not release any information pertaining to a criminal case that is not part of the public records of the Court or divulge any information concerning proceedings held outside the presence of the public. Court officers will not voluntarily testify before a Grand Jury or in any court proceeding without the express approval of the judge presiding over the matter.

LCrR57-2 Release of Information by Attorneys.

- (a) **Release of Information or Opinions.** It is the duty of the lawyers or law firm not to release or authorize the release of information or opinions which a reasonable person would expect to be disseminated by any means of public communication, in connection with pending or imminent criminal litigation with which a lawyer or law firm is associated, if there is a reasonable likelihood that such dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice.
- (b) **Extrajudicial Statements During Investigation.** With respect to a grand jury or other pending investigation, a lawyer participating in or associated with the investigation shall refrain from making any extrajudicial statement which a reasonable person would expect to be disseminated, by any means of public communication, that goes beyond the public record or that is not necessary to inform the public that the investigation is underway, to describe the general scope of the investigation, to obtain assistance in the apprehension of a suspect, to warn the public of any dangers, or otherwise to aid in the investigation.
- (c) **Extrajudicial Statements After Investigation.** From the time of arrest, issuance of an arrest warrant, or the filing of a complaint, information, or indictment until the commencement of trial or disposition without trial, a lawyer or law firm associated with the prosecution or defense shall not release or authorize the release of any extrajudicial statement which a reasonable person would expect to be disseminated by any means of public communication, relating to that matter and concerning:
- (1) The prior criminal record (including arrests, indictments, or other charges of crime), or the character or reputation of the accused, except that the lawyer or law firm may make a factual statement of the accused's name, age, residence, occupation, and family status and, if the accused has not been apprehended, a lawyer associated with the prosecution may release any information necessary to aid in his or her apprehension or to warn the public of any dangers he or she may present;
 - (2) The existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement;
 - (3) The performance of any examinations or tests or the accused's refusal or failure to submit to an examination or test;
 - (4) The identity, testimony, or credibility of prospective witnesses, except that the lawyer or law firm may announce the identity of the victim if the announcement is not otherwise prohibited by law;
 - (5) The possibility of a plea of guilty to the offense charged or a lesser offense;
 - (6) Any opinion as to the accused's guilt or innocence or as to the merits of the case or the evidence in the case.
- (d) **Statements Permitted.** The foregoing shall not be construed to preclude the lawyer or law firm during this period, in the proper discharge of his or its official or professional obligations, from announcing the fact and circumstances of arrest (including time and place of arrest, resistance, pursuit, and use of weapons), the identity of the investigating and arresting officer or agency, and the length of the investigation; from making an announcement, at the time of seizure of any physical evidence other than a confession, admission or statement, which is limited to a description of the evidence seized; from disclosing the nature, substance, or text of the charge, including a brief description of the offense charged; from quoting or referring without comment to public records of the court in the case; from announcing the scheduling or result of any stage in the judicial process; from requesting assistance in obtaining evidence; or from announcing without further comment that the accused denies the charges made against him.

- (e) **Extrajudicial Statements During Trial.** During a jury trial, including the period of selection of the jury, no lawyer or law firm associated with the prosecution or defense shall give or authorize any extrajudicial statement or interview relating to the trial or the parties or issues in the trial, which a reasonable person would expect to be disseminated by means of public communication, if there is a reasonable likelihood that such dissemination will interfere with a fair trial, except that the lawyer or law firm may quote from or refer without comment to public records of the court in the case.
- (f) **Special Situations.** Nothing in this Rule is intended to preclude the formulation or application of more restrictive rules relating to the release of information about juvenile or other offenders, to preclude the holding of hearings or the lawful issuance of reports by legislative, administrative, or investigative bodies, or to preclude any lawyer from replying to charges of misconduct that are publicly made against him or her.

LCr57-3 Release of Information by and Testimony of Probation Officer.

- (a) **Confidential Records.** Records of the court, to include pretrial services, presentence, probation reports, records, and correspondence are maintained by the U.S. Probation Office as custodian of the court record and, unless otherwise excepted, may be disclosed only upon a written request to the Court which establishes a need for the specific information. Excepted reasons for disclosure without permission from the Court include routine disclosure of demographic and collateral contact information to other law enforcement agencies for investigative purposes, as well as the disclosure of presentence reports in accordance with LCr32-11.
- (b) **Release of Information and Witness Appearance.** Except for testimony related to release or detention pursuant to 18 U.S.C. § 3142, or testimony concerning orders on release, probation, or supervised release, no current or former probation officer shall respond to any request for information or for witness appearance and testimony as to any matters arising out of the performance of their official duties unless approved in advance by the Court. Unless excepted as described herein, any request for information or appearance and testimony may be granted upon written request to the Court which establishes a need for the information or testimony. Any request for information or appearance and testimony shall follow the procedures established by the Director of the Administrative Office of the United States Courts and approved by the Judicial Conference of the United States, as set out in Testimony of Judiciary Personnel and Production of Judiciary Records in Legal Proceedings, modified in one respect as follows: the presiding judge, not the Chief Probation Officer, shall determine the proper response to a request for information or testimony.

LCr57-4 Plan for Implementing the Criminal Justice Act (18 U.S.C. § 3006A).

Pursuant to 18 U.S.C. § 3006A, this Court's Criminal Justice Plan (CJA Plan) is available on the website of this Court.

Rule 4 - Summons

OKLAHOMA NORTHERN DISTRICT COURT – PROPOSED RULE

~~LCvR4.1 Appointment of Authorized Process Servers.~~ In addition to any judge of this Court, the Court Clerk or the Chief Deputy Court Clerk is authorized to issue orders appointing any sheriff or deputy sheriff or authorized process server in any state or territory of the United States to serve any civil process issued out of this Court. A party requesting that a person be authorized to serve civil process should prepare a written request, stating the name of the person desired to be appointed and an order for the Court Clerk or Chief Deputy Court Clerk to sign designating such person as the one authorized to serve process in any given case.

ELIMINATING RULE, THIS RULE IS COVERED UNDER IN FED. R. CIV. P. 4(c).

Rule 9 - Pleading Special Matters

OKLAHOMA NORTHERN DISTRICT COURT – REDLINE VERSION

~~LCvR9.1 Notice Requirement for Three-Judge Court.~~

~~In any action or proceeding which a plaintiff believes is required to be heard by three-judge district court under 28 U.S.C. § 2284, the plaintiff shall file with the complaint a separate notice to the Court, stating that a three-judge district court is requested or the equivalent thereto. If the plaintiff fails to give such notice, every other party shall file such notice, provided that as soon as a notice is filed by any party, all other parties are relieved of this obligation.~~

~~ELIMINATING THIS RULE IN THE BELIEF IT IS COVERED BY 28 U.S. §2284.~~

~~LCvR9.2 Actions Brought by Incarcerated Persons.~~

- ~~(a) Forms.~~ Petitions for writs of habeas corpus, motions to vacate sentence pursuant to 28 U.S.C. § 2255, and civil rights complaints pursuant to 42 U.S.C. § 1983 or Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), by persons in state or federal custody, shall be on forms provided by the Court Clerk upon request. If the petition is not on the Court-approved form or does not supply the Court with the equivalent information required by such form, the Court may order the pleading be stricken.
- ~~(b) Delivery.~~ Petitioners or movants seeking habeas corpus relief under 28 U.S.C. §§ 2241, 2254, or 2255, or civil rights relief under 42 U.S.C. § 1983 or Bivens (cited above) shall send or deliver to the Court Clerk the original petition, motion or complaint. If tendered for filing by mail, petitions, motions or complaints shall be addressed to the Court Clerk at an address designated by the Court Clerk.
- ~~(c) Amended Pleadings.~~ Original proposed amended pleadings shall be signed and attached to any motion for leave to amend the pleading. Unless otherwise permitted by the Court, every pleading to which an amendment is permitted as a matter of right or has been allowed by order of the Court must be retyped or handwritten and filed so that it will be complete in itself including exhibits, without reference to the superseded pleading. Each amended pleading shall contain copies of all exhibits referred to in the amended pleading.

~~ELIMINATING THIS RULE, AND A SHORTENED VERSION MORE PROERLY BELONGS UNDER RULE 3.~~

Rule 39 – Trial by Jury or by the Court

OKLAHOMA NORTHERN DISTRICT COURT

~~LCvR39.1 Opening Statements and Closing Arguments.~~

~~The trial judge will determine specific time limits for opening statements and closing arguments in each case.~~

~~RECOMMEND RULE BE ELIMINATED, COVERED UNDER FEDERAL RULE.~~

~~LCvR39.2 Courtroom Decorum.~~

~~Each judge will direct parties, either orally or by written statement, regarding appropriate and proper courtroom decorum.~~

~~MOVED TO GENERAL RULE 3~~

~~LCvR39.3 Use of Electronic Devices, Photographs or Tape Recorders.~~

~~(a) The taking of photographs and operation of recorders and radio or television broadcasting in the courthouse during the progress of or in connection with judicial proceedings, including proceedings before a magistrate judge, whether or not Court is actually in session, is prohibited.~~

~~(b) A judge may, however, permit (1) the use of electronic or photographic means for the presentation of evidence or the perpetuation of a record, and (2) the broadcasting, televising, recording, or photographing of investiture, ceremonial, educational, or naturalization proceedings. On a case by case basis, the court may allow media to text, tweet or similarly communicate updates when reporting a trial, hearing or other proceeding.~~

~~(c) (1) The Court prohibits the use of mobile phones, pagers, or other electronic communication devices in the courtroom. Such devices may be carried on the person within a courtroom only if the device is turned off.~~

~~(2) All electronic communications devices including mobile phones and wireless laptops are prohibited from being turned on in the courtroom without express permission from the Court.~~

~~(3) Many electronic devices contain cameras and recorders. Use of cameras and recorders are specifically prohibited notwithstanding permission to use an electronic device. Certain ceremonies and investitures are exceptions, but all such activities within a courtroom require permission from the court.~~

~~(4) Without the court's express approval, electronic communication devices shall not be used for peer-to-peer wireless communication or network communication within the courtroom or from the courtroom to another location outside the courtroom. Persons entering the courtroom may be asked to reveal any such devices in order to ensure that they are turned off. Persons violating this Local Rule may be escorted from the courtroom, denied access to further proceedings, and subjected to other sanctions deemed necessary by the Court.~~

MOVED TO GENERAL RULE 6

~~LCvR39.4 Use of Exhibits at Trial.~~

~~(a) **Marking and Disclosure.** All exhibits and documents which are to be introduced in evidence are to be marked for identification, which shall include the case number, and exhibited to opposing counsel at least seven (7) days before submission of the Pretrial Order.~~

~~(b) **Withdrawal.** Unless otherwise ordered by the Court, all exhibits introduced in evidence in the trial of the case shall be withdrawn at the close of trial and remain in the custody of the party introducing the evidence. The Court may order the party introducing exhibits which are bulky, heavy, firearms or controlled substances to retain custody of such exhibits during the trial. Any such order shall provide for preservation of the exhibit as justice may require.~~

~~(c) **Photographs for Appeal.** Exhibits, diagrams, charts and drawings may, under the supervision of the Court, be photographed for use on appeal or otherwise.~~

MOVED TO LOCAL CIVIL RULE 43

Rule 79 – Records Kept by the Clerk

OKLAHOMA NORTHERN DISTRICT COURT – REDLINE VERSION

~~LCvR79.1 Sealed Documents.~~

~~(a) Policy. It is the policy of this Court that sealed documents, confidentiality agreements, and protective orders are disfavored. Sealed documents and confidentiality agreements may be approved by the Court only upon a showing that a legally protected interest of a party, non party or witness outweighs the compelling public interest in disclosure of records. All protective orders dealing with confidentiality must be approved by a magistrate judge and filed of record.~~

~~In civil cases in which confidential information covered by a protective order must be attached to a pleading, attorneys should file an unsealed pleading with nonconfidential exhibits and redacted confidential exhibits. At the same time, attorneys should file a supplemental sealed pleading which contains the unredacted exhibits covered by the protective order.~~

~~The Court strongly urges attorneys to present all arguments and all documents in unsealed pleadings. In an effort to do this, attorneys should use good judgment in generically referring to matters covered by a protective order without revealing confidential information. In those rare instances where specific confidential documents must be attached to a pleading, attorneys should file the supplemental sealed pleading referenced above.~~

~~(b) Caption of Sealed Documents. Underneath the case number, in the style of any document sought to be sealed, the document shall be marked in all caps, "SEALED."~~

~~(c) Sealed Documents in Public Cases. A person seeking to file a document under seal in a public case shall electronically file both a motion to seal and the sealed document separately. The motion seeking such an order must contain sufficient facts to overcome the presumption in favor of disclosure and may itself be filed under seal. The relief sought shall be narrowly tailored to serve the specific interest sought to be protected. A proposed order shall be submitted pursuant to the Administrative Guide. If the motion to seal is denied, the court will direct that the document either be stricken or be unsealed.~~

~~(d) Documents in Sealed Cases. Documents to be filed in sealed cases (nonpublic cases) must be filed in paper format~~

MOVED THE LOCAL RULE RELATED TO SEALED DOCUMENTS TO LCvR5.1 AND ELIMINATED LCvR79..

Rule 83 – Rules by District Courts; Judge’s Directives

OKLAHOMA NORTHERN DISTRICT COURT – REDLINE VERSION

~~LCvR83-1 Committee on Local Civil Rules.~~

~~— A Committee on Local Rules comprised of members of the bar of this Court and the Court Clerk or the Court Clerk’s designee shall be appointed by the Court. Such Committee shall accept comments and recommendations regarding the local rules from any member of the bar of this Court or any other interested person.~~

~~LCvR83-2 Amendments to the Local Rules~~

~~(a) **Public Notice.** The public notice provided in 28 U.S.C. § 2071 and Fed. R. Civ.P. 83 for making and amending these rules consists of (1) publishing a notice of the proposed adoption or amendment of these rules on the court’s website and (2) inviting written comment~~

~~(b) **Proposing Amendments.** Procedures for submitting proposed local rule changes are available from the clerk’s office and on our public website.~~

~~(c) **Emergency Amendments.** When the Court determines there is an immediate need to implement an amendment, including a technical, clarifying or conforming amendment, the amendment may be adopted by the Court without prior comment by the bar or the public. The effective date of an emergency amendment is the date set forth by the Court in the General Order adopting the amendment. Amendments adopted under this subsection will thereafter be circulated to the bar and the public for comment and reevaluated by the Committee and the Court for possible revision.~~

MOVED TO LGnR7

~~LCvR83.2 Attorneys.~~

~~(a) **Roll of Attorneys.** The bar of this Court shall consist of those attorneys admitted to practice before this Court who have taken the prescribed oath and submitted the required fee.~~

~~(b) **Committee on Admissions and Grievances.** A Committee on Admissions and Grievances shall be appointed by the Court.~~

~~(c) **Procedure for Admission.** Every applicant for admission shall submit the required fee and shall submit to the Court Clerk, on a form prescribed by the Court, a written application for admission, which shall be referred to the Committee on Admissions and Grievances for investigation into the applicant’s qualifications and fitness to be admitted to the bar of this Court. The Committee shall report its recommendations in writing to the Court Clerk. Upon a favorable report of the Committee, the applicant may be admitted by any judge of this court or the court clerk. Admission ceremonies may be scheduled from time to time by the court.~~

~~(d) **Eligibility.** Any member of the bar of the Supreme Court of the United States, or of any United States Court of Appeals, or of any District Court of the United States, or a member in good standing of the bar of the highest court of any state of the United States, is eligible for admission to the bar of this Court.~~

- ~~(e) Reciprocity.~~ Any attorney who shall have been admitted to practice in any other United States District Court of Oklahoma may be admitted to practice in this district without referral to the Committee on Admissions and Grievances by submitting a written application for submission and certificate of good standing from such other district in Oklahoma, along with the required fee.
- ~~(f) Attorneys for the United States.~~ Attorneys who are employed or retained by the United States or its agencies may practice in this Court in all cases or proceedings in which they represent the United States or such agencies.
- ~~(g) Admission Pro Hac Vice.~~ Any attorney who is eligible for admission to the bar of this Court may in the discretion of a judge of this Court be granted temporary admission to practice in a pending case. Attorneys requesting such admission are required to file a motion and attach a completed Request for Admission Pro Hac Vice form provided by the Court Clerk's office along with the required fee.

~~LCvR83.3 Association of Local Counsel.~~

- ~~(a) Responsibilities of Non-Resident Counsel.~~ When representing a party in this Court, any attorney who is not a resident of, and does not maintain an office in, Oklahoma shall show association with an attorney who is personally appearing in the action and who is a resident of the State and maintains a law office within the State of Oklahoma, and who has been duly and regularly admitted to practice in this Court.
- ~~(b) Responsibilities of Local Counsel.~~ It is the responsibility of local counsel appearing in any civil case to file the motion of the non-resident attorney to be admitted pro hac vice and to certify in the motion that the non-resident attorney is a member in good standing of the bar of the highest court of the state where the non-resident attorney resides or is licensed. The local attorney shall sign the first pleading filed and shall continue in the case unless other local counsel is substituted. Any notice, pleading or other paper may be served upon the local counsel with the same effect as if personally served on the non-resident attorney.
- ~~(c) Relief from this Rule.~~ Relief from this rule is within the Court's discretion upon motion establishing financial hardship, special qualifications of non-resident counsel, or other good cause, provided that out-of-state counsel certifies familiarity with the local civil court rules.

~~LCvR83.4 Appearance of Counsel.~~

- ~~(a)~~ An attorney appearing for a party in a civil case shall enter an appearance by signing and filing an entry of appearance on the form prescribed by the Court Clerk.
- ~~(b)~~ In the event a party should change counsel or add additional counsel, the new or additional counsel for such party shall enter an appearance by signing and filing an entry of appearance on the form prescribed by the Court Clerk.

~~LCvR83.5 Attorney Withdrawal from Case.~~

~~—~~ In civil cases, attorneys of record shall not withdraw from the case except upon reasonable notice to the client and all other parties who have appeared in the case and by leave of the judge to whom the case is assigned.

~~LCvR83.6 Discipline by the Court.~~

- ~~(a) Discipline by Other Courts; Criminal Convictions.~~ Whenever any member admitted to practice in this Court, including a person admitted pro hac vice, has been suspended, disbarred or resigned pending disciplinary proceedings from the practice of law by the Supreme Court of Oklahoma or by any other court of competent jurisdiction or has been convicted of a felony or any crime involving moral turpitude in any court, such disbarment, suspension, or conviction shall operate as an automatic suspension of the attorney's right to practice in this Court, and an order of suspension shall be issued by the Court. Any attorney subject to this rule must notify the Court immediately upon any such suspension, disbarment or resignation. The automatic suspension from this Court shall remain in effect

~~unless the attorney has by motion to the Court within twenty-eight (28) days of the order of suspension shown good cause as to why the suspension should not remain in effect. The Chief Judge or his or her designee shall rule on such motion. If the attorney was disbarred, resigned or was convicted as stated above, an order of disbarment will issue if no motion for good cause has been filed within the required time period.~~

~~(b) **Standard Governing Attorney Conduct.** The Court adopts the Oklahoma Rules of Professional Conduct as adopted and amended from time to time by the Supreme Court of Oklahoma as the standard governing attorney conduct in this Court.~~

~~(c) **Misconduct.** Complaints of professional misconduct by counsel are subject to Fed. R. Civ. P. 11. Complaints of professional misconduct may be submitted by a judge of the Court, at his or her discretion, to the Committee on Admissions and Grievances. Upon receipt of a complaint regarding the professional conduct of an attorney, the Committee on Admissions and Grievances shall, after notice and opportunity to be heard, report and recommend to the Court whether:~~

~~(1) The inquiry should be terminated because the question raised is unsupported or insubstantial;~~

~~(2) The alleged professional misconduct justifies further inquiry and, for members of the Oklahoma Bar Association, the matter should be referred to the Office of the General Counsel of the Oklahoma Bar Association for investigation and prosecution by that Office, if warranted;~~

~~(3) The alleged professional misconduct warrants consideration of prompt disciplinary action by this Court regarding the attorney's right to practice before the Court;~~

~~(4) The alleged professional misconduct of an attorney not a member of the Oklahoma Bar Association justifies further inquiry by the Court. Any attorney whose conduct in this Court is under investigation by the Committee on Admissions and Grievances shall not be admitted pro hac vice until the pending investigation is concluded. Any action taken by the Court pursuant to a report and recommendation by the Committee on Admissions and Grievances shall be by a majority vote of the active judges.~~

~~Nothing contained in this Local Rule shall limit the right of an individual judge to manage the cases assigned to that judge, which right shall include, without limitation, the authority to impose any sanctions, penalties or other restrictions which may be appropriate in a particular case, or the authority to refer a matter for consideration to the Committee on Admissions and Grievances on an advisory basis.~~

~~(d) **Right to a Hearing.** Except as otherwise provided under subsection (a), this Court shall not impose any disciplinary action affecting an attorney's right to practice before the Court until after a hearing on the matter has been held before a judge or panel of judges. The attorney may waive the right to a hearing. At the hearing, the attorney whose conduct is the subject of the complaint shall be afforded an opportunity to appear in person and/or by counsel, to present oral and documentary evidence, to compel the attendance of witnesses or the production of documents, to cross-examine witnesses, and to present argument orally or in writing. If not called by the attorney whose conduct is being investigated, it is within the discretion of the judge or panel to call the complaining party to appear at the hearing.~~

~~(e) **Sanctions.** Discipline by this Court may include disbarment, suspension from practice for a definite time, reprimand, or other discipline which the Court deems proper. Referral of a complaint to the Office of the General Counsel of the Oklahoma Bar Association for investigation shall not constitute such discipline as to entitle the attorney to a hearing in this Court on the propriety of the referral.~~

~~(f) **Contempt of Court.** Disciplinary proceedings under this rule shall not affect or be affected by any proceeding for contempt under Title 18 of the United States Code or under Fed. R. Crim. P. 42.~~

~~(g) **Unauthorized Practice.** Any person who before admission to the bar of this Court or who during disbarment or suspension exercises any of the privileges bestowed upon members of this bar, or who pretends to be entitled to such privileges, or who otherwise engages in the unauthorized practice of law before the Court, shall be guilty of contempt of this Court and shall be subject to punishment therefor and shall be subject to any other discipline which the Court may impose.~~

~~(h) **Reinstatement.** Persons disbarred indefinitely from practice before this Court may not petition for reinstatement until three (3) years following disbarment or until two (2) years following an adverse decision upon a previous petition for reinstatement; provided, however, that a person disbarred under subsection (a) may apply for reinstatement at any time upon being reinstated by the disciplining body. Persons suspended indefinitely must satisfy all conditions to reinstatement imposed by the Court at the time of suspension.~~

~~LCvR83.7 Professional Conduct.~~

~~(a) **Oklahoma Rules of Professional Conduct Apply.** Attorneys practicing in this Court are expected to conduct themselves in accordance with the Oklahoma Rules of Professional Conduct, as adopted by the Oklahoma Supreme Court, as the standard of conduct of all members of the Oklahoma Bar Association. See, Title 5 O.S.A. Ch.1, App. 3A. As set forth in the preamble:~~

~~—— A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.~~

~~—— In this spirit, all lawyers should become familiar with their duties and obligations, as defined and classified generally in the Oklahoma Rules of Professional Conduct, any interpretive decisions, applicable statutes, and the usages, customs, and practices of the bar.~~

~~MOVED TO GENERAL RULE 4~~

~~(b) **Courtroom Behavior.** The purpose of this rule is to emphasize, not to supplant, certain portions of those ethical principles applicable to the lawyer's conduct in the courtroom. In addition to all other requirements, therefore, lawyers appearing in this Court shall adhere to the following:~~

- ~~(1) — Be punctual in attendance at Court.~~
- ~~(2) — Refrain from addressing anyone in Court by first names — use last names only.~~
- ~~(3) — Refrain from leaving the courtroom while court is in session, unless it is absolutely necessary, and then only if the Court's permission has been obtained first.~~
- ~~(4) — At all times, counsel for plaintiff shall occupy the table nearest the jury box and counsel for defendant shall occupy the table furthest from the jury box.~~
- ~~(5) — Ascertain that only one lawyer is standing at a time, unless an objection is being made.~~
- ~~(6) — Bench conferences will be kept to a minimum. Counsel should anticipate issues which will arise during the trial and inform the Court and opposing counsel at the earliest opportunity. Permission must be obtained from the Court to approach the bench, a witness, an exhibit, or the clerk.~~
- ~~(7) — Refrain from employing dilatory tactics.~~

- ~~(8) Hand all papers intended for the Court to see to the clerk who, in turn, will pass them up to the judge.~~
- ~~(9) Hand to the clerk any exhibits offered into evidence.~~
- ~~(10) Advise clients, witnesses, and others concerning rules of decorum to be observed in court.~~
- ~~(11) Use the lectern when interrogating witnesses or addressing the jury, unless otherwise permitted by the Court. Appropriate exceptions to this rule shall be made for disability or infirmity.~~
- ~~(12) Never conduct or engage in experiments or demonstrations unless prior permission is granted by the Court.~~
- ~~(13) Refrain from conducting a trial when they know, prior thereto, that they will be necessary witnesses, other than as to merely formal matters such as identification or custody of a document or the like. If, during the trial, it is discovered that the ends of justice require the lawyers' testimony, they should from that point on, if feasible and not prejudicial to their client's case, leave further conduct of the trial to other counsel. If circumstances do not permit withdrawal from the conduct of the trial, lawyers should not argue the credibility of their own testimony.~~
- ~~(14) Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly uninfluenced by all ill feeling between the respective clients. Attorneys should abstain from any allusion to personal peculiarities and idiosyncrasies of opposing counsel.~~
- ~~(15) Rise when addressing or being addressed by the Court. Appropriate exception will be made for disability or medical infirmity.~~
- ~~(16) Refrain from assuming an undignified posture. Counsel should always be attired in a proper and dignified manner and should abstain from any apparel or ornament calculated to attract attention to themselves.~~
- ~~(17) At all times exemplify conduct consistent with their obligation as an officer of the Court.~~
- ~~(18) In making representations to the Court, know or honestly believe them to be supported by fact.~~
- ~~(19) Comply, along with all other persons in the courtroom, with the following:
 - ~~(A) No tobacco in any form will be permitted at any time.~~
 - ~~(B) No propping of feet on tables or chairs will be permitted at any time.~~
 - ~~(b) No water bottles or other beverage containers, bottles or cups, or edibles shall be brought into the courtroom, except with permission of the marshal or courtroom deputy clerk.~~
 - ~~(c) No gum chewing or reading of newspapers or magazines (except as a part of the evidence in a case) will be permitted while Court is in session.~~
 - ~~(d) No talking or other unnecessary noises will be permitted while Court is in session.~~
 - ~~(e) Everyone must rise when instructed to do so upon opening, closing, or declaring recesses of Court. Appropriate exception shall be made for disability or medical infirmity.~~
 - ~~(f) Any attorney who appears in court intoxicated or under the influence of intoxicants, drugs, or narcotics may be summarily held in contempt.~~~~

MOVED TO GENERAL RULE 3

LCvR83.8 Standards of Practice.

~~_____The following are principles intended to guide attorneys in practicing in the Northern District of Oklahoma:~~

- ~~(a) In fulfilling his or her primary duty to the client, a lawyer must be ever conscious of the broader duty to the judicial system that serves both attorney and client.~~
- ~~(b) A lawyer owes, to the judiciary, candor, diligence and utmost respect.~~
- ~~(c) A lawyer owes, to opposing counsel, a duty of courtesy and cooperation, the observance of which is necessary for the efficient administration of our system of justice and the respect of the public it serves.~~
- ~~(d) A lawyer owes, to the administration of justice, the fundamental duties of personal dignity and professional integrity.~~
- ~~(e) Lawyers should treat each other, the opposing party, the Court, and members of the Court staff with courtesy and civility and conduct themselves in a professional manner at all times.~~
- ~~(f) A client has no right to demand that counsel abuse the opposite party or indulge in offensive conduct. A lawyer shall always treat adverse witnesses and suitors with fairness and due consideration.~~
- ~~(g) In adversary proceedings, clients are litigants and though ill feeling may exist between clients, such ill feeling should not influence a lawyer's conduct, attitude, or demeanor towards opposing lawyers.~~
- ~~(h) A lawyer should not use any form of discovery, or the scheduling of discovery, as a means of harassing opposing counsel or counsel's client.~~
- ~~(i) Lawyers will be punctual in communications with others and in honoring scheduled appearances and will recognize that neglect and tardiness are demeaning to the lawyer and to the judicial system.~~
- ~~(j) If a fellow member of the bar makes a just request for cooperation, or seeks scheduling accommodation, a lawyer will not arbitrarily or unreasonably withhold consent.~~
- ~~(k) Effective advocacy does not require antagonistic or obnoxious behavior and members of the bar will adhere to the higher standard of conduct which judges, lawyers, clients, and the public may rightfully expect.~~

MOVED TO GENERAL RULE 4

Rule 12.4 – Disclosure Statement

OKLAHOMA NORTHERN DISTRICT COURT

LCrR12. Disclosure Statement.

12.1 Disclosure Statement.

~~Any non-governmental corporate party to an action in this Court shall file a statement identifying all its parent corporations and listing any publicly held company that owns 10% or more of the party's stock. Such corporate party shall file the statement with its initial pleading filed in the Court and shall supplement the statement within a reasonable time of any change in the information.~~

COVERED UNDER THE FEDERAL RULE AND CAN BE ELIMINATED.

Rule 24 – Trial Jurors

OKLAHOMA NORTHERN DISTRICT COURT

LCrR24. Trial Jurors.

24-1 Selecting Jurors

Covered under LCvR 45.

~~24.1 Random Selection of Grand and Petit Jurors.~~

- ~~(a) Adoption of Plan.~~ Pursuant to the Jury Selection and Service Act of 1968 (Public Law 90-274) (“the Act”) the following plan is hereby adopted by this Court, subject to approval by the Tenth Circuit Judicial Council and to such rules and regulations as may be adopted from time to time by the Judicial Conference of the United States.
- ~~(b) Applicability of Plan.~~ This plan is applicable to the Northern District of Oklahoma, which consists of the following counties: Craig, Creek, Delaware, Nowata, Mayes, Osage, Ottawa, Pawnee, Rogers, Tulsa, and Washington.
- ~~(c) Policy.~~ It is the policy of this Court that all litigants entitled to trial by jury shall have the right to grand and petit juries selected at random from a fair cross-section of the community that constitutes the Northern District of Oklahoma, and that all citizens shall have the opportunity to be considered for service on grand and petit juries and shall be obligated to serve as jurors when summoned, unless excused for valid reasons by the Court.
- ~~(d) Management and Supervision of Jury Selection Process.~~ This Plan shall be managed by the Court Clerk under the supervision and control of the Chief Judge or such other judge as may be designated to perform these duties. Whenever used in the Plan, the terms “Clerk” and “Clerk of the Court” shall mean the Court Clerk, any authorized Deputy Court Clerk, or any other person authorized by the Court to assist the Court Clerk in performance of functions under this Plan. The Court finds that the electronic data processing methods can be advantageously used for managing this Plan. Therefore, a properly programmed electronic data system, or a combination system employing both manual and electronic machine methods, will be used to select Master Jury Wheel names, select names of persons to be sent questionnaires, select names of persons in the qualified jury wheel and supplemental qualified jury wheel to be summoned and to perform other clerical and record-keeping functions as the Court deems necessary.
- ~~(e) Random Selection from Actual Voter Lists and Supplementation from Driver License List of Tulsa County.~~ Actual voter lists with supplementation from the driver license list of Tulsa County represent a fair cross-section of the community in the Northern District of Oklahoma. Accordingly, names of grand and petit jurors shall be selected at random from the actual voter lists of all the counties within the district as supplemented by the driver license list of Tulsa County. In order to establish a Master Jury Wheel of randomly selected names of prospective jurors, the Court Clerk shall determine the

~~aggregate number of individuals on the actual voter lists for the last general election in each county of this district, and further determine the number of individuals on the driver license list of Tulsa County. The Court shall build 50% of its Master Jury Wheel from the actual voter lists and 50% of the Master Jury Wheel from the driver license list of Tulsa County. For example, if the Court needs 30,000 names for the Master Jury Wheel, the Court Clerk will obtain 15,000 names from the actual voter lists and 15,000 names from the driver license list of Tulsa County. When a name is duplicated in both the Master Jury Wheel and the Supplemental Jury Wheel, the name will be purged from the Supplemental Wheel. In this example, the 15,000 names drawn from the actual voter lists will comprise the primary source of names within this district. The 15,000 names drawn from the driver license list of Tulsa County will comprise a supplementary source of names in order to foster the policy and protect the rights secured by Sections 1861 and 1862 of Title 28 of the United States Code. The Court Clerk is authorized to accept the voluntary assistance of the Secretary of the State Election Board and the Commissioner of Public Safety in accomplishing the requirements of this section, provided such Secretary certifies the names furnished were selected in the manner herein prescribed. The Court Clerk is authorized to use qualified non Court personnel to create the Master Wheel.~~

~~**(f) Master Jury Wheel.**~~

- ~~(1) The Court Clerk shall maintain a Master Jury Wheel or a device similar in purpose and function for the district. The names of all persons randomly selected from the actual voter lists of the counties in the district and from the driver license list of Tulsa County shall be placed in the Master Jury Wheel. Pursuant to 28 U.S.C. § 1863(b)(4), the minimum number of names to be placed initially in the Master Jury Wheel shall be one half of one percent of the total number of persons on the lists used as a source of names for the district, but in no event shall that number be less than 1,000.~~
- ~~(2) The Master Jury Wheel shall be emptied and refilled between March 1 and June 30 of the year following a general presidential election and every four years thereafter. The Chief Judge or the Judge designated by the Chief Judge may order additional names to be placed in the Master Jury Wheel, as herein provided, from time to time when necessary. In the event that the Master Jury Wheel is not emptied and refilled within the time as herein provided, the current Master Jury Wheel shall continue to serve until it is properly refilled as herein provided.~~
- ~~(3) After the Master Jury Wheel is refilled, the Court shall construct a Qualified Jury Wheel and a Supplemental Qualified Jury Wheel in the manner provided in subparagraph (g) below. This will be done at periodic intervals as may be required to maintain an adequate number of names in the Qualified Jury Wheel and the Supplemental Qualified Jury Wheel. A juror qualification form will then be mailed to each of those persons with instructions to fill out and return duly signed and sworn to, to the Court Clerk by mail within fourteen (14) days in order to elicit the information necessary to determine whether a person is qualified for exempt from, or may be excused from jury service.~~

~~**(g) Qualified Jury Wheel.**~~

- ~~(1) The names of those persons deemed qualified from the actual voter list shall be placed in a Qualified Jury Wheel and the names of those persons deemed qualified from the driver~~

~~license list at Tulsa County shall be placed in a Supplemental Qualified Jury Wheel. Prospective jurors will be drawn at random from each wheel in a proportion to be determined by the Court from time to time. For example, prospective jurors may be selected by drawing three names from the Qualified Jury Wheel and one name from the Supplemental Qualified Jury Wheel. The prospective jurors whose names have been drawn shall be summoned to appear for a time certain as may be designated by the Chief Judge or the Judge designated by the Chief Judge.~~

~~(2) The Court Clerk shall draw at random from the Qualified Jury Wheel and the Supplemental Qualified Jury Wheel for this district such number of names of persons are necessary to be summoned for the petit jury panels and prepare a list of the names drawn. Grand jurors shall be drawn from the Qualified Jury Wheel and the Supplemental Qualified Jury Wheel as ordered by the Court.~~

~~(3) (A) A jury list will be provided to the parties and/or their attorneys on the day of trial at the commencement of voir dire.~~

~~(B) Indictments available through CM/ECF will contain an electronic signature: s/grand jury foreperson. A paper indictment manually signed by the grand jury foreperson shall be retained under seal in the office of the Court Clerk. The Court directs the Court Clerk to make paper indictments manually signed available for viewing to the attorneys representing parties under indictment.~~

~~(C) The contents of records or papers used by the Court Clerk in connection with the jury selection process shall not be disclosed, except upon order of the Court as may be necessary in the preparation or presentation of a motion challenging compliance with the selection procedures of this plan. The parties in a case shall be allowed to inspect, reproduce, and copy such records or papers at all reasonable times during the preparation and pendency of such motion. Any person who discloses the contents of any record or paper shall be subject to penalty, as provided in the Jury Selection and Service Act of 1968 as amended.~~

~~(D) All other disclosures of juror information including disclosures to the press or public shall be released only by Court Order upon written request.~~

~~(4) The Court Clerk or the Court Clerk's duly designated deputies shall issue summonses for the required number of jurors, to be served in the manner prescribed in 28 U.S.C. § 1866(b). There shall be no jury commission in this District.~~

~~(5) When there is an unanticipated shortage of available petit jurors drawn and summoned from the Qualified Jury Wheel and the Supplemental Qualified Jury Wheel, the Court may require the marshal to summon a sufficient number of petit jurors selected at random from available citizens listed either on the actual voter lists for the District or the driver license list of Tulsa County, or both in the manner ordered by the Court who are found to be qualified by the Court.~~

~~(6) The names of persons drawn for the trial of a case who may be excused or not used for any reason shall be placed back in the jury pool. The names of the trial panel at the~~

completion of the trial may also be placed back in the jury pool for subsequent cases. The procedure is to be repeated for each subsequent case tried at each session of Court.

~~(h) Determination of Qualifications for, and Exemption or Excuse from, Jury Service.~~

~~Upon the initiative of the Chief Judge or any judge of the Court, or upon recommendation of the Court Clerk, the judge or his or her designee shall determine, solely on the basis of information provided on the juror qualification form and other relevant information, whether a person is unqualified for, exempt from, or to be excused from jury service.~~

~~(i) Excuses and Exemptions.~~

~~In making such determination, the Chief Judge or any judge of this Court shall deem any person qualified to serve on grand and petit juries in the district unless the person:~~

- ~~(1) is not a citizen of the United States, is not eighteen years old, or has not resided for a period of one year within the judicial district;~~
- ~~(2) is unable to read, write, and understand the English language with a degree of proficiency sufficient to fill out satisfactorily the juror qualification form;~~
- ~~(3) is unable to speak the English language sufficiently to participate fully and effectively at trial;~~
- ~~(4) is incapable, by reason of mental or physical infirmity, to render satisfactory jury service; or~~
- ~~(5) has a charge pending against him or her for the commission or has been convicted in a state or federal court of record, of a crime punishable by imprisonment for more than one year and his or her civil rights have not been restored.~~

~~(j) Exemption from Jury Service.~~

~~The Court finds that exemption of the following groups of persons or occupational classes is in the public interest and would not be inconsistent with the Act, and accordingly members of such groups are barred from jury service:~~

- ~~(1) members in active service in the Armed Forces of the United States;~~
- ~~(2) members of the fire or police departments of any state district, territory, possession or subdivision thereof;~~
- ~~(3) federal or state "public officers" in the executive, legislative or judicial branches of the government of the United States, or any state, district, territory, or possession or subdivision thereof, who are actively engaged in the performance of official duties. Public officer shall mean a person who is either elected to public office or directly appointed by a person elected to public office.~~

~~(k) Excuses On Individual Request.~~

~~_____ The Court finds that jury service by members of the following groups of persons may entail undue hardship or extreme inconvenience to the members thereof, and the excuse of such members will not be inconsistent with the Act and shall be granted upon individual request:~~

- ~~(1) persons over seventy (70) years of age;~~
- ~~(2) persons who have legal custody of a child or children under the age of ten (10) years, and it is essential they remain in the home for childcare;~~
- ~~(3) persons who have served as a grand or petit juror in federal court within the past two years;~~
- ~~(4) students in actual attendance at a university, college, academy, or other school having a regular schedule of classes;~~
- ~~(5) volunteer safety personnel (fire fighters, rescue squad, or ambulance crew) for a public agency. The Court Clerk is authorized to grant temporary excuses to prospective jurors on the grounds of undue hardship or extreme inconvenience for such period as the Court Clerk deems necessary, at the conclusion of which such person shall be summoned again for jury service.~~

~~**(I) Challenges to the Selection Procedure.**~~

~~_____ Any challenge to this jury selection procedure or the Court's compliance with the provisions of this jury selection procedure or compliance with the provisions of the Jury Selection and Service Act of 1968 shall be made within the times and manner provided in 28 U.S.C. § 1867.~~

~~**24.2 Attorney Communication with Jurors.**~~

~~_____ At no time, including after a case has been completed, may attorneys approach or speak to jurors regarding the case unless authorized by the Court, upon written motion.~~

THIS RULE IS BEING MODIFIED TO REFERENCE LOCAL CIVIL RULE 45, WHICH IS THE COURTS JURY PLAN.
THIS RULE SIMPLY DUPLICATED THE CIVIL RULE

LOCAL CRIMINAL RULE 44 – REDLINE VERSION

44.1 Attorneys.

~~(a) **Roll of Attorneys.** The bar of this Court shall consist of those attorneys admitted to practice before this Court who have taken the prescribed oath and submitted the required fee.~~

~~(b) **Committee on Admissions and Grievances.** A Committee on Admissions and Grievances shall be appointed by the Court.~~

~~(c) **Procedure for Admission.** Every applicant for admission shall submit the required fee and shall submit to the Court Clerk, on a form prescribed by the Court, a written application for admission, which shall be referred to the Committee on Admissions and Grievances for investigation into the applicant's qualifications and fitness to be admitted to the bar of this Court. The Committee shall report its recommendations in writing to the Court Clerk. Upon a favorable report of the Committee, the applicant may be admitted. An admission ceremony will be scheduled by the Court.~~

~~(d) **Eligibility.** Any member of the bar of the Supreme Court of the United States, or of any United States Court of Appeals, or of any District Court of the United States, or a member in good standing of the bar of the highest court of any state of the United States, is eligible for admission to the bar of this Court.~~

~~(e) **Reciprocity.** Any attorney who shall have been admitted to practice in any other United States District Court of Oklahoma may be admitted to practice in this district without referral to the Committee on Admissions and Grievances by submitting a written application for admission and certificate of good standing from such other district in Oklahoma, along with the required fee.~~

~~(f) **Attorneys for the United States.** Attorneys who are employed or retained by the United States or its agencies may practice in this Court in all cases or proceedings in which they represent the United States or such agencies.~~

~~(g) **Admission Pro Hac Vice.** Any attorney who is eligible for admission to the bar of this Court may in the discretion of a judge of this Court be granted temporary admission to practice in a pending case. Attorneys requesting such admission are required to attach to their motion a completed Request for Admission Pro Hac Vice form provided by the Court Clerk's office along with the required fee; provided, however, the pro hac vice fee will be waived as a matter of course if the attorney requesting a waiver of the fee has been approved for admission as a member in this district and awaits the next admission ceremony. If the attorney fails to appear at the next available admission ceremony, and subsequently applies for a waiver of the pro hac vice fee, a waiver will not be granted as a matter of course, but upon discretion of the Court.~~

44.2 Association of Local Counsel.

~~(a) **Responsibilities of Non-Resident Counsel.** When representing a party in this Court, any attorney who is not a resident of, and does not maintain an office in, Oklahoma shall show association with an attorney who is personally appearing in the action and who is a resident of the State and maintains a law office within the State of Oklahoma, and who has been duly and regularly admitted to practice in this Court.~~

~~(b) Responsibilities of Local Counsel. It is the responsibility of local counsel appearing in any criminal case to file the motion of the non-resident attorney to be admitted pro hac vice and to certify in the motion that the non-resident attorney is a member in good standing of the bar of the highest court of the state where the non-resident attorney resides or is licensed. The local attorney shall sign the first pleading filed and shall continue in the case unless other local counsel is substituted. Any notice, pleading or other paper may be served upon the local counsel with the same effect as if personally served on the non-resident attorney.~~

~~(c) Relief from this Rule. Relief from this rule is within the Court's discretion upon motion establishing financial hardship, special qualifications of non-resident counsel, or other good cause, provided that out-of-state counsel certifies familiarity with the local criminal court rules.~~

~~44.3 Appearance of Counsel.~~

~~(a) An attorney appearing for a party shall enter an appearance by signing and filing an entry of appearance on the form prescribed by the Court Clerk.~~

~~(b) In the event a party should change counsel or add additional counsel, the new or additional counsel for such party shall enter an appearance by signing and filing an entry of appearance on the form prescribed by the Court Clerk.~~

~~44.4 Attorney Withdrawal from Case.~~

~~Attorneys of record shall not withdraw from the case except upon reasonable notice to the defendant and the government and by leave of the judge to whom the case is assigned.~~

~~44.5 Professional Conduct.~~

~~(a) Oklahoma Rules of Professional Conduct Apply. Attorneys practicing in this Court are expected to conduct themselves in accordance with the Oklahoma Rules of Professional Conduct, as adopted by the Oklahoma Supreme Court, as the standard of conduct of all members of the Oklahoma Bar Association. See Title 5 O.S.A. Ch.1, App. 3A. As set forth in the preamble:~~

~~A lawyer's conduct should conform to the requirements of the law, both in professional service to clients and in the lawyer's business and personal affairs. A lawyer should use the law's procedures only for legitimate purposes and not to harass or intimidate others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. While it is a lawyer's duty, when necessary, to challenge the rectitude of official action, it is also a lawyer's duty to uphold legal process.~~

~~In this spirit, all lawyers should become familiar with their duties and obligations, as defined and classified generally in the Oklahoma Rules of Professional Conduct, any interpretive decisions, applicable statutes, and the usages, customs, and practices of the bar.~~

~~(b) Courtroom Behavior. The purpose of this rule is to emphasize, not to supplant, certain portions of those ethical principles applicable to the lawyer's conduct in the courtroom. In addition to all other requirements, therefore, lawyers appearing in this Court shall adhere to the following:~~

- ~~(1) Be punctual in attendance at Court.~~

~~(2) Refrain from addressing anyone in court by first names — use last names only.~~

~~(3) Refrain from leaving the courtroom while court is in session, unless it is absolutely necessary, and then only if the Court's permission has been obtained first.~~

~~(4) At all times, counsel for plaintiff shall occupy the table nearest the jury box and counsel for defendant shall occupy the table furthest from the jury box.~~

~~(5) Ascertain that only one lawyer is standing at a time, unless an objection is being made.~~

~~(6) Bench conferences will be kept to a minimum. Counsel should anticipate issues which will arise during the trial and inform the Court and opposing counsel at the earliest opportunity. Permission must be obtained from the Court to approach the bench, a witness, an exhibit, or the clerk.~~

~~(7) Refrain from employing dilatory tactics.~~

~~(8) Hand all papers intended for the Court to see to the clerk who, in turn, will pass them up to the judge.~~

~~(9) Hand to the clerk any exhibits offered into evidence.~~

~~(10) Advise defendants, witnesses, and others concerning rules of decorum to be observed in court.~~

~~(11) Use the lectern when interrogating witnesses or addressing the jury, unless otherwise permitted by the Court. Appropriate exceptions to this rule shall be made for disability or infirmity.~~

~~(12) Never conduct or engage in experiments or demonstrations unless prior permission is granted by the Court.~~

~~(13) Refrain from conducting a trial when they know, prior thereto, that they will be necessary witnesses, other than as to merely formal matters such as identification or custody of a document or the like. If, during the trial, it is discovered that the ends of justice require the lawyers' testimony, they should from that point on, if feasible and not prejudicial to defendant's case, leave further conduct of the trial to other counsel. If circumstances do not permit withdrawal from the conduct of the trial, lawyers should not argue the credibility of their own testimony.~~

~~(14) Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly uninfluenced by all ill feeling between the parties. Attorneys should abstain from any allusion to personal peculiarities and idiosyncrasies of opposing counsel.~~

~~(15) Rise when addressing or being addressed by the Court. Appropriate exception will be made for disability or medical infirmity.~~

~~(16) Refrain from assuming an undignified posture. Counsel should always be attired in a proper and dignified manner and should abstain from any apparel or ornament calculated to attract attention to themselves.~~

~~(17) At all times exemplify conduct consistent with their obligation as an officer of the Court.~~

~~(18) In making representations to the Court, know or honestly believe them to be supported by fact.~~

~~(19) Comply, along with all other persons in the courtroom, with the following:~~

~~(A) No tobacco in any form will be permitted at any time.~~

~~(B) No propping of feet on tables or chairs will be permitted at any time.~~

~~(C) No water bottles or other beverage containers, bottles or cups, or edibles shall be brought into the courtroom, except with permission of the marshal or courtroom deputy clerk.~~

~~(D) No gum chewing or reading of newspapers or magazines (except as a part of the evidence in a case) will be permitted while court is in session.~~

~~(E) No talking or other unnecessary noises will be permitted while court is in session.~~

~~(F) Everyone must rise when instructed to do so upon opening, closing, or declaring recesses of court. Appropriate exception shall be made for disability or medical infirmity.~~

~~(G) Any attorney who appears in court intoxicated or under the influence of intoxicants, drugs, or narcotics may be summarily held in contempt.~~

44.6 Standards of Practice.

The following are principles intended to guide attorneys in practicing in the Northern District of Oklahoma:

~~(a) In fulfilling his or her primary duty to the defendant, a lawyer must be ever conscious of the broader duty to the judicial system that serves both attorney and defendant.~~

~~(b) A lawyer owes, to the judiciary, candor, diligence and utmost respect.~~

~~(c) A lawyer owes, to opposing counsel, a duty of courtesy and cooperation, the observance of which is necessary for the efficient administration of our system of justice and the respect of the public it serves.~~

~~(d) A lawyer owes, to the administration of justice, the fundamental duties of personal dignity and professional integrity.~~

~~(e) Lawyers should treat each other, the opposing party, the Court, and members of the court staff with courtesy and civility and conduct themselves in a professional manner at all times.~~

~~(f) A defendant has no right to demand that counsel abuse the opposite party or indulge in offensive conduct. A lawyer shall always treat adverse witnesses and suitors with fairness and due consideration.~~

~~(g) In adversary proceedings, though ill feeling may exist, such ill feeling should not influence a lawyer's conduct, attitude, or demeanor towards opposing lawyers.~~

~~(h) A lawyer should not use any form of discovery, or the scheduling of discovery, as a means of harassing opposing counsel or the defendant.~~

~~(i) Lawyers will be punctual in communications with others and in honoring scheduled appearances, and will recognize that neglect and tardiness are demeaning to the lawyer and to the judicial system.~~

~~(j) If a fellow member of the bar makes a just request for cooperation, or seeks scheduling accommodation, a lawyer will not arbitrarily or unreasonably withhold consent.~~

~~(k) Effective advocacy does not require antagonistic or obnoxious behavior and members of the bar will adhere to the higher standard of conduct which judges, lawyers, defendants, and the public may rightfully expect.~~

~~44.7 Discipline by the Court.~~

~~(a) Discipline by Other Courts; Criminal Convictions. Whenever any member admitted to practice in this Court, including a person admitted pro hac vice, has been suspended, disbarred or resigned pending disciplinary proceedings from the practice of law by the Supreme Court of Oklahoma or by any other court of competent jurisdiction or has been convicted of a felony or any crime involving moral turpitude in any court, such disbarment, suspension, or conviction shall operate as an automatic suspension of the attorney's right to practice in this Court, and an order of suspension shall be issued by the Court. Any attorney subject to this rule must notify the Court immediately upon any such suspension, disbarment or resignation. The automatic suspension from this Court shall remain in effect unless the attorney has by motion to the Court within twenty-eight (28) days of the order of suspension shown good cause as to why the suspension should not remain in effect. The Chief Judge or his or her designee shall rule on such motion. If the attorney was disbarred, resigned or was convicted as stated above, an order of disbarment will issue if no motion for good cause has been filed within the required time period.~~

~~(b) Standard Governing Attorney Conduct. The Court adopts the Oklahoma Rules of Professional Conduct as adopted and amended from time to time by the Supreme Court of Oklahoma as the standard governing attorney conduct in this Court.~~

~~(c) Misconduct. Complaints of professional misconduct by counsel are subject to Fed. R. Civ. P. 11. Complaints of professional misconduct may be submitted by a judge of the Court, at his or her discretion, to the Committee on Admissions and Grievances. Upon receipt of a complaint regarding the professional conduct of an attorney, the Committee on Admissions and Grievances shall, after notice and opportunity to be heard, report and recommend to the Court whether:~~

~~(1) The inquiry should be terminated because the question raised is unsupported or insubstantial;~~

~~(2) The alleged professional misconduct justifies further inquiry and, for members of the Oklahoma Bar Association, the matter should be referred to the Office of the General Counsel of the Oklahoma Bar Association for investigation and prosecution by that Office, if warranted;~~

~~(3) The alleged professional misconduct warrants consideration of prompt disciplinary action by this Court regarding the attorney's right to practice before the Court;~~

~~(4) The alleged professional misconduct of an attorney not a member of the Oklahoma Bar Association justifies further inquiry by the Court. Any attorney whose conduct in this Court is under investigation by the Committee on Admissions and Grievances shall not be admitted pro hac vice until the pending investigation is concluded. Any action taken by the Court pursuant to a report and recommendation by the Committee on Admissions and Grievances shall be by a majority vote of the active judges. Nothing contained in this Local Rule shall limit the right of an individual judge to manage~~

~~the cases assigned to that judge, which right shall include, without limitation, the authority to impose any sanctions, penalties or other restrictions which may be appropriate in a particular case, or the authority to refer a matter for consideration to the Committee on Admissions and Grievances on an advisory basis.~~

~~(d) Right to a Hearing. Except as otherwise provided under subsection (a), this Court shall not impose any disciplinary action affecting an attorney's right to practice before the Court until after a hearing on the matter has been held before a judge or panel of judges. The attorney may waive the right to a hearing. At the hearing, the attorney whose conduct is the subject of the complaint shall be afforded an opportunity to appear in person and/or by counsel, to present oral and documentary evidence, to compel the attendance of witnesses or the production of documents, to cross-examine witnesses, and to present argument orally or in writing. If not called by the attorney whose conduct is being investigated, it is within the discretion of the judge or panel to call the complaining party to appear at the hearing.~~

~~(e) Sanctions. Discipline by this Court may include disbarment, suspension from practice for a definite time, reprimand, or other discipline which the Court deems proper. Referral of a complaint to the Office of the General Counsel of the Oklahoma Bar Association for investigation shall not constitute such discipline as to entitle the attorney to a hearing in this Court on the propriety of the referral.~~

~~(f) Contempt of Court. Disciplinary proceedings under this rule shall not affect or be affected by any proceeding for contempt under Title 18 of the United States Code or under Fed. R. Crim. P. 42.~~

~~(g) Unauthorized Practice. Any person who before admission to the bar of this Court or who during disbarment or suspension exercises any of the privileges bestowed upon members of this bar, or who pretends to be entitled to such privileges, or who otherwise engages in the unauthorized practice of law before the Court, shall be guilty of contempt of this Court and shall be subject to punishment therefor and shall be subject to any other discipline which the Court may impose.~~

~~(h) Reinstatement. Persons disbarred indefinitely from practice before this Court may not petition for reinstatement until three (3) years following disbarment or until two (2) years following an adverse decision upon a previous petition for reinstatement; provided, however, that a person disbarred under subsection (a) may apply for reinstatement at any time upon being reinstated by the disciplining body. Persons suspended indefinitely must satisfy all conditions to reinstatement imposed by the Court at the time of suspension.~~

LCrR44 ELIMINATED. ATTORNEY RULES MOVED TO LGnR4.

Rule 49.1 – Privacy Protection for Filings Made with the Court

OKLAHOMA NORTHERN DISTRICT COURT

~~LCrR49.1.1. Redaction of Personal Data Identifiers.~~

~~49.1.1 Redaction of Personal Data Identifiers.~~

~~(a) In compliance with the policy of the Judicial Conference of the United States and the E-government Act of 2002 (Pub. L. 107-347, which was enacted on December 17, 2002), and in order to promote electronic access to case files while also protecting personal privacy and other legitimate interests, parties shall refrain from including, or shall partially redact where inclusion is necessary, the following personal data identifiers from all pleadings filed with the Court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court:~~

- ~~• **Social Security/Tax Identification Numbers.** If a Social Security or Tax Identification number must be included in a pleading, only the last four digits of that number shall be used.~~
- ~~• **Names of Minor Children.** If the involvement of a minor child must be mentioned, only the initials of that child shall be used.~~
- ~~• **Dates of Birth.** If an individual's date of birth must be included in a pleading, only the year shall be used.~~
- ~~• **Financial Account Numbers.** If financial account numbers are relevant, only the last four digits of these numbers shall be used.~~
- ~~• **Home Addresses.** If a home address must be included, only the city and state shall be used. The responsibility for redacting these personal data identifiers rests solely with counsel and the parties. The clerk will not review each pleading for compliance with this general rule.~~

~~In addition, parties should exercise caution when filing a document that contains any of the following information and should consider filing such document under seal, or may refrain from including, or may partially redact where inclusion is necessary: personal identifying numbers such as driver's license numbers; medical records, treatment and diagnosis; employment history; individual financial information; proprietary or trade secret information; information regarding an individual's cooperation with the government; information regarding the victim of any criminal activity; national security information; and sensitive security information as described in 49 U.S.C. § 114(s).~~

~~(b) In compliance with the E-Government Act of 2002, a party wishing to file a document containing the personal data identifiers or other confidential information listed above may:~~

- ~~• File an unredacted version of the document under seal, which shall be retained by the Court as part of the record; or~~
- ~~• File a reference list under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its (their) place in the filing. All references~~

in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete identifier. The reference list must be filed under seal, and may be amended as of right. The reference list shall be retained by the Court as part of the record.

— The Court may, however, still require the party to file a redacted copy of the document for the public file. The unredacted version of the document or the reference list shall be marked underneath the case “UNREDACTED VERSION” or “SEALED REFERENCE LIST.”

COVERED UNDER PROPOSED LOCAL CIVIL RULE 5-2.

Rule 53. Courtroom Photographing and Broadcasting Prohibited

~~53.1 Use of Electronic Devices, Photographs or Tape Recorders.~~

~~(a) The taking of photographs and operation of tape recorders and radio or television broadcasting in the courthouse during the progress of or in connection with judicial proceedings, including proceedings before a magistrate judge, whether or not Court is actually in session, is prohibited.~~

~~(b) A judge may, however, permit (1) the use of electronic or photographic means for the presentation of evidence or the perpetuation of a record, and (2) the broadcasting, televising, recording, or photographing of investiture, ceremonial, or naturalization proceedings.~~

~~(c)~~

~~(1) The Court prohibits the use of cellular telephones, pagers, or other electronic communication devices in the courtroom. Such devices may be carried on the person within a courtroom only if the device is turned off.~~

~~(2) All electronic communications devices including cell phones, personal data assistants, smartphones, and wireless laptops are prohibited from being turned on in the courtroom without express permission from the Court.~~

~~(3) Many electronic devices contain cameras and recorders. Use of cameras and recorders are specifically prohibited notwithstanding permission to use an electronic device. Certain ceremonies and investitures are exceptions, but all such activities within a courtroom require permission from the Court.~~

~~(4) Without the Court's express approval, electronic communication devices shall not be used for peer-to-peer wireless communication or network communication within the courtroom or from the courtroom to another location outside the courtroom. Persons entering the courtroom may be asked to reveal any such devices in order to ensure that they are turned off. Persons violating this Local Rule may be escorted from the courtroom, denied access to further proceedings, and subjected to other sanctions deemed necessary by the Court.~~

RULE ELIMINATED. NEW RULE ON ELECTRONIC DEVICES LGnR6.