

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA

IN THE MATTER OF

AMENDED LOCAL RULE
83 EFFECTIVE AUGUST
15, 2018


PUBLIC
ADMINISTRATIVE ORDER

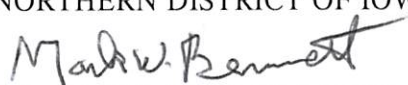
No. 18-AO-0005-P
(Amends No. 17-AO-0003-P)

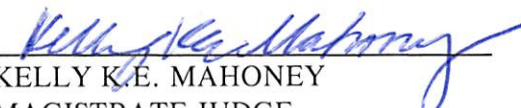
The changes to Local Rule 83, which the court published on the court's website and are attached to this order, are hereby adopted. The Local Rules for the Northern District of Iowa as amended are effective August 15, 2018.

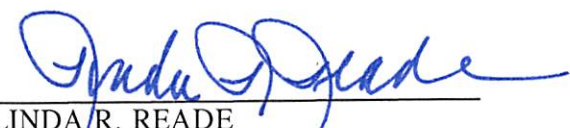
IT IS SO ORDERED.


DATED this 8th day of August, 2018.


LEONARD T. STRAND
CHIEF JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA


MARK W. BENNETT
DISTRICT JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA


KELLY K.E. MAHONEY
MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA


LINDA R. READE
DISTRICT JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA


C.J. WILLIAMS
CHIEF MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA

Certified original placed in Public Administrative Order Book.

Copies disbursed this 14th day of August, 2018 via email to:

Chambers of Chief Judge Leonard T. Strand
Judge Linda R. Reade
Chambers of Judge Linda R. Reade
Chambers of Judge Mark W. Bennett
Chambers of Chief Magistrate Judge C.J. Williams
Chambers of Judge Kelly K.E. Mahoney
Robert Phelps, Clerk of District Court
Paul DeYoung, Chief Deputy
Kim Schwartz, Deputy in Charge
Bryan Woodward for posting on the external NDIA web-site



Andrea Freeman
Administrative Assistant



LR 83 LAWYERS

a. **Roll of Lawyers.** The bar of each court consists of counsel admitted to practice before the court who have taken the oath or affirmation prescribed by the rules in force when they were admitted.

b. **Qualifications for Admission and Practice.**

Admission to the Bar. A lawyer is qualified for admission to the bar of the district if the lawyer is currently in good standing as a lawyer admitted to practice in the state courts of Iowa. A lawyer who is a government lawyer, a Federal Public Defender, or an Assistant Federal Public Defender, and who is permanently stationed in the state of Iowa, may be admitted to the bar of this court if the lawyer is currently a member in good standing of the bar of any United States District Court or the highest court of any state, territory, or insular possession of the United States. Once admitted to the bar of the district, every lawyer, in order to maintain standing to practice in the district, must pay an annual fee per district as further described in (c)(4). A lawyer who fails to comply with the requirements of this subsection may be suspended from practice in the court by the Chief Judge of the district until the requirements are met.

c. **Procedure for Admission and Proof of Qualifications.**

1. **Applications.** An applicant for admission must send to the Clerk of Court a verified petition setting forth the items of information specified on the official form available on the courts' websites. Upon the filing of a petition showing compliance with this rule, and the payment of the prescribed admission fee, the taking of the oath hereinafter prescribed, and the entry of an order of admission by the court, the Clerk of Court will issue to the petitioner a certification of admission to the bar of the district court.
2. **Documents to Accompany the Verified Petition.** Along with the verified petition for admission, the applicant also must deliver to the Clerk of Court the following:
 - A. A completed and signed lawyer registration form for registration in the ECF system (this form is appended to the ECF Procedures manual, and may be found on the courts' websites); and
 - B. Any other documentation required by the court for registration in the ECF system, as described in the ECF Procedures Manual.
3. **Open Court.** With leave of court, lawyers eligible for admission under this rule may be admitted to practice upon motion in open court by any member of the bar of the court to which admission is sought after a satisfactory showing of good moral character of the applicant, taking the oath hereinafter prescribed, and paying to the Clerk of Court the prescribed admission fee.

4. **Fees.** The prescribed admission fee must be paid to the Clerk of Court before admission. In addition, the annual fee must be paid directly to the district or districts in which the lawyer is admitted. A lawyer admitted in both districts is required to pay the annual district fees in each of the districts. Any such fee, and any portion of the pro hac vice fee retained by the district court, will be collected by the Clerk of Court, placed to the credit of a district fund, and administered in such a manner as is consistent with the law and as the court may direct.
5. **Oath of Admission.** I, _____, do solemnly swear or affirm that, an attorney and as a counsel of this court, I will conduct myself uprightly and according to law, and that I will support the Constitution of the United States.

d. Appearance and Withdrawal.

1. **Who May Appear Generally.** Only a member of the bar of the district may appear as a lawyer in the courts of the district, except where pro hac vice appearance is permitted by the court, where a Federal Public Defender or an Assistant Federal Public Defender from another district appears for a defendant or witness in a criminal case, or where a government lawyer appears for the United States.
2. **Appearance in Criminal Case by Lawyer Who Is Not a Member of the Bar of the District.** A lawyer who is not a member of the bar of the district must, before appearing in a criminal case, file a motion to appear pro hac vice on a form available on the courts' websites. This rule in no manner limits the right of a defendant in a pending criminal case to employ and be represented by counsel of the defendant's own selection, provided such counsel is a member in good standing of the bar of a state of the United States or of a United States court and has not been convicted of a felony, suspended, or disbarred, as provided in subsection (f)(5) of this rule. A lawyer appearing pro hac vice in a criminal case is not required to comply with the associate counsel requirements contained in subsection (d)(4) of this rule, and is not required to pay a pro hac vice admission fee. However, a lawyer appearing pro hac vice in a criminal case is required to register in the court's ECF system. (See subsection (d)(3)(C) of this rule).
3. **Pro Hac Vice Admission.** A lawyer who is not a member of the bar of the district may be admitted to practice in a particular case pro hac vice by filing a motion asking to be admitted pro hac vice. By asking to be admitted pro hac vice, the lawyer agrees that in connection with the lawyer's pro hac vice representation, the lawyer will submit to and comply with all provisions and requirements of the Iowa Rules of Professional Conduct, or any successor code adopted by the Iowa Supreme Court. Full instructions are available on the courts' websites.
 - A. **Motion.** To be admitted pro hac vice, a lawyer must file a motion to appear pro hac vice on the form available on the courts' websites.

B. Civil Cases. A lawyer who files a motion for admission pro hac vice in a civil case must submit contemporaneously to the Clerk of Court the following:

1. The prescribed pro hac vice admission fee;
2. A completed and signed lawyer registration form for the ECF system (this form is appended to the ECF Procedures Manual and may be found on the courts' websites); and
3. Any other documentation required by the court for registration in the ECF system, as described in the ECF Procedures Manual.

If a lawyer files a motion for admission pro hac vice in a civil case and the motion is granted, and the Clerk of Court does not receive the documentation required for registration in the ECF system within 14 days after the filing of the motion, the court may enter an order revoking the admission pro hac vice.

C. Criminal Cases. A lawyer who files a motion for admission pro hac vice in a criminal case must submit contemporaneously to the Clerk of Court the following:

1. A completed and signed lawyer registration form for the ECF system (this form is appended to the ECF Procedures Manual and may be found on the courts' websites); and
2. Any other documentation required by the court for registration in the ECF system, as described in the ECF Procedures Manual.

If a lawyer files a motion for admission pro hac vice in a criminal case and the motion is granted, and the Clerk of Court does not receive the documentation required for registration in the ECF system within 14 days after the filing of the motion, the court may enter an order revoking the admission pro hac vice.

4. **Associate Counsel Requirement.** Except parties proceeding pro se or lawyers appearing in criminal cases and complying with the requirements of subsection (d)(2) of this rule, any lawyer who is not qualified to practice under section (b) of this rule must, in each proceeding in which the lawyer appears, associate with counsel who is so qualified. The qualified associate counsel must enter a written appearance with his or her name, law firm, office address, telephone number, facsimile number, and e-mail address, which will be entered of record. Thereafter, all materials required to be served upon the nonqualified lawyer also must be served upon the qualified associate counsel.

A lawyer not qualified to practice under section (b) or subsection (d)(2) of this rule must not file any document unless, at the time of the filing, qualified associate counsel has entered a written appearance on behalf of the party represented by the nonqualified lawyer and has signed the document.

5. Form of Appearance. Any lawyer representing a party in any action or proceeding who did not sign the first pleading filed on behalf of the party must file with the Clerk of Court a separate “notice of appearance.” The notice must clearly reflect the lawyer’s name, law firm, office address, telephone number, facsimile number, e-mail address, and the name of the party for whom appearance is made. If more than one lawyer has appeared on behalf of a party, the notice must identify the lead counsel. Lawyers who have appeared are responsible for informing the court of any changes in this information with respect to all cases in which they have appeared.

6. Withdrawal Procedure. A lawyer who has appeared of record in a case and desires to withdraw from representation of a party is not relieved of his or her duties to the court, to the client, or to opposing counsel until one of the following is satisfied: **(A)** another lawyer has appeared of record for the client, and the withdrawing lawyer has filed a notice of withdrawal with the Clerk of Court and has served the notice on opposing counsel and the client; or **(B)** the withdrawing lawyer has filed a motion to withdraw with the Clerk of Court, has served the motion on opposing counsel and the client, and has received leave of court to withdraw for good cause shown.

A motion to withdraw must indicate the trial date and must contain a list of all pending motions and the dates on which they were filed.

e. Courtroom Decorum. Counsel in the courtroom must conduct themselves with dignity and propriety. Unless excused by the court, counsel must stand when addressing the court or the jury. Examination of witnesses must be conducted from counsel table or a lectern, except when it is necessary to approach a witness, court clerk, or exhibit table for the purpose of presenting or examining exhibits. Counsel must not approach a witness or the bench unless the court requests or counsel obtains permission from the court.

f. Rules of Conduct and Disciplinary Procedures.

1. Applicability of Iowa Rules of Professional Conduct. The Iowa Rules of Professional Conduct, or any successor code adopted by the Iowa Supreme Court, govern all members of the bar of this court and, to the extent provided in subsection (d)(3) of this rule, those admitted pro hac vice. A violation of the standards established in those rules of conduct is “misconduct” for purposes of this section.

2. Lawyer Discipline. Any member of the bar of this court and any lawyer admitted pro hac vice may, for good cause shown after an opportunity to be heard in accordance with the disciplinary procedures prescribed in this subsection, be disbarred in this court, suspended from practice before this court for a definite or

indefinite time, reprimanded, or subjected to such other discipline as the court may deem proper. These procedures apply only to proceedings that have as their primary purpose the discipline of a lawyer for misconduct, and do not limit the court's authority to order sanctions or other remedies as permitted by law.

3. **Disciplinary Proceedings.** When a member of the bar of this court or a lawyer admitted pro hac vice allegedly engages in misconduct and the alleged misconduct comes to the attention of the court, the court may initiate informal or formal disciplinary proceedings against the lawyer (the "respondent lawyer") under this subsection.

A. **Payment of Expenses.** Any expenses incurred in the furtherance of either formal or informal disciplinary proceedings shall be paid from the Attorney Admission Fee Fund.

B. **Informal Disciplinary Proceedings.** A federal judge may initiate and conduct informal disciplinary proceedings in any appropriate manner, including by the entry of orders (including show cause orders), the conducting of hearings, and the imposition of sanctions. A lawyer will not be suspended or disbarred from practice before this court as a result of informal disciplinary proceedings.

C. **Formal Disciplinary Proceedings.** A federal judge may initiate formal disciplinary proceedings by asking the Chief Judge of the district where allegations of misconduct arise to order the appointment of a special counsel to investigate and report to the Chief Judge on the allegations. The Chief Judge may appoint a special counsel, or may, in his or her discretion, defer formal disciplinary proceedings pending the results of disciplinary proceedings in a state or another federal jurisdiction. In an order appointing a special counsel under this subsection, the Chief Judge may specify any special authority the special counsel is authorized to exercise in the conduct of the investigation, such as, for example, the power to issue subpoenas for depositions and documents and the power to require a respondent lawyer to respond to written interrogatories.

1. **Investigation and Report.** The special counsel is to investigate the allegations and make a written report to the Chief Judge which includes the following: (a) a history and factual background of the allegations; (b) a recommendation as to whether there is or is not probable cause to support the allegations; and (c) the reasons for the recommendation. The special counsel also may make recommendations concerning the disposition of the allegations.

2. **Determination by Chief Judge.** After reviewing the report of the special counsel, the Chief Judge will determine whether formal

disciplinary proceedings should or should not be continued against the respondent lawyer. If the Chief Judge determines formal disciplinary proceedings should not be continued, and the respondent lawyer has been given notice of the referral of the allegations of misconduct to a special counsel, then the respondent lawyer will be notified by the Clerk of Court that formal proceedings will not be continued. If the Chief Judge determines formal disciplinary proceedings should be continued, the Chief Judge will issue a show cause order notifying the respondent lawyer of the misconduct alleged and the probable cause finding of the special counsel and directing the respondent lawyer to show cause within 30 days why the respondent lawyer should not be disciplined.

3. **Service.** The Clerk of Court will have the show cause order served on the respondent lawyer by personal service or by registered or certified mail sent to the respondent lawyer's last known address according to the Clerk of Court's records.
4. **Default.** If the respondent lawyer fails to respond within the time required, the Chief Judge may order any proper discipline.
5. **Proceedings after Answer.** If the respondent lawyer files an answer to the show cause order, and (a) raises an issue of fact, or (b) includes in the answer a request to be heard, the Chief Judge will set the matter for prompt hearing before a panel of three federal judges appointed by the Chief Judge. The panel will not include any judge before whom the alleged misconduct occurred.

The panel will prescribe such procedures as are necessary to hear and decide the issues raised in the show cause order or answer. The panel will issue a final order. If the final order contains a finding of misconduct, the order will provide for any discipline to be imposed on the respondent lawyer.

6. **Delegation by Chief Judge.** In any disciplinary proceeding brought under section (f) of this rule, including a formal disciplinary proceeding initiated by the Chief Judge under subsection (f)(3)(C) of this rule, the Chief Judge may delegate any function assigned to the Chief Judge under these rules to another district court judge.
4. **Sealing of Documents.** A final order entered in a formal disciplinary proceeding that contains a finding of misconduct will be filed in the public record unless the members of the panel unanimously order that it be filed under seal. Any other

document filed in connection with a formal disciplinary proceeding must be filed under seal, and will remain sealed until such time as an order unsealing the document is entered by one of the judges on the panel.

5. **Felony Conviction; Suspension or Disbarment in Another Court.** If a member of the bar of this court or a lawyer admitted to practice pro hac vice is convicted of a felony or is suspended or disbarred from practicing in any federal or state court, the lawyer must notify the Clerk of Court immediately of the conviction, suspension, or disbarment. Thereafter, the lawyer will be suspended or disbarred from practice before this court unless the lawyer, with 14 days after the Clerk of Court has mailed notice to the lawyer's last known mailing address, shows good cause why such action should not be taken.

Any person who, before admission to the bar of this court or during disbarment or suspension from practice in any federal or state court, and without specific leave of this court, exercises any of the privileges of a member of the bar of this court in any action or proceeding pending in the Northern or Southern Districts of Iowa, or pretends to be entitled to do so, is guilty of contempt of court and is thereby subject to appropriate punishment.

The procedures provided in subsection (f)(3) of this rule do not apply to matters arising under this subsection.

- g. **Dereliction of Counsel.** When a case has been dismissed because of inexcusable neglect or other dereliction of counsel, the court may impose such sanctions upon counsel as the court deems appropriate, including those provided in section (f) of this rule.

- h. **Law Student Practice.** With permission of the presiding judge, and under such restrictions as the presiding judge may impose, a law student enrolled in a reputable law school as defined in Iowa Supreme Court Rule 31.8 and Iowa Code § 602.10102 may appear as counsel before the court under the following conditions:

1. **Certification.** The dean of the law school must certify to the court that the student has completed at least three semesters of the work required by the school to qualify for a J.D. or an equivalent degree;
2. **Supervision.** The student's appearance must be under the direct supervision of a lawyer admitted to practice before this court who is personally present and has appeared of record in the case; and
3. **Compensation.** The student must not receive compensation for a court appearance, but this prohibition does not prevent a student from receiving general compensation from an employer-lawyer or from a source of funds unrelated to the case or the parties. Nothing in this rule prevents the court from awarding reasonable attorney fees under an appropriate statute for a student's work as long as the student does not receive any of the fee.