

RULE 83.1

ATTORNEY ADMISSION TO PRACTICE

(a) **Who May Apply**. A person admitted to practice before the courts of New York State, including those admitted pursuant to Rule 520.11 of the Rules of the New York Court of Appeals, may, on motion of a member of the bar of this Court, apply to be admitted to practice in this Court upon compliance with the following provisions of this rule. Qualification to appear as an attorney of record remains subject to Local Rule of Civil Procedure 83.2.

(b) **Verified Petition**. Each applicant for admission shall file with the Clerk of this Court at least thirty days prior to a hearing thereon (unless for good cause shown the Court shortens the time) a verified petition for admission stating:

- (1) the applicant's residence and office addresses;
- (2) the applicant's educational background and major areas of professional activities since initial admission to the bar;
- (3) the time, place and court where initially admitted;
- (4) whether the applicant has ever been held in contempt of court, or censured in a disciplinary proceeding, suspended or disbarred by any court or admonished by any disciplinary committee of the organized bar, or is the subject of any pending complaint before any court. If the answer is in the affirmative, the applicant shall file a separate confidential statement under seal specifying the court or disciplinary committee imposing the sanction, the date, the facts giving rise to the disciplinary action or complaint, the sanction imposed, and such other information, including any facts of a mitigating or exculpatory nature as may be pertinent, and such confidential statement, together with the petition, shall promptly be transmitted by the Clerk to the Chief Judge of the District for review;
- (5) that the applicant has read and is familiar with:
 - (A) the provisions of the Judicial Code, 28 U.S.C. §§ 1330-1452, which pertain to jurisdiction of and venue in a United States District Court;
 - (B) the Federal Rules of Civil Procedure;
 - (C) the Federal Rules of Criminal Procedure;
 - (D) the Federal Rules of Evidence;
 - (E) the Local Rules of Practice for the United States District Court for the Western District of New York;

(F) the Revised Plan for the Prompt Disposition of Criminal Cases for the Western District of New York;

(G) the New York State Lawyer's Code of Professional Responsibility as adopted from time to time by the Appellate Divisions of the State of New York, and as interpreted and applied by the United States Supreme Court, the United States Court of Appeals for the Second Circuit, and this court; and

(H) the Civility Principles of the United States District Court for the Western District of New York.

(6) that the applicant agrees to adhere faithfully to the New York State Lawyer's Code of Professional Responsibility as adopted from time to time by the Appellate Divisions of the State of New York.

(c) **Time for Admissions.** Applications for admission shall be entertained on the scheduled motion days in Rochester and Buffalo, or on other days deemed appropriate by the Court.

(d) **Affidavit of Sponsoring Attorney.** The verified petition shall be accompanied by an affidavit of an attorney of this Court stating when the affiant was admitted to practice in this Court, how long and under what circumstances the affiant has known the applicant, and what the affiant knows of the applicant's character.

(e) **Attorneys Admitted to Other Districts Within the State.** A member in good standing of the bar of the United States District Court for the Southern, Eastern or Northern District of New York may be admitted to practice in this Court without formal application upon filing with this Court a certificate of the United States District Court for such District stating that he or she is a member in good standing of the bar of that Court, together with a completed attorney's oath and the proper fee. The certificate of good standing must be dated no earlier than six months prior to the date of submission to this Court.

(f) **Attorneys Admitted to Districts Outside the State.** A member in good standing of any United States District Court and of the bar of the state in which such District Court is located may apply to be admitted to practice in this Court on compliance with the provisions of parts (b), (c), (d), (g) and (l) of this rule.

(g) **Oath, Pro Bono Service.** Prior to being admitted to this Court, each applicant must take the oath of admission to this Court. Every member of the bar of this Court shall be available upon the Court's request for appointment to represent or assist in the representation of indigent parties. Appointments under this rule shall be made in a manner such that no attorney shall be requested to accept more than one appointment during any twelve month period.

(h) **Change of Address, Etc..** All attorneys admitted to practice before this Court must

advise the Clerk in writing of any change in name, firm affiliation, office address or telephone number within thirty days of such change. Additionally, counsel must identify those pending cases on which he or she will remain counsel of record. The standard form for notifying the Clerk is available in both Clerk's offices or on the Court's website at www.nywd.uscourts.gov.

(I) **Admission Pro Hac Vice.** An attorney duly admitted to practice in any state, territory, district or foreign country may in the discretion of the Court be admitted *pro hac vice* to participate before the Court in any matter in which he or she may for the time be employed. Applicants for admission *pro hac vice* must provide the Court with information sufficient to satisfy all subparts of subdivision (b) of this rule. Attorneys admitted *pro hac vice* are subject to the provisions of Local Rule of Civil Procedure 83.2(a) regarding local counsel.

(j) **Government Attorneys.** United States Attorneys, Assistant United States Attorneys, special attorneys appointed under 28 U.S.C. §§ 541-543, attorneys of the Department of Justice under 28 U.S.C. § 515, attorneys serving as Federal Public Defenders or Assistant Federal Public Defenders and attorneys employed by a federal agency, shall be admitted to practice before the Court on any matter within the scope of such employment.

(k) **Admission to Practice in Bankruptcy Matters.** Practice in bankruptcy matters before either the District Judges or the Bankruptcy Judges of this District shall be limited to attorneys admitted under this rule, subsections (a)-(j). Such attorney shall certify knowledge of such sources and provisions of bankruptcy law and rule as the Bankruptcy Court shall require by local rule approved by this Court. The "local counsel" requirement of Rule 83.2 shall not apply in bankruptcy matters unless otherwise directed by a District Judge or Bankruptcy Judge in a specific matter. This subsection of this rule shall not apply to a student admitted under the Student Practice Rule of the Bankruptcy Court.

(l) **Fees for Admission.** Each applicant for admission to this Court shall pay the fee set by the Judicial Conference plus an additional fee set by the Court. Attorneys who are admitted *pro hac vice* shall pay to the Clerk a fee in the amount set by the Court unless such fee is waived by the presiding Judge or Magistrate Judge upon a showing of good cause. Applicants for admission should contact the Clerk's office for exact fee information. A portion of the fee charged to applicants for admission to practice before the Court and to attorneys admitted *pro hac vice* shall be deposited in the District Court Fund.

The Clerk shall be the trustee of the District Court Fund. Monies deposited in the District Court Fund shall be used only for the benefit of the bench and bar in the administration of justice, including, but not limited to, reimbursement of expenses incurred by counsel assigned to represent indigent clients pursuant to the provisions of this rule.

(m) **Expenses of Assigned Counsel.** *Pro bono* attorneys who are appointed pursuant to this rule and are unsuccessful in obtaining counsel fees may seek reimbursement for expenses incident to representation of indigent clients by application to the Court. Reimbursement will be permitted to the extent possible in light of available resources and pursuant to the Plan for the Administration of the District Court Fund on file with the Clerk.

(n) **Civility Principles**. Each applicant for admission must complete the oath attached to the Court's Civility Principles. The completed oath must be submitted with the admission application. This requirement applies to all attorneys seeking admission to the bar of this Court, whether by petition, certificate of good standing or *pro hac vice*.