

## **XII. ATTORNEYS**

### **Rule 83 - 12.01 Attorney Admission.**

#### **(A) Roll of Attorneys.**

The bar of this Court consists of those attorneys who have been granted admission upon satisfaction of the requirements for admission to practice before this Court prescribed by the rules in force at the time of their application for admission. Except as otherwise provided in this rule, only attorneys enrolled pursuant to the rules of this Court or duly admitted pro hac vice may file pleadings, appear, or practice in this Court.

Nothing in these rules is intended to prohibit any individual from appearing personally on his or her own behalf. An attorney admitted to practice in another Federal District Court or licensed by any state to practice law may appear and represent the United States or the State of Missouri, or any of their respective departments or agencies, without general admission to the bar of this Court. Admission to the bar of this Court is not required in order to file or appear in a miscellaneous case, to appear in a case transferred to this Court pursuant to 28 U.S.C. § 1407 on an order of the Judicial Panel on Multidistrict Litigation, or in any other case transferred from another District Court on an order of that District Court.

#### **(B) Qualifications for Admission.**

An attorney of good moral character who holds a license to practice law from, and who is a member in good standing of the bar of, the highest court of any state or the District of Columbia may apply for admission to the bar of this Court.

#### **(C) Procedure for Admission.**

A candidate for admission to the bar must file electronically a verified application for admission on a form provided by the Clerk of the Court. In addition to the completed form, the

applicant must submit: (1) a current certificate of good standing from the highest court of the state of the applicant's primary practice; and (2) the prescribed application fee. Applicants who attend this Court's biannual admission ceremony in Jefferson City who are admitted to the Missouri Bar on the same day as this Court's ceremony are not required to submit a current certificate of good standing from the Supreme Court of Missouri. If the Court determines that an investigation of an applicant's character and fitness is necessary, a member of the bar of the Eastern District of Missouri may be appointed by the Chief Judge to conduct an examination of the applicant's background and report written findings to the Court. An attorney appointed for this purpose will be compensated from the Attorney Admission Fee Non-Appropriated Fund at a reasonable hourly rate, provided that total compensation may not exceed \$2,500.00 plus actual expenses. Each completed application will be examined by the Clerk of Court for satisfactory evidence of compliance with these rules. The Clerk is authorized to approve an application for admission that satisfies these requirements. Upon approval of an application for admission, the attorney must take an oath or affirmation administered by a district, magistrate or bankruptcy judge of this Court. For good cause, the oath may be administered via telephone, videoconference or other electronic means. Admission to the bar of any division will constitute admission to practice in all divisions of the Court, including the Bankruptcy Court.

**(D) Admission of Government Attorneys.**

An attorney representing the United States, the State of Missouri or another State, or any of their respective departments, officials or agencies may apply for special Government Counsel limited admission to the bar of this Court. The applicant must be a member in good standing of the bar of the highest Court of any State or the District of Columbia. A candidate for limited admission under this rule must file electronically a verified application on a form provided by the

Clerk of Court. The application must include a letter written on the employing government agency's letterhead containing a statement signed by the agency executive indicating the applicant's name, title and current employment status.

**(E) Renewal of Membership.**

The roll of attorneys admitted to practice before this Court will be renewed quadrennially commencing after 1999. A renewal registration on a form provided by the Court must be filed with the Clerk by every member of the bar on or before the thirty-first day of January of each renewal year. Each renewal registration must be accompanied by a fee in an amount set by order of the Court at least ninety days prior to each registration period. The Clerk will publish notice or otherwise inform the bar of the renewal requirement and the fee at least sixty days before the deadline for filing such renewal registration forms.

The Clerk will deposit the renewal registration fees collected pursuant to this rule into the fund created by Local Rule 12.03, to be used for the purposes specified in that rule, and to defray the expenses of maintaining a current register of members of the bar of this Court.

An attorney who fails to file the required renewal registration and pay the renewal fee will be provisionally removed from the roll of members in good standing, and the attorney's privilege to file pleadings, appear and practice in any division of the Eastern District of Missouri will be suspended. If no renewal registration is filed within three months of the delinquency, the name of the attorney will be permanently removed from the roll by order of the Court, without prejudice to a subsequent application for admission.

**(F) Admission Pro Hac Vice.**

An attorney who is not regularly admitted to the bar of this Court, but who is a member in good standing of the bar of the highest court of any state or the District of Columbia, may be

admitted pro hac vice for the limited purpose of appearing in a specific pending action. Unless allowed by a judge for good cause, an attorney may not be granted admission pro hac vice if the applicant resides in the Eastern District of Missouri, is regularly employed in the Eastern District of Missouri, or is regularly engaged in the practice of law in the Eastern District of Missouri. A motion requesting admission pro hac vice must be verified and must include the name of the movant attorney, the address and telephone number of the movant, the name of the firm under which the movant practices, the name of the law school attended and the date of graduation, the movant's dates and places of admission to practice law; and a statement that the movant is in good standing in all bars in which he or she is a member, and that the movant does not reside in the Eastern District of Missouri, is not regularly employed in this district, and is not regularly engaged in the practice of law in this district. The movant attorney must include as an attachment to the motion for admission pro hac vice a current certificate of good standing from the highest court of the state in which the attorney resides or is regularly employed as an attorney, or other proof of good standing satisfactory to the Court. The motion must be filed with the Clerk of the District Court or with the Clerk of the Bankruptcy Court, as appropriate, where the action is pending, with payment of the prescribed fee. If the attorney has not previously been issued an electronic filing login and password for the CM/ECF System, the attorney must request a login and password through the online attorney registration system, AttorneyReg. Once the login and password has been issued by the Court, all subsequent documents submitted to the Court by that attorney must be filed electronically, including the motion for pro hac vice admission and any subsequent motion for pro hac vice admission. Attorneys not admitted to this Court who appear in a miscellaneous case, in a case transferred to this Court pursuant to 28 U.S.C. § 1407 on an order of the Judicial Panel on Multidistrict

Litigation, or in any other case transferred from another District Court on an order of that District Court, must request a login and password through the online attorney registration in the same manner as described above for attorneys seeking admission pro hac vice.

**(G) Duty to Report Contact Information.**

Attorneys admitted to practice under this rule have a continuing duty to promptly notify the Clerk of any change of name, business address, telephone number, or e-mail address.

**(H) Registration Number.**

Each attorney granted regular admission to the bar of this Court will be issued a registration number which must be included with the attorney's signature block on every filing in this Court.

**(I) Court Appointed Representation.**

Attorneys who are members in good standing of the bar of this Court will be required to represent without compensation indigent parties in civil matters when so ordered by a judge of this Court, and to accept appointments by a judge to represent indigent criminal defendants under the Criminal Justice Act unless exempt by rule or statute, except when such representation would create a conflict of interest. Statutory fees and expenses may be awarded as provided by law to an attorney appointed under this rule.

(Amendment to Paragraph (D) adopted October 2, 1999, effective December 1, 2000; Amendment to Paragraph (C) adopted July 9, 2004, effective August 16, 2004; Amended July 10, 2006, effective August 28, 2006; Amendment to Paragraph (A) adopted April 9, 2007, effective May 14, 2007; Amendment to Paragraph (E) adopted November 21, 2008, effective January 1, 2009; Amendment to Paragraph (D) adopted May 7, 2010, effective June 15, 2010; Amended June 15, 2012, effective August 1, 2012; Amended November 5, 2014, effective December 15, 2014; Amended November 4, 2015, effective January 1, 2016; Amended September 7, 2016, effective December 1, 2016.)