

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, ~~or~~ 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 each state and each Federal Court in which the applicant is admitted to 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 ~~will~~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 in the bar of the jurisdiction 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 motion for pro hac vice admission must be filed in paper form, together with the E-Filing Registration Form. Upon admission pro hac vice, a permanent electronic filing~~

~~login and password will be issued by the Court~~ 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, ~~A~~ all subsequent documents submitted to the Court by an ~~that~~ attorney admitted pro hac vice ~~must be filed electronically (except as otherwise provided herein),~~ including ~~each~~ 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.)

Rule 83 - 13.03 Bonds and Other Sureties.

(A) General Requirements.

Every bond, recognizance or other undertaking required by law or Court order in any proceeding ~~shall~~must be executed by the principal obligor or by one or more sureties qualified as provided in this rule.

(B) Unacceptable Sureties.

Employees of the Court, employees of the United States Marshal Service, any member of the bar of this Court and any employee of such member ~~shall~~will not be accepted as surety on a cost bond, bail bond, appeal bond, or any other bond filed in this Court, except as authorized by a Judge.

(C) Corporate Surety.

A corporate surety must be approved by the United States Department of the Treasury (Circular 570) and the Missouri Department of Insurance, ~~as evidenced by a current certificate of authority~~The Court will verify that the surety has a current active license with the Fidelity and Surety Business Authority prior to acceptance, and will not accept the surety if the license is not current and active. In all cases, a valid power of attorney showing the authority of the agent signing the bond must either be on file with the Court or attached to the bond with a tender of the required fee.

(D) Real Property Bonds.

Persons competent to convey real estate in the State of Missouri of an unencumbered value of at least the stated penalty of a bond ordered by the Court may be considered for qualification as surety by providing proof deemed sufficient by a judge showing: (1) the legal description of the real estate in a General Warranty Deed or Deed of Trust showing current

ownership of the property; (2) a list of all encumbrances and liens, and balances owed; (3) a current appraisal or other document verifying current value of the property; (4) a waiver of inchoate rights of any character and certification that the real estate is not exempt from execution; and (5) proof of payment of property taxes. If all documents are approved by the Court, the sureties on the bond ~~shall~~must include all record owners of the real property.

(E) Cash Bonds.

Cash bonds may be deposited into the registry of the Court, but only in connection with the execution and filing of a written bond sufficient as to form and setting forth the conditions for the bond as ordered by the Court. Unless otherwise ordered by a judge, every deposit of cash bond in a criminal case ~~shall~~must be accompanied by an affidavit of ownership, in the form required by the Court, which when filed ~~shall~~will establish conclusively the identity of the owner of the cash to be posted as security.

(F) Cost Bonds.

The Court on motion or on its own initiative may order any party to file an original bond for costs or additional security for costs in such an amount and so conditioned as the Court by its order may designate.

(G) Insufficiency--Remedy.

Any opposing party may raise objections to a bond's form or timeliness or the sufficiency of the surety. If the bond is found to be insufficient, the judge may order that a sufficient bond be filed within a stated time, and if the order is not complied with, the case may be dismissed for want of prosecution or the judge may take other appropriate action.

Rule 83- 13.05 Pleadings and Documents Filed Under Seal.

(A) Pleadings and Documents in Civil Cases.

(1) Upon a showing of good cause the Court may order that documents filed in a civil case be received and maintained by the Clerk under seal. The Clerk of Court ~~shall maintain~~ will restrict access to such documents ~~in a restricted area apart from so that they are not in~~ the file to which the public has access. Unless the docket reflects prior entry of an order to file under seal or the party offering a pleading or document presents the clerk with an order of the Court authorizing a filing under seal or a motion for such order, all pleadings and documents received in the office of the clerk ~~shall~~ will be filed in the public record of a civil case, except as otherwise required by law. For instructions on seeking leave to file sealed motions or sealed documents in CM/ECF, see the Sealed and Ex Parte Documents section of the Court's Administrative Procedures for Case Management/Electronic Case Filing at <http://www.moed.uscourts.gov/administrative-procedures>.

(2) Not less than 30 days after a final order or other disposition has been issued in a civil action in the District Court, or 30 days after the receipt of a mandate from the Court of Appeals in a case in which an appeal has been taken, ~~the Clerk shall place in the public file all a motion may be filed with the Court requesting that~~ documents previously filed under seal be unsealed and made part of the public record. ~~U~~ nless otherwise ordered by the Court, all documents previously sealed in a civil action will remain sealed by the Clerk of Court. ~~Prior to the expiration of the thirty day period following the termination of a case, a party may move for an order of the Court either extending the seal for a specified additional time period or returning sealed documents to the filing party upon a showing of good cause.~~

(B) Pleadings and Documents in Criminal Cases.

(1) Unless otherwise ordered by the Court, the following documents and materials ~~shall~~ will be filed and maintained by the Clerk under seal: all pleadings and documents relating to grand jury proceedings; all applications for pen registers, trap and trace devices, wire taps, records of electronic communications, and IRS search warrants and tax return orders; all presentence investigation reports and such other materials regarding sentencing which the Court orders filed under seal; and any other material or item ordered sealed by the Court.

(2) Applications for search warrants, warrants and similar orders issued pursuant to Rule 41 upon application of the government for the acquisition of information or evidence in connection with a criminal investigation, and returns made pursuant to Fed.R.Crim.P. 41(f), ~~shall~~ will each be received by the Court under temporary seal. Within fourteen (14) days from the date of receipt by the Court of any such document, the government or any other person or entity having a sufficient privacy interest in the search warrant information, or the property or evidence that is the object of acquisition by the government, may file an ex parte motion seeking an order to file under seal. The motion to seal ~~shall~~ will set out the date on which the sealing order will expire without further order of the court. The moving party ~~shall~~ will have the burden of establishing a compelling interest necessitating a restriction on public access. When such a motion is pending, the subject material ~~shall~~ will remain sealed but the Court ~~shall~~ must rule on the motion promptly. If the motion is granted, the Court ~~shall~~ direct ~~will~~ direct the Clerk to file the relevant documents under seal. The maximum period of time for which the motion may be granted is six (6) months. If, after six months, a party seeks continued sealing of the file, the party must submit a motion to that effect demonstrating a continuing compelling interest necessitating restriction on public access. If the motion to seal or for continued sealing is denied in whole or in part, or if no motion is timely filed, the Court ~~shall~~

will -order the Clerk to unseal and file unrestricted material in the public record unless the Court determines otherwise.

(3) Documents, pleadings and other materials filed under seal pursuant to paragraph (B)(1) of this rule ~~shall~~will be maintained by the Clerk in original form for not less than five (5) years from the date of filing. All such original sealed documents ~~shall~~will be scanned into electronic digital images, indexed and permanently stored under seal in such electronic format in lieu of maintaining the original paper copies after the required period of five years. From time to time, the Clerk may petition the Court for leave to destroy original documents and materials filed under seal pursuant to paragraph (B)(1) of this rule for which electronic digital images have been made.

(4) When an electronic digital image or copy of any original document, pleading or other material filed with the Court under seal is created pursuant to paragraph (B)(3) of this rule, ~~the~~ the electronic version ~~shall~~will be the permanent and official Court record.

(New rule added April 3, 1998; effective July 1, 1998; Paragraph B amended February 4, 2000, effective March 8, 2000; Paragraph B amended April 5, 2002, effective June 1, 2002; Amended July 10, 2006, effective August 28, 2006; Amended January 9, 2009, effective February 16, 2009; Amended September 8, 2009, effective December 1, 2009; [Amended November 4, 2015, effective January 1, 2016](#))