

June 30, 2022

**NOTICE**

**TO: THE PUBLIC AND MEMBERS OF THE PRACTICING BAR FOR THE  
EASTERN AND WESTERN DISTRICTS OF KENTUCKY**

Pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 57 of the Federal Rules of Criminal Procedure, the United States District Courts for the Eastern and Western Districts of Kentucky hereby give public notice of the following:

The Joint Local Rules Commission for the Eastern and Western Districts of Kentucky has recommended, and the District Court has authorized for release for a period of public comment through August 31, 2022, the revision of certain Joint Local Rules of Civil Practice and Joint Local Rules of Criminal Practice. Unless otherwise indicated, as seen in this Notice, underlined text is added and ~~struck~~ text is deleted. The proposed revisions are as follows:

- A. LCrR 81.1 – Removal Procedures** – will be created as follows in order to provide more orderly removal procedures:

**LR 81.1 REMOVAL PROCEDURES; FILING OF STATE COURT  
RECORD AND PROCEDURE FOR PENDING STATE COURT  
MOTIONS**

**(a) Filing of State Court Record.** When removing an action from state court, the removing party must electronically file a copy of the state court record with the Notice of Removal. The state court record must include the state court docket sheet, all pleadings, motions, orders, and all other filings, organized in chronological order by the state court filing date.

**(b) Format and Description of Electronic Attachments.** The state court docket sheet and each filing of the state court record shall be filed electronically as separate attachments to the Notice of Removal. A clear and concise description of each attachment must be typed into the description field of each attachment.

**(c) Pending State Court Motions; Notice and Obligation to Refile.**

**(1) Notice.** At the time of removal, the removing party must file a separate Notice of Pending State Court Motions listing any state court motions that remain pending at the time of removal. A motion must be refiled pursuant to subsection (c)(2) in order to be submitted for ruling.

**(2) Obligation to Refile.** 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 thereto, within 14 days of the filing party's appearance.

- B. LR 83.2 – Permission to Practice in a Particular Case** – will be amended as follows in order to simplify the rule and procedure:

### **LR 83.2 Permission to Practice in a Particular Case**

(a) Procedure. An attorney who has not been admitted to the Bar of the Court ~~—but who is in good standing in the Bar of any state, territory, or the District of Columbia—~~ may represent parties before the Court if the attorney has paid the prescribed pro hac vice admission fee to the Clerk of the Court and been granted leave by the Court to appear pro hac vice in a particular case. A separate motion for each attorney requesting pro hac vice admission must include the following information:

(1) Admission Status. The motion must identify each Bar in which the attorney is a member and ~~attach a certificate of good standing issued by the highest court of the state, territory, or the District of Columbia in which the attorney is a resident. The certificate of good standing must be issued no more than ninety (90) days before the filing of the motion~~ include a statement indicating that the attorney requesting admission is admitted to practice, currently in active status, and in good standing as an attorney in another United States court or the highest court of any state.

(2) Disciplinary History. The motion must disclose whether the attorney is currently or has ever been disbarred, suspended from practice, or subject to other disciplinary action by any court, ~~state, territory, or the District of Columbia Bar,~~ or other admitting or licensing authority.

(3) Consent to Jurisdiction. The motion must include a statement indicating that the attorney consents to be subject to the jurisdiction and rules of the Kentucky Supreme Court governing professional conduct.

(4) ECF Training. The motion must identify the method of training completed by the attorney before use of the Court's electronic filing system.

- C. LR 89.3 Courtroom Decorum** – will be amended as follows in order to modernize the local rule:

### **LR 83.9 Courtroom Decorum**

- (a) **Persons Permitted Inside the Bar of the Courtroom.** Only those persons authorized by the Court, or those persons having an official function, are permitted inside the bar of the courtroom during proceedings held in open court.

- (b) **Possession and Use of Electronic or Photographic Equipment; Generally.** Except as may be permitted by (c) or (d), no person may operate any visual or audio recording, broadcasting or transmitting device or equipment in any courtroom. This rule applies regardless of whether court is actually in session.
- (c) **Permitted Uses of Electronics.** The presiding judge may permit the following:
- (1) Use of electronic or photographic means for presenting evidence or perpetuating the record; ~~and/or~~
  - (2) The broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings;
  - (3) Use of electronic devices or auxiliary aids to assist individuals who require accommodation for a disability; or
  - (4) Any wireless or internet communication device approved by the Court.

The presiding judge retains authority and discretion to disallow use of electronic devices at any time.

- (d) **Devices and Equipment in Courthouses.** By General Order, the Eastern and Western Districts may regulate the possession of electronic devices and equipment within each courthouse, including possession by members of the Bar. Notice of any such General Order shall be posted in a conspicuous place in all federal court buildings in the District, and will be available on the Clerk's website.
- (e) **Remote Participation.** Any person remotely participating in any court proceeding may not record or cause to be recorded any such proceeding without the express consent of the presiding judge.

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Comments concerning the proposed rule amendments are welcome. Comments must be submitted in writing or via email on or before August 31, 2022, and should be sent to:

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