

April 18, 2023

**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 June 30, 2023, 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. LR 83.2 Permission to Practice in a Particular Case** – will be amended as follows in order to delete the asterisk and note as redundant with subsection (b) of the local rule:

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

~~\*The Attorney General or any other officer of the Department of Justice need not seek admission pro hac vice under this rule. See 28 U.S.C. § 515(a).~~

- B. LR 83.6 Substitution or Withdrawal of Attorney of Record** – will be amended as follows in order to modernize and clarify the local rule:

**LR 83.6 Substitution or Withdrawal of Attorney of Record**

~~Unless a compelling reason exists~~ Absent leave granted by the Court upon a motion showing compelling circumstances supporting leave to withdraw, an attorney of record is not permitted to withdraw within twenty-one (21) days of trial or a hearing on any motion for judgment or dismissal. At any other time, an attorney of record may withdraw from a case only under the following circumstances:

- (a) ~~The attorney files a motion, his or her client consents in writing and another attorney enters his or her appearance; or~~
- (a)(b) **By Motion.** The attorney files a motion, certifies the motion was served on the client, makes a showing of good cause, and the Court consents to the withdrawal on whatever

terms the Court chooses to impose. If the withdrawal will leave the client unrepresented, the motion must include the client's current email address, mailing address, and telephone number.

- (b) **By Notice of Withdrawal.** An attorney of record may withdraw from a case by filing a notice of withdrawal stating that the client has been notified of the withdrawal, if:
- (1) multiple attorneys are attorneys of record for the client; and
  - (2) at least one of those attorneys will remain attorney of record after the attorney seeking to withdraw does so.
- (c) **By Notice of Substitution.** In cases where an attorney seeks to be substituted for another as attorney of record, and both attorneys are within the same governmental department or agency, federal public defender office, or private law firm-partnership or other legal professional association, a notice of substitution may be filed. The notice must be filed by the withdrawing attorney and the substitute attorney with an affirmative representation stating that the substitution is made with the client's consent; ~~the notice may, but need not be, signed by the client.~~
- (d) **By Notice of Change of Law Firm Affiliation.** When an attorney changes his or her law firm or other legal professional affiliation, but will remain as a client's attorney of record, the attorney must file a notice of such change in law firm affiliation and provide complete updated contact information. It remains the responsibility of each attorney to maintain a current email and mailing address through their PACER account.

C. **LR 83.9 Courtroom Decorum** – Subsection (e) will be amended as follows in order to clarify the local rule:

- (e) **Remote Participation.** ~~Any~~No 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.~~

D. **LCrR 50.1 Reassignment of Criminal Cases** – will be amended as follows in order to reflect existing practice consistent with the inherent power of the Court, and for consistency with the Local Civil Rule:

#### **LCrR 50.1 Assignment of Cases Among Judges and Calendaring**

- (a) **Assignment of Cases Among Judges.** Cases are assigned among the various judges within a district in a manner established by the Court's General Order. Unless otherwise ordered, cases are calendared for trial or other appropriate proceedings by the assigned judge.

(b) Reassignment of Cases. Any judge within the district is authorized to reassign a case to another judge within the district willing to accept the assignment.

(c) **Judge Not Available.** If it appears that any matter demands immediate attention and the judge to whom the case has been assigned is not or will not be available, the Clerk – upon request – must determine if another judge is available who will consent to hear the matter.

E. **LCrR 53.1 Courtroom Decorum** – Subsection (e) will be amended as follows in order to clarify the local rule:

(e) **Remote Participation.** ~~Any~~No 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.~~

F. **LCrR 57.2 Permission to Practice in a Particular Case** – will be amended as follows in order to delete the asterisk and note as redundant with subsection (b) of the local rule:

#### **LCrR 57.2 Permission to Practice in a Particular Case\***

~~\*The Attorney General or any other officer of the Department of Justice need not seek admission pro hac vice under this rule. See 28 U.S.C. § 515(a).~~

G. **LCrR 57.6 Substitution or Withdrawal of Attorney of Record** – will be amended as follows in order to reflect existing practice consistent with the inherent power of the Court, and for consistency with the Local Civil Rule:

#### **LCrR 57.6 Substitution or Withdrawal of Attorney of Record**

~~Unless a compelling reason exists~~ Absent leave granted by the Court upon a motion showing compelling circumstances supporting leave to withdraw, an attorney of record is not permitted to withdraw within twenty-one (21) days of trial or an evidentiary hearing. At any other time, an attorney of record may withdraw from a case only under the following circumstances:

(a) ~~The attorney files a motion, his or her client consents in writing and another attorney enters his or her appearance; or~~

(a)(b) **By Motion.** The attorney files a motion, certifies the motion was served on the client, makes a showing of good cause, and the Court consents to the withdrawal on whatever terms the Court chooses to impose. If the withdrawal will leave the client unrepresented,

the motion must include the client's current email address, mailing address, and telephone number.

- (b) **By Notice of Withdrawal.** An attorney of record may withdraw from a case by filing a notice of withdrawal stating that the client has been notified of the withdrawal, if:
- (1) multiple attorneys are attorneys of record for the client; and
  - (2) at least one of those attorneys will remain attorney of record after the attorney seeking to withdraw does so.
- (c) **By Notice of Substitution.** In cases where an attorney seeks to be substituted for another as attorney of record, and both attorneys are within the same governmental department or agency, federal public defender office, or private law firm-partnership or other legal professional association, a notice of substitution may be filed. The notice must be filed by the withdrawing attorney and the substitute attorney with an affirmative representation stating that the substitution is made with the client's consent; ~~the notice may, but need not be, signed by the client.~~
- (d) **By Notice of Change of Law Firm Affiliation.** When an attorney changes his or her law firm or other legal professional affiliation, but will remain as a client's attorney of record, the attorney must file a notice of such change in law firm affiliation and provide complete updated contact information. It remains the responsibility of each attorney to maintain a current email and mailing address through their PACER account.

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Comments concerning the proposed rule amendments are welcome. Comments must be submitted in writing or via email on or before June 30, 2023, and should be sent to:

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Fultz Maddox Dickens PLC  
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