

December 11, 2014

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 February 28, 2015 the revision of certain Joint Local Rules of Civil Practice and Joint Local Rules of Criminal Practice. Unless otherwise indicated, as indicated in this Notice, underlined text is added and ~~struck~~ text is deleted. The proposed revisions are as follows:

A. LR 4.1 – Service of Process Through the Secretary of State – will be deleted in its entirety and restated as follows:

~~The Secretary of State's Office will accept service of a summons and complaint only if it is served by certified mail, return receipt requested, in an envelope bearing the Clerk's return address. Anyone preparing process for service through the Secretary of State must provide the Clerk with the following:~~

~~(a) an envelope to mail the summons and complaint;~~

~~(b) sufficient postage;~~

~~(c) a return receipt provided by the United States Postal Service;~~

~~(d) two copies of the summons;~~

~~(e) two attested copies of the complaint;~~

~~(f) the statutory fee for each defendant to be served. Checks should be made payable to the Kentucky State Treasurer.~~

~~In addition to the filing procedures and fees of this Court, whenever a party intends to serve process through the Kentucky Secretary of State, the party initiating such service must also follow the filing procedures of the Kentucky Secretary of State.~~

B. Subparagraph (e) of LR 7.1 – Motions – will be amended as follows:

(e) Proposed Order. ~~With each~~A party filing a motion ~~and response, you~~ must ~~submit~~ also file a separate proposed order ~~granting the relief requested or denying the motion.~~ Any proposed order imposing sanctions must be provided separately from a proposed order pertaining to any other matter.

C. New LR 72.2 – Objections To Non-Dispositive Ruling of Magistrate Judge – will state as follows:

Objections To Non-Dispositive Ruling of Magistrate Judge

Subject to any deadlines established by the Court, a party objecting to a non-dispositive order of a magistrate judge must file a written objection with fourteen (14) days of service of the non-dispositive order. Unless directed by the Court, no party may file any response to a written objection.

D. Subparagraph (a) of LR 83.2 – Permission to Practice in a Particular Case – will be amended to state as follows:

(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~~ ~~may request permission to practice in a particular case by filing the following with the Clerk:~~

- (1) ~~a separate motion for admission *pro hac vice* for each attorney~~ 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.
- (2) ~~an affidavit identifying the Bar in which the attorney is a member in good standing;~~ 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.
- (3) ~~the prescribed fee; and~~ 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) ~~a written consent to be subject to the jurisdiction and rules of the Kentucky Supreme Court governing professional conduct; and ECF Training. The motion must identify the method of training completed by the attorney before use of the Court's electronic filing system.~~
- (5) ~~a statement identifying the method of training completed before use of the Court's electronic filing system.~~

E. Subparagraphs (b) and (f) LCrR 12.1 – Motions – will be amended as follows:

(b) Motions for an Extension of Time. Extensions of time in criminal actions will be granted only if the party seeking the extension files a motion ~~and affidavit~~ demonstrating good cause. Extensions of time by agreement of the parties are not valid in criminal cases. A memorandum opposing a motion for an extension of time must be filed within seven (7) days of service of the motion.

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(f) Proposed Order. ~~With each~~A party filing a motion ~~and response, you~~ must ~~submit~~ also file a separate proposed order ~~granting the relief requested or denying the motion.~~ Any proposed order imposing sanctions must be provided separately from a proposed order pertaining to any other matter.

F. Subparagraph (a) of LCrR 57.2 – Permission to Practice in a Particular Case – will be amended as follows:

(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~~ ~~may request permission to practice in a particular case by filing the following with the Clerk:~~

- (1) ~~a separate motion for admission *pro hac vice* for each attorney~~ 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.
- (2) ~~an affidavit identifying the Bar in which the attorney is a member in good standing;~~ 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.
- (3) the prescribed fee; and *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) a written consent to be subject to the jurisdiction and rules of the Kentucky Supreme Court governing professional conduct; and *ECF Training*. The motion must identify the method of training completed by the attorney before use of the Court's electronic filing system.
 - ~~(5) a statement identifying the method of training completed before use of the Court's electronic filing system.~~

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Comments concerning the proposed rule amendments are welcome. Comments must be submitted in writing or via email on or before February 28, 2015 and should be sent to:

Brian F. Haara
Chair, Joint Local Rules Commission
Tachau Meek PLC
101 South Fifth Street, Suite 3600
Louisville, Kentucky 40202
bhaara@tachaulaw.com