

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA**

ORDER AMENDING LOCAL RULES

Pursuant to Federal Rule of Civil Procedure 83 and by vote of the district judges following public notice and an opportunity for comment, the Local Rules of the United States District Court for the Middle District of Georgia are hereby amended as follows (all new material is underlined, and all new rules are identified as such):

Amendment

LOCAL RULE 3

DIVISIONS OF THE COURT

3.1 FIVE DIVISIONS. The United States District Court for the Middle District of Georgia is divided into five divisions: Macon, Columbus, Albany, Athens, and Valdosta. See attached map of district.

3.2 DIVISIONAL CLERK'S OFFICES. [The Clerk maintains staffed offices in all divisions of the Middle District of Georgia.](#)

Amendment

LOCAL RULE 7

MOTIONS

7.6 MOTIONS FOR RECONSIDERATION. Motions for Reconsideration shall not be filed as a matter of routine practice. [With the exception of motions filed pursuant to Fed. R. Civ. P 59\(e\), motions for reconsideration](#) shall be filed within [fourteen \(14\)](#) days after entry

of the order. Responses shall be filed not later than fourteen (14) days after service of the motion. All briefs are limited to five (5) pages. There shall be no reply brief.

Any requests for extensions of time for the filing of briefs with respect to a motion for reconsideration must be directed to the judge. The Clerk's Office is not authorized to grant any such extensions. Parties and attorneys for the parties shall not file motions to reconsider the court's denial or grant of a prior motion for reconsideration.

Amendment

LOCAL RULE 16.2*

MEDIATION ENCOURAGED

Private mediation at the expense of the parties is encouraged by the court. With the consent of all parties, the court will assist in the scheduling of mediation and the selection of a mediator. Nothing in this rule prevents the parties from scheduling mediation without the court's involvement.

*Replaces current Rule 16.2

New Rule

LOCAL RULE 48

CIVIL JURIES

48.3 CONTACT WITH JURORS. Attorneys, parties, or anyone acting on their behalf shall not contact any juror without express permission of the Court and under such conditions the Court may prescribe.

Amendment

LOCAL RULE 79

FILES AND EXHIBITS AND REMOVAL THEREOF

79.2 EXHIBITS AND DOCUMENTS. [Unless otherwise directed by the presiding judge](#), all exhibits received into evidence at any trial or hearing shall be retained by the clerk who shall keep them in custody. All such exhibits, including models, diagrams, books or other exhibits other than contraband received into evidence or marked for identification in an action or proceeding shall be removed by the filing party at the expiration of the time for the filing of a Notice of Appeal, or if an appeal is filed, after the final adjudication of the action and disposition of the appeal. Said exhibits if not so removed may be destroyed or otherwise disposed of as the clerk may deem appropriate after fourteen (14) days notice to counsel.

Sensitive exhibits received in evidence, which shall include but are not limited to, drugs, articles of high monetary value, weapons or contraband of any kind [may, at the discretion of the presiding judge](#), be entrusted to the custody of the United States Attorney or to the arresting or investigative agency of the government, who will maintain the integrity of these exhibits pending disposition of the case and for any appeal period thereafter.

Amendment

LOCAL RULE 83.2

RULES GOVERNING ATTORNEY DISCIPLINE

83.2.5 Discipline Imposed by Other Courts.

A. An attorney admitted to practice before this Court shall, upon being subjected to suspension or disbarment by the court of any state, territory, commonwealth, or possession of the United States, or upon being subject to any form of public discipline, including but not limited to

suspension or disbarment, by any other court of the United States or the District of Columbia, promptly inform the Clerk of this Court of such action.

B. Upon notification from any source that an attorney admitted to practice before this Court has been disciplined by another court as described above, the Clerk shall obtain a copy of any state or federal court orders regarding the discipline. This Court may then refer the matter to the Grievance Committee for a recommendation for appropriate action, or may issue a notice directed to the attorney containing:

1. A copy of the judgment or order from the other court, and
2. An order to show cause directing that the attorney inform this Court, within thirty (30) days after service of the order upon the attorney, of any claim by the attorney predicated upon the grounds set forth in subsection E, infra, that the imposition of identical discipline by the Court would be unwarranted and the reasons therefor.

C. In the event that the discipline imposed in the other jurisdiction has been stayed there, any reciprocal disciplinary proceedings instituted or discipline imposed in this Court shall be deferred until such stay expires.

D. After consideration of the response called for by the court issued pursuant to subsection B, supra, or after expiration of the time specified in that order, the Court may impose the identical discipline or may impose any other sanction the Court may deem appropriate.

E. A final adjudication in another court that any attorney has been guilty of misconduct shall establish conclusively the misconduct for purpose of disciplinary proceeding in this Court, unless the attorney demonstrates and the Court is satisfied that upon the face of the record upon which the discipline in another jurisdiction is predicated it clearly appears that:

1. The procedure in that other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or
 2. There was such an infirmity of proof establishing misconduct as to give rise to the clear conviction of this Court could not, consistent with its duty, accept as final the conclusion of that subject; or
 3. The imposition of the same discipline by this Court would result in grave injustice; or
 4. The misconduct established is deemed by this Court to warrant substantially different discipline.
- F.** This Court may at any stage ask the Grievance Committee to conduct disciplinary proceedings or to make recommendations to the Court for appropriate action in light of the imposition of professional discipline by another court.

83.2.13 Duties of the Clerk.

- A.** Upon being informed that an attorney admitted to practice before this Court has been convicted of any crime, the Clerk of this Court shall determine whether the court in which such conviction occurred has forwarded a certificate of such conviction to this Court. If a certificate has been so forwarded, the Clerk of this Court shall promptly obtain a certificate and file it with the Court.
- B.** Whenever it appears that any person who has been convicted of any crime or disbarred or suspended or censured or disbarred on consent by this Court is admitted to practice law in any other jurisdiction or before any other court, this Court shall, within fourteen (14) days of that conviction, disbarment, suspension, censure or disbarment on consent, transmit to the disciplinary authority in such other jurisdiction, or for such other court, a certificate of the

conviction or a certified or exemplified copy of the judgment or order of disbarment, suspension, censure, or disbarment on consent, as well as the last known office and residence address of the disciplined attorney.

C. The Clerk of this Court shall, likewise, promptly notify the National Discipline Bank operated by the American Bar Association of any order imposing public discipline on any attorney admitted to practice before this Court.

New Rule

LOCAL RULE 83.4

APPEARANCE AND PRACTICE BY ELIGIBLE LAW STUDENTS

(A) Scope of Legal Assistance.

(1) **Notice of Appearance.** An eligible law student, as described below, acting under a supervisory attorney of record, may enter an appearance in this court on behalf of any indigent person, the United States, or governmental agency in any civil or criminal case, provided that the party on whose behalf the student appears and the supervising attorney of record has consented thereto in writing. The written consent of the party (or the parties representative) and the supervising attorney of record must be filed with this court.

(2) **Pleadings, Briefs and Other Documents.** An eligible law student may assist in the drafting or preparation of complaints, motions, briefs, appendices, or other pleadings and documents and may appear in proceedings on such pleadings, provided the supervising attorney also signs and appears on the pleadings. Names of students participating in the preparation of pleadings, briefs and other documents may, however, be added to those documents.

(3) Courtroom Proceedings. With the permission of the presiding judge, an eligible law student may appear before this court and participate in conferences, oral argument, mediation, or the examination or cross examination of witnesses provided the supervising attorney is present in court.

(B) Law Student Eligibility Requirements. In order to appear before this court, the law student must:

(1) Be enrolled in a law school approved by the American Bar Association;

(2) Have completed legal studies for which the student has received 48 semester hours or 72 quarter hours of academic credit or the equivalent if the school is on some other basis;

(3) Be certified by the Dean of the law student's law school as qualified to provide the legal representation permitted by this Rule. This certification, which shall be filed with the Clerk, may be withdrawn by the Dean at any time by mailing a notice to the Clerk or by termination of this court without notice or hearing and without any showing of cause;

(4) Neither ask for nor receive any compensation or remuneration of any kind for the student's service from the party on whose behalf the student renders services, but this shall not prevent an attorney, legal aid bureau, law school public defender agency, a state, or the United States from paying compensation to the eligible law student;

(5) Certify in writing that the student has read and is familiar with the Code of Professional Responsibility of the American Bar Association, the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, the Local Rules of this court; and any other federal rules relevant to the case on which the student is appearing; and

(6) File all of the certifications and consents necessary under this Rule with the Clerk of this court prior to the submission of pleadings, briefs or documents containing the law student's name and the law student's appearance at any court proceeding.

(C) Supervising Attorney of Record Requirements.

(1) The supervising attorney of record must be a member of good standing of the Bar of this court.

(2) With respect to the law student's appearance, the supervising attorney of record shall certify in writing to this court that he or she:

(a) Consents to the participation of the law student and agrees to supervise the law student;

(b) Assumes full responsibility for the case and for the quality of the law student's work;

(c) Will assist the student to the extent necessary; and

(d) Will appear with the student in all written and oral proceedings before this court and be prepared to supplement any written or oral statement made by the student to this court or opposing counsel.

New Rule

LOCAL CRIMINAL RULE 31

CRIMINAL JURIES

31.1 CONTACT WITH JURORS. Attorneys, parties, or anyone acting on their behalf shall not contact any juror without express permission of the Court and under such conditions the Court may prescribe.

So Ordered, this 7th day of August, 2015.

_S/Clay D. Land
CLAY D. LAND
CHIEF UNITED STATES DISTRICT JUDGE

TO BE EFFECTIVE: August 7, 2015