

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NOTICE TO THE BAR

PROPOSED AMENDMENTS TO THE LOCAL CIVIL RULES

Notice is hereby given to the Bar and all interested parties that the United States District Court for the District of New Jersey proposes to amend the Local Civil Rules. The proposed amendments are posted for public comment as required by 28 U.S.C. § 2071(b) at <http://www.njd.uscourts.gov>.

Amendments are proposed to the following Local Civil Rule:

Civ. RULE 104.1 DISCIPLINE OF ATTORNEYS

The Court, in furtherance of its inherent power and responsibility to supervise the conduct of attorneys who are admitted to practice before it or admitted for the purpose of a particular proceeding (*pro hac vice*), promulgates the following Rules of Disciplinary Enforcement superseding all of its other Rules pertaining to disciplinary enforcement heretofore promulgated.

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(a) Attorneys Convicted of Crimes

(1) Upon the filing with this Court of a certified copy of a judgment of conviction demonstrating that any attorney admitted to practice before the Court has been convicted in any

court of the United States, or the District of Columbia, or any state, territory, commonwealth or possession of the United States, of a serious crime as hereinafter defined, the Chief Judge shall immediately enter an order temporarily suspending that attorney, whether the conviction resulted from a plea of guilty or *nolo contendere*, or from a verdict after trial or otherwise, and regardless of the pendency of any appeal, until final disposition of a disciplinary proceeding to be commenced upon such conviction. A copy of such order shall immediately be served upon the attorney. Upon good cause shown, the Court may set aside such order when the interest of justice requires.

(2) The term "serious crime" shall include any felony and any lesser crime a necessary element of which, as determined by the statutory or common law definition of such crime in the jurisdiction where the judgment was entered, involves false swearing, misrepresentation, fraud, willful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft, or an attempt, conspiracy or solicitation of another to commit a "serious crime."

(3) Any attorney admitted to practice before this Court shall, upon being convicted of a crime in this Court or any other court of the United States or the District of Columbia, or by the court of any state, territory, commonwealth or possession of the United States, inform the Clerk and the Chief Judge in writing of such conviction within 20 days of the date of conviction (the earliest of the date of entry of a plea of guilty or *nolo contendere*, or verdict by a judge or jury, or sentencing). Failure to comply with this notice provision shall result in additional discipline in this Court, unless excused by the Court for good cause.

(4) A certified copy of a judgment of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime in any disciplinary proceeding instituted against that attorney based upon the conviction.

(5) After the entry of the temporary suspension, the Court shall enter an Order to Show Cause as to why the temporary suspension should not be made permanent. If the suspended attorney does not contest the matter by the return date of the Order to Show Cause, the Court shall enter an Order of Disbarment barring the attorney from the practice of law before the Court. If the attorney does contest the matter, the Court can refer the matter to counsel in accordance with subsections (6) and (7).

(6) Where the conviction of an attorney is for a serious crime, the Court shall refer the matter to counsel, who will represent the interests of the Court, for the institution of a disciplinary proceeding before the Court in which the sole issue to be determined shall be the extent of the final discipline to be imposed as a result of the conduct resulting in the conviction, provided that a disciplinary proceeding so instituted will not be brought to final hearing until all direct appeals from the conviction are concluded. Counsel shall investigate and research the matter, and make a recommendation to the Court as to the appropriate sanction to be imposed in accordance with subsection (e)(4).

(7) Where the conviction of an attorney is for a crime not constituting a serious crime, the Court may, in its discretion, refer the matter to counsel for a recommendation as to what action, if any, should be taken, including the institution of a disciplinary proceeding before the Court.

(8) An attorney suspended under the provisions of this Rule will be reinstated immediately upon the filing of a certificate demonstrating that the underlying conviction of a serious crime has been reversed but the reinstatement will not terminate any disciplinary proceeding then pending against the attorney, the disposition of which shall be determined by the Court on the basis of all available evidence pertaining to both guilt and the extent of discipline to be imposed.

(b) Discipline Imposed by Other Courts

(1) Any attorney admitted to practice before this Court shall, upon being subjected to public discipline (including but not limited to disbarment, temporary or permanent suspension, censure, reprimand or admonition) by any other court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth or possession of the United States, inform the Clerk and Chief Judge of this Court of such action within 20 days of the date of such order of discipline. Failure to comply with this notice provision shall result in the automatic imposition of the same discipline in this Court, unless excused by the Court for good cause.

(2) Upon receipt by the Court of such notice under L.Civ.R. 104.1(b)(1) or the filing of a certified or exemplified copy of a judgment or order demonstrating that an attorney admitted to practice before this Court has been disciplined by another court, this Court, unless this Court determines that L.Civ.R. 104.1(a) governs, or unless this Court determines that the discipline resulted from an attorney's excusable failure to pay the annual fee to a court's client protection fund, shall forthwith issue a notice directed to the attorney containing:

(A) a copy of the judgment or order from the other court; and

(B) an order to show cause directing that the attorney inform this Court within 30 days after service of that order upon the attorney, personally or by mail, of any claim by the attorney predicated upon the grounds set forth in L.Civ.R. 104.1(b)(4), that the imposition of the identical discipline by the Court would be unwarranted, and the reasons therefor.

(3) In the event the discipline imposed in the other jurisdiction has been stayed there, any reciprocal discipline imposed in this Court shall be deferred until such stay expires.

(4) Upon the expiration of 30 days from service of the notice issued pursuant to the provisions of L.Civ.R. 104.1(b)(2), this Court shall impose the identical discipline unless the respondent-attorney ("respondent") demonstrates or this Court finds that, upon the face of the record upon which the discipline in another jurisdiction is predicated, it clearly appears:

(A) that the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

(B) that there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that this Court could not, consistent with its duty, accept as final the conclusion on that subject; or

(C) that the imposition of the same discipline by this Court would result in grave injustice; or

(D) that the misconduct established is deemed by this Court to warrant substantially different discipline.

Where this Court determines that any of said elements exist, it shall enter such other order as it deems appropriate, provided that the attorney has also demonstrated that the attorney has complied with all rules for disciplined attorneys in the other court of the United States or the District of Columbia, or the court of any state, territory, commonwealth or possession of the United States in which the discipline was administered.

In addition, the Court has the power to order additional and/or harsher discipline than that imposed by the other jurisdiction, provided the Court has given respondent written notice of its intention to do so, the opportunity to further develop the record, and an opportunity to be heard.

(5) In all other respects, a final adjudication in another court that an attorney has been guilty of misconduct shall establish conclusively the misconduct for the purposes of a disciplinary proceeding in this Court.

(6) This Court may, at any stage, appoint counsel to prosecute the disciplinary proceedings.

(c) Disbarment on Consent or Resignation in Other Courts

(1) Any attorney admitted to practice before this Court who shall be disbarred on consent or resign from the bar of any other court of the United States or the District of Columbia, or from the bar of any state, territory, commonwealth or possession of the United States, while an investigation into allegations of misconduct is pending, shall, upon the filing with this Court of a certified or exemplified copy of the judgment or order accepting such disbarment on consent or resignation, cease to be permitted to practice before this Court and be stricken from the roll of attorneys admitted to practice before this Court.

(2) Any attorney admitted to practice before this Court shall, upon being disbarred on consent or resigning from the bar of any other court of the United States or the District of Columbia, or from the bar of any state, territory, commonwealth or possession of the United States while an investigation into allegations of misconduct is pending, promptly inform the Clerk of this Court of such disbarment on consent or resignation.

(d) Standards for Professional Conduct

(1) For misconduct defined in these Rules and for good cause shown, and after notice and opportunity to be heard, any attorney admitted to practice before this Court may be ~~disbarred, suspended from practice before this Court, reprimanded or~~ subjected to private reprimand and to the following forms of public discipline: admonition, public reprimand and censure (letter or decision detailing the attorney's misconduct; admonition being the least serious, censure being the most serious); suspension (period of time during which the attorney is prohibited from practicing law); and disbarment (loss of license to practice law before this Court). In its discretion, the Court may also take such other disciplinary action as the circumstances may warrant, including the imposition of fees and expenses incurred by the Court and/or counsel appointed by the Court, as set forth in L.Civ.R. 104.1(k).

(2) An act or omission by an attorney admitted to practice before this Court, individually or in concert with any other person or persons, which violates the applicable Rules of Professional Conduct referred to in L.Civ.R. 103.1 shall constitute misconduct and be grounds for discipline whether or not the act or omission occurred in the course of an attorney-client relationship.

(e) Disciplinary Proceedings

(1) Every attorney authorized to practice law or appearing before this Court, including those specially authorized for a limited purpose or in connection with a particular proceeding pursuant to L.Civ.R. 101.1, shall be subject to the disciplinary jurisdiction of this Court.

(2) When misconduct or allegations of misconduct which, if substantiated, would warrant discipline of an attorney, shall come to the attention of a Judge of this Court, and the applicable procedure is not otherwise mandated by these Rules, that Judge shall refer the matter in writing to the Chief Judge. The Chief Judge may refer the matter to the appropriate State disciplinary body or, if the Chief Judge concludes that further investigation is warranted, he or she shall direct the Clerk to refer the matter to an attorney ("investigating counsel") who is admitted to practice before this Court to conduct such an investigation in order to determine whether a formal order to show cause should issue.

(3) The Clerk's order of reference to investigating counsel and all other papers filed in the matter shall be placed under seal and shall remain under seal unless and until an order to show cause and complaint are issued under L.Civ.R. 104.1(e)(7), at which point an order shall be entered unsealing ~~the entire file~~ those portions of the record deemed appropriate; provided, however, that disclosure may be sooner in the event that the Chief Judge determines that disclosure is warranted for the protection of the public and/or in the administration of justice. Investigating counsel shall have no obligation to disclose to the respondent any portion of the investigation file, including discovery conducted pursuant to L.Civ.R. 104.1(e)(4), except if the investigating counsel intends to use a deposition transcript from the investigation at a future hearing as set forth in subsection (4)(B)(ii) below.

(4) Investigating counsel shall promptly, and with reasonable particularity, notify the respondent ~~attorney ("respondent")~~ in writing of the pendency and nature of the investigation and solicit comments thereon in furtherance of the preliminary investigation. Every attorney, as

set forth in L.Civ.R. 104.1(e)(1), has the affirmative obligation to cooperate in an investigation. Such cooperation shall include the production of documents and submission to interviews conducted by the investigating counsel as follows:

(A) Respondent shall serve upon investigating counsel a response to the inquiry within 30 days of service of the inquiry.

(B) Investigating counsel may conduct such discovery as is reasonably necessary to complete the investigation, which may include, but is not limited to, interviews of the respondent, depositions, requests for production of documents and requests for admissions.

(i) If respondent is deposed during the investigation, his/her counsel may participate fully in that deposition, including lodging objections and cross-examining respondent. However, neither respondent nor his/her counsel shall be entitled to notice of, or to attend or participate in, non-party depositions taken by the investigating counsel pursuant to subpoena prior to the issuance of an order to show cause and complaint.

(ii) After the issuance of an order to show cause and complaint under L.Civ.R. 104.1(e)(7), investigating counsel and respondent shall be permitted to depose witnesses, and shall be entitled to cross-examine such witnesses, regardless of whether the investigating counsel has deposed that witness previously during the investigation. If the investigating counsel intends to use a deposition transcript from the investigation at a future hearing, a copy of that transcript must be provided to the respondent within a reasonable time in advance of the hearing.

(C) Respondent shall serve upon investigating counsel a response to any request for production of documents or request for admissions within 30 days of service of the request.

(D) The time within which to respond pursuant to (A) and (C) above may be extended by investigating counsel for good cause shown.

(E) If respondent fails to respond or otherwise fails to cooperate with investigating counsel, investigating counsel shall apply to the Chief Judge for appropriate relief which may include, but is not limited to, temporary suspension, pending compliance with this rule.

(F) Failure to cooperate may constitute an independent basis for the imposition of discipline unless it is based upon the proper assertion of a legal or constitutional right.

(5) Conclusion of No Formal Disciplinary Proceeding. Should investigating counsel conclude after investigation and review that a formal disciplinary proceeding should not be

initiated against the respondent because (A) sufficient clear and convincing evidence of misconduct is not present, or (B) there is pending another proceeding against the respondent, the disposition of which in the judgment of the investigating counsel should be concluded before further action by this Court, or (C) any other valid reason exists, investigating counsel shall submit a written report to the Chief Judge containing his or her findings and recommendations for disposition of the matter. If the Chief Judge concludes that no further action is required or that the matter should be deferred pending conclusion of another proceeding against the respondent, the Chief Judge shall instruct investigating counsel to so notify the respondent in writing. If the Chief Judge concludes that further investigation is required he or she shall remand the matter to investigating counsel for further investigation in accordance with the Chief Judge's directive.

(6) Conclusion of Discipline by Consent. Should investigating counsel conclude after investigation and review that a private reprimand or public discipline should be issued to the respondent based on clear and convincing evidence, and the respondent consents to the recommendation of investigating counsel, the investigating counsel shall submit a written report to the Chief Judge containing his or her findings and recommendations. If the Chief Judge approves the recommendation of investigating counsel, he or she shall submit the report to the full Court for review and disposition. If the Chief Judge or the full Court concludes that further investigation is required, the matter shall be remanded to investigating counsel for further investigation in accordance with the Chief Judge's or the full Court's directive. If the respondent does not consent to the issuance of either a private reprimand or public discipline as recommended by the investigating counsel, the investigating counsel shall proceed in accordance with the provisions of L.Civ.R. 104.1(e)(7).

(7) Conclusion of Public Discipline Absent Consent. Should investigating counsel conclude that sufficient clear and convincing evidence of misconduct exists warranting the imposition of public discipline, investigating counsel shall submit a written report and application to the Chief Judge for the issuance of a Complaint and an order to show cause signed by the Chief Judge requiring the respondent to show cause why such discipline should not be imposed.

(8) Upon the Chief Judge's issuance of a complaint and order to show cause as set forth in L.Civ.R. 104.1(e)(7), the respondent shall file an answer within 21 days of the receipt of the complaint and order to show cause. In the answer respondent may set forth all affirmative defenses, including all claims of mental and physical disability, if any, and whether they affirmative defenses are alleged to be causally related to the offense charged. Within 30 days of the filing of an answer, the respondent and investigating counsel may serve demands for discovery.

(9) Upon the filing of a complaint and order to show cause, as set forth in L.Civ.R. 104.1(e)(7), the Chief Judge shall set the matter for prompt hearing before a Judge, provided, however, that if the disciplinary proceeding is predicated upon the complaint of a Judge of this Court, the hearing shall be conducted before a different Judge appointed by the Chief Judge, or if the Chief Judge is the complainant, by the next active Judge senior in commission.

(10) The hearing referred to in L.Civ.R. 104.1(e)(9) shall be presented by the investigating counsel. A stenographic record shall be made of the proceeding. At the conclusion of the hearing, the Judge assigned to the matter shall submit his or her findings of fact, conclusions of law and recommendations, if any, to the full Court for action, with a copy to the respondent and to investigating counsel.

(11) The full Court shall review the findings of fact, conclusions of law and recommendations of the Judge designated by the Chief Judge to hear the matter, the transcript of the hearings and the briefs previously filed with the Court, if any. The record may be supplemented by the filing of briefs pursuant to a schedule fixed by the Chief Judge for review on the record and briefs, without oral argument, by the full Court. The full Court shall take whatever action it deems appropriate including, but not limited to, the dismissal of the action, private reprimand, the issuance of ~~a public reprimand, suspension or disbarment~~ discipline, as set forth in L.Civ.R. 104.1(d)(1), and the imposition of fees and expenses of the Court and/or investigating counsel, as set forth in L.Civ.R. 104.1(k).

(12) Respondent may have legal representation throughout the disciplinary proceeding, including to aid the respondent in responding to investigating counsel's inquiry and discovery demands. If a respondent desires legal representation, but claims to be unable to retain counsel by reason of indigence, the respondent may make application to the Chief Judge for appointment of counsel at any point in the proceedings. Upon exceptional circumstances having been shown, the Chief Judge or the Judge to whom the matter has been assigned shall designate an attorney who is admitted to practice before this Court to represent respondent in the matter.

(13) In furtherance of the investigation proceeding pursuant to L.Civ.R. 104.1(e)(4), investigating counsel may seek the issuance of a subpoena *ad testificandum* or a subpoena *duces tecum* by making an application to the Chief Judge. After an order to show cause has been issued by the Chief Judge pursuant to L.Civ.R. 104.1(e)(7), investigating counsel and respondent may seek the issuance of ~~the aforesaid subpoenas~~ a subpoena *ad testificandum* or a subpoena *duces tecum* by way of application to the Judge designated to hear the matter.

(14) The standard of proof in proceedings before the Judge designated to hear the matter and the full Court shall be clear and convincing evidence, and the burden of proof under that standard shall be on the investigating counsel.

(15) Public Disclosure of Discipline by the Court. Where investigating counsel recommends private disciplinary action, respondent consents to that recommendation, and the Chief Judge or full court approves the recommendation, no public disclosure of that private reprimand will be made. Where investigating counsel recommends any other form of disciplinary action, respondent consents to that recommendation, and the Chief Judge or full court approves the recommendation, respondent may provide comments in advance of publication to a summary public disclosure to be made by the Court announcing such discipline. The content of the summary public disclosure shall be in the discretion of the Court. The summary public disclosure shall be published in *The New Jersey Law Journal* in four consecutive issues of that publication, and it shall appear on the Court's website for one year from the date of first publication.

(f) Disbarment on Consent While Under Disciplinary Investigation or Prosecution

(1) Any attorney admitted to practice before this Court who is the subject of an investigation into or a pending proceeding involving allegations of misconduct may consent to disbarment, but only by delivering to this Court an affidavit or other document complying with 28 U.S.C. § 1746 stating that the attorney desires to consent to disbarment and that:

(A) the attorney's consent is freely and voluntarily rendered; the attorney is not being subjected to coercion or duress; the attorney is fully aware of the implications of such consent;

(B) the attorney is aware that there is presently pending an investigation or proceeding involving allegations that there exist grounds for the attorney's discipline, the nature of which the attorney shall specifically set forth;

(C) the attorney acknowledges that the material facts so alleged are true; and

(D) the attorney so consents because the attorney knows that if charges were predicated upon the matters under investigation, or if the proceeding were prosecuted, the attorney could not successfully defend.

(2) Upon receipt of the required affidavit or other document complying with 28 U.S.C. § 1746, this Court shall enter an order disbaring the attorney signed by the Chief Judge, unless unavailable, at which time the order shall be signed by the next active Judge senior in commission.

(3) The order disbaring the attorney on consent shall be a matter of public record; however, the affidavit or other document complying with 28 U.S.C. § 1746 required by this Rule shall not be publicly disclosed or made available for use in any other proceeding except upon order of this Court.

(g) Reinstatement

(1) After Disbarment or Suspension

An attorney suspended for three months or less shall be automatically reinstated at the end of the period of suspension upon filing with the Court an affidavit or other document complying with 28 U.S.C. § 1746 of compliance with the provisions of the order. An attorney suspended for more than three months or disbarred may not resume practice until reinstated by order of this Court.

(2) Time of Application Following Disbarment

A person who has been disbarred after hearing or by consent may not apply for reinstatement until the expiration of at least five years from the effective date of the disbarment.

(3) Hearing on Application

Filing, service and notice of the petition shall be in accordance with the rules and regulations promulgated by the Disciplinary Review Board appointed by the Supreme Court of New Jersey. See New Jersey Court Rule 1:20-21. Petitions for reinstatement under this Rule by a disbarred or suspended attorney shall be filed with the Clerk. Upon receipt of the petition, the Clerk shall refer the petition to counsel and shall assign the matter for prompt hearing before a Judge, provided however that if the disciplinary proceeding was predicated upon the complaint of a Judge of this Court the hearing shall be conducted before a different Judge appointed by the Chief Judge, or if the Chief Judge was the complainant, by the next active Judge senior in commission. The Judge assigned to the matter shall, within 30 days after referral, schedule a hearing at which the petitioner shall have the burden of demonstrating by clear and convincing evidence that he or she has the moral qualifications, competency and learning in the law required for admission to practice law before this Court and that his or her resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or subversive of the public interest.

(4) Duty of Counsel

In all proceedings upon a petition for reinstatement, cross-examination of the witnesses of the petitioner and the submission of evidence, if any, in opposition to the petition shall be conducted by counsel.

(5) Conditions of Reinstatement

If the petitioner is found unfit to resume the practice of law, the petition shall be dismissed. If the petitioner is found fit to resume the practice of law, the judgment shall reinstate that person, provided that the judgment may make reinstatement conditional upon the payment of all or part of the costs of the proceedings, and upon the making of partial or complete restitution to parties harmed by the petitioner whose conduct led to the suspension or disbarment. If the petitioner has been suspended or disbarred for five years or more, reinstatement may be conditioned, in the discretion of the Judge before whom the matter is heard, upon the furnishing of proof of competency and learning in the law, which proof may include certification by the bar examiners of a state or other jurisdiction of the attorney's successful completion of an examination for admission to practice subsequent to the date of suspension or disbarment.

(6) Successive Petitions

No petition for reinstatement under this Rule shall be filed within one year following an adverse judgment upon a petition for reinstatement filed by or on behalf of the same person.

(h) Attorneys Specially Admitted

Whenever an attorney applies to be admitted or is admitted to practice before this Court for purposes of a particular proceeding (*pro hac vice*), the attorney shall be deemed thereby to have conferred disciplinary jurisdiction upon this Court for any alleged misconduct of that attorney arising in the course of or in the preparation for such proceeding.

(i) Service of Papers and Other Notices

Service of an order to show cause instituting a formal disciplinary proceeding shall be made by personal service or by registered or certified mail addressed to the respondent at the address shown in the roll of attorneys of this Court or the most recent edition of the New Jersey Lawyers Diary and Manual. Service of any other papers or notices required by these Rules shall be deemed to have been made if such paper or notice is addressed to the respondent at the address shown on the roll of attorneys of this Court or the most recent edition of the New Jersey Lawyers Diary and Manual, or to the respondent's attorney at the address indicated in the most recent pleading or other document filed in the course of any proceeding.

(j) Appointment of Counsel

Whenever counsel is to be appointed pursuant to these Rules to investigate allegations of misconduct or prosecute disciplinary proceedings or in conjunction with a reinstatement petition filed by a disciplined attorney, this Court may appoint as counsel the disciplinary agency of the Supreme Court of New Jersey, or other disciplinary agency having jurisdiction. If no such disciplinary agency exists or such disciplinary agency declines appointment, or such appointment is clearly inappropriate, this Court shall appoint as counsel one or more members of the bar of this Court to investigate allegations of misconduct or to prosecute disciplinary proceedings under these Rules, provided, however, that the respondent may move to disqualify an attorney so appointed who is or has been engaged as an adversary of the respondent in any matter. Counsel, appointed under this paragraph or paragraph (e)(12) above may not resign without permission from the Court. Counsel may use reasonable services as needed to assist in the appointment such as an associate and/or paralegal in the firm and be compensated for reasonable services under 104.1(k).

(k) Payment of Fees and Costs

At the conclusion of any disciplinary investigation or prosecution under these Rules, counsel appointed by the Court to either investigate, prosecute or defend the respondent in these disciplinary proceedings shall submit to the Court an itemized affidavit or other document complying with 28 U.S.C. § 1746 of expenses incurred in the course of such disciplinary investigation or prosecution. Any such appointed counsel may also submit an itemized affidavit or other document complying with 28 U.S.C. § 1746 of fees, ~~calculated at \$75 per hour or~~ such ~~higher~~ rate as may ~~from time to time~~ be allowable to counsel for indigent defendants under the federal Criminal Justice Act. Any attorney who is disciplined because of misconduct may be directed by the Court to pay all or part of the fees and expenses incurred by the Court and/or by any counsel appointed by the Court to investigate allegations of misconduct and/or to prosecute or defend the disciplinary proceedings. If the disciplinary proceedings result in the imposition of no discipline upon the respondent, counsel appointed to investigate and/or prosecute the proceedings may seek from the Court an order that his/her expenses be reimbursed from the Court's Attorney Admissions Fee Fund. If the respondent is determined to be indigent, any attorney appointed to either investigate, prosecute or defend the respondent may seek from the Court an order that his/her expenses be reimbursed from the Court's Attorney Admissions Fee Fund, without regard to whether the proceedings resulted in the imposition of discipline. Upon receipt of affidavits or other documents complying with 28 U.S.C. § 1746 regarding attorney's fees as described above, the Court may, in exceptional circumstances and if specifically

requested by the applicant, order payment from the Court's Attorney Admissions Fee Fund of all or part of the fees of any appointed counsel. Any of the foregoing applications shall be made to the Judge appointed pursuant to paragraph (e)(9) hereof or, if no such Judge has been appointed, to the Chief Judge.

(l) Duties of the Clerk

(1) Upon being informed that an attorney admitted to practice before this Court has been convicted of any crime, the Clerk shall determine whether the clerk of the court in which such conviction occurred has forwarded a certificate of such conviction to this Court. If a certificate has not been so forwarded, the Clerk shall promptly obtain a certificate and file it with this Court.

(2) Upon being informed that an attorney admitted to practice before this Court has been subjected to discipline by another court, the Clerk shall determine whether a certified or exemplified copy of the disciplinary judgment or order has been filed with this Court, and, if not, the Clerk shall promptly obtain a certified or exemplified copy of the disciplinary judgment or order and file it with this Court.

(3) Whenever it appears that any person convicted of any crime or ~~disbarred, or~~ suspended, ~~or~~ censured, publicly reprimanded, admonished or disbarred on consent by this Court is admitted to practice law in any other jurisdiction or before any other court, the Clerk shall, within 14 days of that conviction, disbarment, suspension, censure, public reprimand, admonition 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 copy of the judgment or order of disbarment, suspension, censure, public reprimand, admonition or disbarment on consent, as well as the last known office and residence addresses of the defendant or respondent.

(4) The Clerk shall also promptly notify the National Discipline Data Bank operated by the American Bar Association of any order imposing public discipline upon any attorney admitted to practice before this Court.

(m) Jurisdiction

Nothing contained in these Rules shall be construed to deny to this Court such powers as are necessary for the Court to maintain control over proceedings conducted before it, such as proceedings for contempt under Title 18 of the United States Code or under Fed. R. Crim. P. 42. Amended: March 14, 2001; March 1, 2010; June 19, 2013; July 5, 2018.

Comments must be received by the Clerk of the Court by February 19, 2021 and should be addressed to:

William T. Walsh, Clerk of Court
United States District Court
Martin Luther King Jr. Federal Bldg. & U.S. Courthouse
50 Walnut St.
Newark, NJ 07101

or by e-mail to: localrules@njd.uscourts.gov

Date: January 13, 2021

For the Court

Freda L. Wolfson
Chief Judge