

FILED

JUL 05 2018

AT 8:30
WILLIAM T. WALSH
CLERK

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

IN RE: Amendment of Local Civil :
Rules : ORDER

The Court being vested with authority pursuant to 28 U.S.C. § 2071 and Rule 83 of the Federal Rules of Civil Procedure to make and amend local rules; proposed amendments to Local Civil Rules having been submitted to the Lawyers Advisory Committee and the public for comment; no comments having been received, and the proposed amendments having been approved by the Board of Judges;

It is on this *5th* day of *July*, 2018, ORDERED that the Local Civil

Rules are amended to read:

L. Civ. R. 11.1 SIGNING OF PLEADINGS

In each case, the attorney of record who is a member of the bar of this Court shall personally sign all papers submitted to the Court or filed with the Clerk. Counsel admitted pro hac vice also are deemed responsible under Fed. R. Civ. P. 11(b) for filings with the Court, as provided in Local Civil Rule 101.1(c)(6).

L. Civ. R. 101.1 ADMISSION OF ATTORNEYS

. . . . (c)(6) Any pro hac vice counsel admitted in the action is deemed to have certified under Fed. R. Civ. P. 11(b) to those pleadings, written motions or other papers that the pro hac vice counsel signs, files, submits or later advocates to the Court.

L. Civ. R. 16.1(b) SCHEDULING AND CASE MANAGEMENT ORDERS

(1) At or after the initial conference, the Magistrate Judge shall, after consultation with counsel, enter a scheduling order which may include, but need not be limited to, the following:

- (A) dates by which parties must move to amend pleadings or add new parties;
- (B) dates for submission of experts' reports;

- (C) dates for completion of fact and expert discovery;
 - (D) dates for filing of dispositive motions after due consideration whether such motions may be brought at an early stage of proceedings (i.e., before completion of fact discovery or submission of experts' reports);
 - (E) a pretrial conference date;
 - (F) any designation of the case for arbitration, mediation, appointment of a special master or other special procedure;
 - (G) limitations on the scope of preservation, as well as on the scope, method or order of discovery as may be warranted by the circumstances of the particular case to avoid duplication, harassment, delay or needless expenditure of costs; and
 - (H) in an action asserting professional malpractice or negligence,
 - (1) whether an affidavit of merit has been served, or is required to be served,
 - (2) the date by which an affidavit of merit must be served,
 - (3) if an affidavit has been served, whether the defendant has any objections to the adequacy of the affidavit, and
 - (4) if appropriate, dates for filing of summary judgment motions concerning the necessity or adequacy of the affidavit.
- (2) Absent objection of a party or a form of order submitted on consent, either of which must be set forth in a proposed discovery plan submitted pursuant to Federal Rule of Civil Procedure 26(f)(2), a scheduling order entered pursuant to this subsection on or after September 30, 2016 shall be deemed to incorporate an order pursuant to Federal Rule of Evidence 502(d) that:
- (i) The production of materials, inadvertent or otherwise, shall not be deemed a waiver of attorney- client privilege or work product protection in this civil action or in any other federal or State proceeding.
 - (ii) Nothing in (i) above shall limit the right of a party or subpoenaed nonparty to conduct a reasonable review of materials for relevance or otherwise in response to a discovery request or requests.
- (3) The Magistrate Judge shall advise each party of the provisions of L. Civ. R. 73.1(a).
- (4) In a civil action arising under 18 U.S.C. §§1961-1968, the Judge or Magistrate Judge may require a RICO case statement to be filed and served in the form set forth in Appendix O.

L. Civ. R. 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 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.

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(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

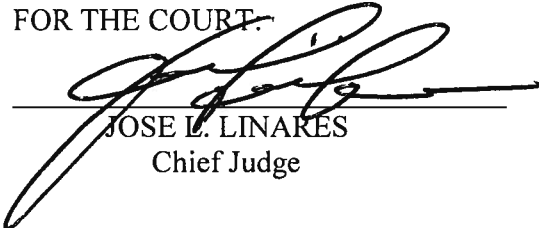
is clearly inappropriate, this Court shall appoint as counsel one or more members of the bar of this Court to investigate allegations of misconduct or to prosecute disciplinary proceedings under these Rules, provided, however, that the respondent may move to disqualify an attorney so appointed who is 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).

L. Civ. R. 401.1 RESTRICTIONS OF ALL BROADCASTING, PHOTOGRAPHING, VIDEO OR VOICE RECORDING

(a) All broadcasting, photographing and recording, both video and voice, by way of camera, cell phone or other device, are prohibited throughout the interior of the United States Courthouses in Camden, Newark and Trenton. This prohibition applies to all persons, whether or not they are engaged in radio, television or internet broadcasting, blogging or print media, for commercial gain or personal use, and whether or not the Court is in session. A Judge or Magistrate Judge may, however, permit the use of photographs, video or voice recordings for the presentation of evidence or the perpetuation of a record. Any exceptions to this rule must be requested in advance and written permission obtained by the presiding judge and/or tenant agency occupying the space where the exemption is requested.

It is FURTHER ORDERED these amendments are effective this date.

FOR THE COURT.



JOSE L. LINARES
Chief Judge