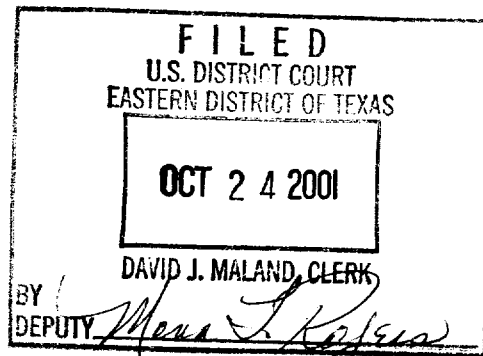


General Order No. 01-17



**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**GENERAL ORDER AMENDING LOCAL RULES**

It is hereby ORDERED that the following amendments to the local rules, having been approved by the judges of this court, are adopted for immediate implementation.<sup>1</sup> These amendments shall be posted forthwith on the court's Internet website, found at [www.txed.uscourts.gov](http://www.txed.uscourts.gov).

**1. LOCAL RULE CV-3 Commencement of Action**

**Habeas Corpus and §2255 Motions.** The clerk may require that petitions for a writ of habeas corpus and motions filed pursuant to 28 U.S.C. §2255 be filed on a set of standardized forms approved by this court and supplied, upon request, by the clerk without cost, to the petitioner. Habeas petitioners who are not proceeding in forma pauperis must pay a \$5.00 filing fee. See 28 U.S.C. §1914(a). There is no filing fee for §2255 motions filed by prisoners in federal custody.

*Comment:* The amendment corrects prior inaccuracies in this rule.

**2. LOCAL RULE CV-4 Complaint, Summons and Return**

- (a) The original and one copy of the complaint in a civil action must be filed with the clerk, except in patent, trademark or copyright cases, where an original and two copies of the complaint must be filed. A civil cover sheet listing any related cases shall accompany the complaint. See Local Rule CV-42. Any waiver of service of summons shall be done in accordance with Rule 4(d),

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<sup>1</sup>New language appears in underlined text; deleted language appears in ~~strikeout~~ text. For the reader's convenience, commentary that explains the reason for each amendment is included. The court wishes to thank the attorney members of its Local Rules Advisory Committee, who proposed many of the amendments adopted here.

Fed.R.Civ.P. If service of summons is not waived, an original and two copies of the summons in a civil action must be prepared by the attorney for the plaintiff and submitted for each defendant to be served with a copy of the complaint. Additional copies of the complaint and summons in a civil action may be required by the clerk for service through certain governmental agencies or on certain governmental defendants. The clerk is required to collect the filing fee authorized by federal statute before accepting a complaint for filing.

- (b) On the complaint, all litigants shall type or print all party names contained in the case caption with the accurate capitalization and spacing for each party (e.g. Martha vanDerkloot, James De Borne'). This procedure seeks to ensure that accurate computer party name searches can later be performed. In multi-party cases, all parties in the case caption shall be numbered (e.g. ~~plaintiff 1 through plaintiff 6; defendant 1 through defendant 20~~ plaintiffs - 1. Martha vanDerkloot 2. James De Borne; defendants - 1. John Smith 2. Jane Doe).

*Comments:* The language in section (a) is intended as a helpful cross-reference.

The language in section (b) provides a better example than the former one.

### 3. LOCAL RULE CV-5 Service and Filing of Pleadings and Other Papers

- (a) **Filing of Papers Generally.** The original and one copy of pleadings, motions and other papers shall be filed with the clerk (*but see* Local Rule CV-4(b) (two copies of summons and complaint required when serving Texas Secretary of State); Fed.R.Civ.P. 4(i) (extra copies required when serving the United States as a party); and Fed. R. Civ. P. 5(d) (discovery or disclosure materials under Fed.R.Civ.P. 26(a)(1) and (a)(2), including notices of depositions, are not filed unless by order of the court)). ~~Except where a judge has not yet been assigned to a case, pleadings, motions and other papers shall include the case caption, the last name of the assigned district judge or the appropriate magistrate judge, in the event that a case has been referred to a magistrate judge for disposition.~~

\* \* \* \*

- ~~(d) **Electronic Filing.** This section applies to the electronic filing of pleadings and papers.~~

- ~~(1) A pleading or paper may not be filed with the clerk by direct electronic transmission (i.e., from a party's or attorney's computer to the district court's computer database) without the prior authorization of the judge or magistrate judge assigned to that case.~~
- ~~(2) An electronic filing is complete as of the date and time it is received by the clerk. Service of pleadings or papers by electronic transmission on other parties or attorneys in the case, if permitted by the court, is also deemed complete as of the date and time the electronic transmission is received.~~

*Comment:* Section (a): the deleted language is being transferred in substance to Local Rule CV-10, "Form of Pleadings."

Section (d): this provision was put into the rules in anticipation of electronic filing, but caused confusion because the court does not have that capability yet. The provision will be reinserted into the rules when the court is ready to file documents electronically.

#### 4. LOCAL RULE CV-7 Pleadings Allowed; Form of Motions

\* \* \* \* \*

- (f) **Reply Briefs.** Unless otherwise directed by the presiding judge, a party who has filed an opposed motion may serve and file a reply brief responding to issues raised in the response within 5 days from the date the response is served. A sur-reply responding to issues raised in the reply may be served and filed within 5 days from the date the reply is served. The court need not wait for the reply or sur-reply before ruling on the motion. Absent leave of court, no further submissions on the motion are allowed.

\* \* \* \* \*

- (h) **Certificates of Conference.** Except as specified below, In all non-prisoner cases, all motions must be accompanied by a "certificate of conference" at the end of the motion following the certificate of service. Except as indicated in this section, The certificate must state (1) that counsel has conferred with opposing counsel in a good faith attempt to resolve the matter without court

intervention, and (2) whether the motion is opposed or unopposed. The moving party must provide an explanation in the certificate in instances where an attorney conference has not occurred prior to the filing of the motion. There are some situations where the opportunity to confer is effectively unavailable, or where it is inappropriate or impossible to confer. Examples of this include dispositive motions and motions made prior to the appearance of any defendants. Counsel shall not unnecessarily invoke this exception. Certificates of conference are not required with the following motions:

- (a) motions in prisoner cases;
- (b) to dismiss;
- (c) for judgment on the pleadings;
- (d) for summary judgment;
- (e) for judgment as a matter of law;
- (f) for new trial;
- (g) for admission to practice *pro hac vice*;
- (h) any motion captioned as “joint,” “agreed upon” or “unopposed;”  
and
- (i) for judgment of acquittal in criminal cases;

*Comments:* The amendment to section (f) gives opposing parties equal opportunity to fully discuss motions by allowing for sur-replies, yet limits the number of submissions that can be made on motions. The new language also makes it clear that the court can rule on a motion prior to the filing of a reply or sur-reply.

The new language in section (h) adopts a list of motions excepted from the certificate of conference rule similar to Texas Northern’s Local Rule 7.1. The clerk’s office will continue to monitor counsel’s compliance with this rule.

## **5. LOCAL RULE CV-10 Form of Pleadings**

(a) **Generally.** When offered for filing, all papers shall:

- (1) be endorsed with the style and number of the action;
- (2) contain a caption containing the name and party designation of the party filing the paper and a statement of the character of the paper clearly identifying

each included pleading, motion or other paper (e.g., Defendant John Doe's Answer and Motion to Dismiss under Rule 12(b)(6)) [note: see Local Rule CV-38(a) for cases involving jury demands];

(3) include in the caption the last name of the assigned district judge or the appropriate magistrate judge (in the event that a case has been referred to a magistrate judge for disposition), except where a judge has not yet been assigned to a case.

~~(3 4) be signed by the attorney in charge, or with his or her permission; and contain beneath the signature line his or her name, bar I.D. number, post office address, telephone number and facsimile number.~~

~~(4 5) be plainly written, typed, or printed, double-spaced, on 8 ½ inch by 11 inch white paper, fastened at the top only, and punched at the top center with two holes 2 7/8 inches apart; and~~

~~(5 6) be in a font no smaller than twelve (12) point type.~~

*Comments:* Section (a)(3): this substantive provision is transferred from Local Rule CV-5(a). Local Rule CV-10 is a better place for it.

Section (a)(4): the language here is stricken as duplicative; it already appears in Local Rule CV-11.

## **6. LOCAL RULE CV-11 Signing of Pleadings, Motions and Other Papers**

### **Attorney-in-charge.**

- (a) **Designation.** On first appearance through counsel, each party shall designate an attorney-in-charge. Signing the pleadings effects designation.
- (b) **Responsibility.** The attorney-in-charge is responsible in that action for the party. That individual attorney shall attend all court proceedings or send a fully informed attorney with authority to bind the client.
- (c) **Signing the Pleadings.** Every document filed must be signed by or by

permission of, the attorney-in-charge. Requests for postponement of the trial shall be signed by the attorney of record and the party making the request.

- (1) *Required Information.* Under the signature shall appear the:
  - (A) attorney's individual name;
  - (B) designation "attorney-in-charge";
  - (C) state bar number;
  - (D) office address including zip code;
  - (E) telephone number with area code;
  - (F) telephone number with area code of facsimile machine, if available (see Local Rule CV-77); and
  - (G) e-mail address, if available.
  
- (2) *Allowed Information.* The name of the law firm and name(s) of associate counsel may appear with the designation "of counsel."
  
- (d) **Withdrawal of Counsel.** Although no delay will be countenanced because of a change in counsel, withdrawal of the attorney-in-charge may be effected by motion and order, under conditions imposed by the court.
  
- ~~(e) **Notices.** All communications about an action will be sent to the attorney-in-charge and one other attorney designated by the attorney-in-charge, who are responsible for notifying associate counsel.~~
  
- (fe) **Change of Address.** Notices will be sent only to the address on file. A lawyer or pro se litigant is responsible for keeping the clerk advised in writing of the current address. Counsel of record and pro se litigants must include in this advisement of change of address the case numbers of all pending cases in which they are participants in this district.

*Comment:* Section (c) is amended to require attorneys to include their e-mail addresses, if available, in the signature block. Section (e) is no longer necessary since



In accordance with the case scheduling conference held in this action on the  
day of \_\_\_\_\_, 200 \_\_\_\_\_, the Court finds that the following scheduling order  
should issue. It is, therefore ORDERED that the following schedule of deadlines is  
in effect until further order of this court:

\_\_\_\_\_ Jury Selection - \_\_\_\_\_ a.m.

\_\_\_\_\_ Final Pretrial Conference - \_\_\_\_\_ a.m.

\_\_\_\_\_ Joint Final Pretrial Order, Joint Proposed Jury Instructions and  
Form of the Verdict (or Proposed Findings of Fact and  
Conclusions of Law in non-jury cases), and Motions in Limine.

\_\_\_\_\_ Responses to Dispositive Motions

\_\_\_\_\_ Dispositive Motions and any other motions that may require a  
hearing (including Daubert motions).

\_\_\_\_\_ Discovery deadline

\_\_\_\_\_ Defendant to Identify Trial Witnesses

\_\_\_\_\_ Plaintiff to Identify Trial Witnesses

\_\_\_\_\_ Defendant to Answer Amended Pleadings

\_\_\_\_\_ Amend pleadings

(It is not necessary to file a Motion for Leave to Amend before  
the deadline to amend pleadings. It is necessary to file a Motion  
for Leave to Amend after the deadline to amend pleadings)

\_\_\_\_\_ Disclosure of Expert Testimony by Defendant

See Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b) for  
information required to be disclosed

\_\_\_\_\_ Disclosure of Expert Testimony by Plaintiff

See Fed. R. Civ. P. 26(a)(2) and Local Rule CV-26(b) for



information required to be disclosed

\_\_\_\_\_ Mediation to be completed

\_\_\_\_\_ Privilege logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents)

\_\_\_\_\_ Join additional parties

The parties are directed to Appendix "A" of this order for additional requirements applicable to this case.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

*Comments:* New language has been added to allow scheduling conferences to be conducted in the courtroom, by telephone, mail or other suitable means, at the presiding judge's discretion. The new rule provides that a scheduling order must be entered in every case.

The provisions in the sample scheduling order are derived from orders developed by the judges of this court. This illustrative order also provides an opportunity to add judge- or case-specific provisions in an attached appendix.

#### **8. LOCAL RULE CV-43 Taking of Testimony**

**Interpreters in Civil Cases Not Instituted By the United States.** The presiding judge shall approve the utilization of interpreters in all civil cases not instituted by the United States. Absent a judicial order to the contrary, the presiding judge shall encourage the use of certified interpreters, or when no certified interpreter is reasonably available, "otherwise qualified" interpreters. See 28 U.S.C. § 1827(b).

The presiding judge may approve the use of an interpreter who is not certified or “otherwise qualified” if no certified or “otherwise qualified” interpreter is reasonably available. Upon request, the clerk of court shall make lists of certified and otherwise qualified interpreters available to parties.

*Comment:* The purpose of this rule is to ensure that the highest standards of accuracy are maintained in interpreting judicial proceedings. The new rule requires that, in civil cases not instituted by the United States, the presiding judge shall approve the use of interpreters who are either certified or “otherwise qualified” unless they are not available.

**9. LOCAL RULE CV-79 Books and Records Kept by the Clerk**

(a) **Disposition of Exhibits And/or Sealed Documents by the Clerk.** Thirty days after a civil action has been finally disposed of by the appellate courts or from the date the appeal time lapsed, the clerk is authorized to take the following actions:

(1) **Exhibits.** Destroy any sealed or unsealed exhibits filed therein which have not been previously claimed by the attorney of record for the party offering the same in evidence at the trial;

(2) **Sealed documents.** Scan the original documents into electronic images that are stored on the court's computer system in lieu of maintaining the original paper copies. The clerk shall ensure that the database of scanned images is maintained for the foreseeable future, and that no unauthorized access of the stored images occurs. Once a document has been scanned, the paper original will be destroyed.

(b) **Removal of Papers, Records, etc.** The clerk shall not allow the original copy of any papers, records, proceedings, or any other paper, writing or memorandum, belonging to or related to and filed in any civil action in this court to be removed from the clerk’s office ~~without permission of the judge to whom the case is assigned~~ except by an employee of the court.

(c) **Submission and Disposition of Trial Exhibits.**

- (1) The parties shall not submit exhibits to the clerk's office prior to a hearing/trial without an order of the court. The clerk shall return to the party any physical exhibits not complying with this rule.
- (2) Trial exhibits shall be properly marked, but not placed in binders. Multiple-paged documentary exhibits should be properly fastened. ~~If parties wish,~~ Additional copies of trial exhibits may be submitted in binders for the court's use.
- (3) The parties shall provide letter-sized copies or pictures of any physical or oversized exhibit to the court prior to the conclusion of trial. Oversized exhibits will be returned at the conclusion of the trial or hearing. If parties desire the oversized exhibits to be sent to the appellate court, it will be their responsibility to send them.

*Comments:* The language in section (b) is more reflective of the existing procedure.

New section (c)(3) was recommended by the clerk's office. Physical or oversized exhibits are routinely returned to the parties after trial. The letter-sized copies or pictures of the exhibits required by (c)(3) will stay in the file, however, and serve to show what the physical or oversized exhibit was.

## 10. LOCAL RULE CR-47 MOTIONS

Motion practice in criminal cases shall conform to the requirements of Local Rule CV-7.

- (a) ~~**Generally.** All motions in criminal cases, unless made during a hearing or trial, shall be in writing and conform to the requirements of Local Rule CR-49. Every motion shall be signed by the attorney-in-charge, or with his or her permission. The signature of an attorney constitutes a certificate by him or her that he or she has read the motion, that there are good grounds to support it, and that it is not interposed for delay. With each motion there shall also be filed and served a proposed order for the judge's signature. The order shall be a separate paper endorsed with the style and number of the cause.~~

- ~~(b) — **Documents Supporting Motions.** When allegations of fact not appearing in the record are relied upon in support of a motion, all affidavits and other pertinent documents shall be served and filed with the motion.~~
- ~~(c) — **Brief Supporting Motions.** Motions may be accompanied by a brief. The brief shall contain a concise statement of the reasons in support of the motion and citation of authorities upon which the movant relies. All briefs must be filed concurrent with the motion they support.~~
- ~~(d) — **Response and Brief.** If a party opposes a motion, he or she shall file his or her response, brief, and supporting documents as are then available within the time period prescribed by subsection (e) of this rule. A response shall be accompanied by a proposed order conforming to the requirements of subsection (a). Briefs shall contain a concise statement of the reasons in opposition to the motion, and a citation of authorities upon which the party relies. In the event a party fails to oppose a motion in the manner prescribed herein, the court will assume that the party has no opposition.~~
- ~~(e) — **Time to File Supporting Documents and Brief.** A party opposing a motion has 10 days in which to serve and file supporting documents and briefs after which the court will consider the submitted motion for decision. Any party may separately move for an order of this court lengthening or shortening the period within which supporting documents and briefs may be filed.~~
- ~~(f) — **Service.** All parties shall serve copies of their motion papers upon all other parties to the action. A certificate of service attached to the papers as provided for in Local Rule CR-49(a)(1) shall indicate the time and method of service.~~
- ~~(g) — **Oral Hearings.** A party may in a motion or a response specifically request an oral hearing, but the allowance of an oral hearing shall be within the sole discretion of the judge to whom the motion is assigned.~~

*Comment:* This rule adopts by reference the local civil rule on motions. This eliminates the need to continually update two identical sets of rules on motions.

## **11. LOCAL RULE CR-49 Service and Filing of Papers**

(a) **Generally.** Except as specified in section (b) of this rule, all pleadings and papers submitted in criminal cases must conform to the filing, service and format requirements contained in Local Rules CV-5, CV-10 and CV-11.

~~(1) When offered for filing, all papers shall be (1) endorsed with the style and number of the action and a statement of the character of the paper (e.g., MOTION TO SUPPRESS), (2) plainly written, typed, or printed, double-spaced, on 8 ½ inch by 11 inch white paper, stapled at the top only, and punched at the top center with two holes 2 7/8 inches apart, (3) signed by the attorney in charge and contain beneath the signature line his or her name, bar I.D. number, post office address and telephone number. “Blue backs” and other covers are not to be submitted with papers. No brief or motion shall be filed with the court with a font or typeface smaller than twelve (12) point type and 12 characters per inch. A certificate of service must be attached to and made a part of all papers when required by the Federal Rules of Criminal Procedure.~~

~~(2) The original and one copy of pleadings, motions and other papers shall be filed with the clerk. Except where a judge has not yet been assigned to a case, pleadings, motions and other papers shall include the case caption, the last name of the (a) assigned district judge and (b) the appropriate magistrate judge, in the event that a case has been referred to a magistrate judge for disposition.~~

~~(3) **Deficient pleadings/documents.** The clerk shall monitor papers for compliance with the federal and local rules as to format and form. If the paper sought to be filed is deficient as to form, the clerk shall immediately notify counsel, who should be given a reasonable opportunity to cure the perceived defect. If the perceived defect is not cured in a timely fashion, the clerk shall refer the matter to the appropriate district or magistrate judge for a ruling as to whether the papers should be made part of the record.~~

(4 b) **Multi-defendant cases.**

(A 1) **Copies.** Parties in criminal cases shall provide the clerk with the original plus one copy of each document (see Local Rule CR-49(a)(2)), plus one additional copy for the case file of each defendant to whom the

document applies.

**(B 2) Defendant Number.** In multi-defendant cases, each defendant receives a “defendant number”. The numbers are assigned in the order in which defendants are listed on the complaint or indictment. When filing documents with the court, the parties shall identify by name and number each defendant to whom the document being filed applies.

**(c 3) Sealed Indictments.** In multi-defendant cases involving one or more sealed indictments, the Government should, at the time the sealed indictment is filed, provide the clerk with appropriately redacted copies of the indictment for each defendant. The goal of this procedure is to protect the confidential aspect of the sealed indictment with regard to any defendants not yet arrested.

**~~(b) Facsimile Filing:~~**

~~(1) Filing by facsimile will only be allowed in situations determined by the court to be of an emergency nature or other compelling circumstance. The clerk shall not accept documents transmitted by facsimile equipment unless prior authorization has been obtained from the judge or magistrate judge to whom the case has been assigned, or at that judge's personal direction, with the exception of emergency pleadings in capital offense cases.~~

~~(2) Authorized facsimile transmissions must be faxed directly to the clerk's office. Additionally,~~

~~(A) the party filing the document must mail the original signed document to the clerk on the same day it is sent via facsimile, along with any reasonable fee established by the clerk; and~~

~~(B) absent express judicial permission, documents filed by facsimile transmission shall not exceed 15 pages in length.~~

~~Failure to comply with these requirements may result in the pleading being stricken from the record.~~

~~(3) A facsimile pleading is deemed to be filed as of the date it is received by the court. The filed facsimile shall have the same force and effect as the original. The clerk shall assign the original signed pleading the same document number as the facsimile pleading.~~

~~(c) **Attorney-in-Charge.**~~

~~(1) **Designation.** On first appearance through counsel, each party shall designate an attorney-in-charge. Signing the pleadings effects designation.~~

~~(2) **Responsibility.** The attorney-in-charge is responsible in that action for the party. That individual attorney shall attend all court proceedings or send a fully informed attorney with authority to bind the client.~~

~~(3) **Signing the Pleadings.** Every document filed must be signed by or by permission of, the attorney-in-charge.~~

~~(A) *Required Information.* Under the signature shall appear the~~

- ~~(i) attorney's individual name;~~
- ~~(ii) designation "attorney-in-charge";~~
- ~~(iii) state bar number;~~
- ~~(iv) office address including zip code;~~
- ~~(v) telephone number with area code; and~~
- ~~(vi) telephone number with area code of facsimile machine, if available (see Local Rule CV-77).~~

~~(B) *Allowed Information.* The name of the law firm and name(s) of associate counsel may appear with the designation "of counsel."~~

~~(4) **Withdrawal of Counsel.** Although no delay will be countenanced because of a change in counsel, withdrawal of the attorney-in-charge may be effected by motion and order, under conditions imposed by the court.~~

~~(5) **Notices.** All communications about an action will be sent to the attorney-in-charge, who is responsible for notifying associate counsel.~~

- ~~(6) **Change of Address.** Notices will be sent only to the address on file. A lawyer or pro se litigant is responsible for keeping the clerk advised in writing of the current address. Counsel of record and pro se litigants must include in this advisement of change of address the case numbers of all pending cases in which they are participants in this district.~~
- ~~(d) **Filing by After-Hours Depository.** The court maintains after-hours document depositories at the courthouses in Beaumont, Lufkin, Tyler, Marshall, Sherman and Texarkana. Any pleadings or other documents that are marked received using the electronic time stamp contained in the depository and then placed in the box will be entered on the docket as of the time and date marked as received to the depository.~~
- ~~(e) **Electronic Filing.** This section applies to the electronic filing of pleadings and papers.~~
- ~~(1) A pleading or paper may not be filed with the clerk by direct electronic transmission (i.e., from a party's or attorney's computer to the district court's computer database) without the prior authorization of the judge or magistrate judge assigned to that case. Additional guidelines regarding electronic filing in this district may be promulgated from the court from time to time.~~
- ~~(2) An electronic filing is complete as of the date and time it is received by the clerk. Service of pleadings or papers by electronic transmission on other parties or attorneys in the case, if permitted by the court, is also deemed complete as of the date and time the electronic transmission is received.~~
- ~~(f) **Service and Notice by Facsimile or Electronic Transmission.**~~
- ~~(1) The clerk may serve and give notice of judicial orders and judgments by facsimile or electronic transmission, in lieu of service and notice by mail, to any person who has a written request on file to receive service and notice of judicial orders and judgments from the clerk by facsimile and/or electronic transmission. This request remains effective in all subsequent litigation involving the person who filed the request. However, that person may withdraw his or her request by sending written notice to the clerk.~~



~~(2) Service and notice of judicial orders and judgments are complete when the clerk obtains electronic confirmation of the receipt of the transmission. Service by electronic transmission or facsimile by the clerk that occurs after 5:00 p.m. on any business day is deemed effective as of the following business day.~~

*Comment:* Like the recommendation for Local Rule CR-47, most of the existing rule was scrapped in favor of a simpler one that adopts the filing, service and format requirements contained in Local Rules CV-5, CV-10 and CV-11. The existing provisions regarding multi-defendant cases have been retained.

## 12. LOCAL RULE CR-55 Records

- (a) **Removal of Papers, Records, etc.** The clerk shall not allow original copies of any papers, records, etc. in a criminal case to be removed from the clerk's office except upon order of the judge to whom the case is assigned.
- (b) **Disposition of Exhibits and/or Sealed Documents by Clerk.** Thirty days after a criminal action has been finally disposed of by the appellate courts or from the date the appeal time lapsed, the clerk is authorized to take the following actions:
  - (1) **Exhibits.** Destroy any sealed or unsealed exhibits filed therein which have not been previously claimed by the attorney of record for the party offering the same in evidence at the trial. Sealed exhibits submitted in miscellaneous cases to obtain pen registers, wiretaps, etc. will be maintained in the court's vault for three (3) years, ~~if not previously retrieved by the U.S. Attorney and incorporated into a criminal case.~~ At the end of this time, the sealed exhibits will be destroyed;

*Comment:* The language in section (b)(1) was deleted as unnecessary.

## 13. LOCAL RULE AT-1 Admission to Practice

\* \* \* \* \*



respectfully show the court as follows:

1. Movant's address is \_\_\_\_\_  
\_\_\_\_\_.

2. Movant was admitted to practice by \_\_\_\_\_ (court) in  
\_\_\_\_\_ (date).

3. Movant is in good standing and is otherwise eligible to practice before this court.

4. Movant is not currently suspended or disbarred in any other court.

5. There are no pending grievances or other criminal matters pending against  
movant.

6. Movant has been admitted to practice in the following courts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

7. Movant has read and will comply with the Local Rules of the Eastern District of  
Texas, including Rule AT-3, the "Standards of Practice to be Observed by  
Attorneys."

**WHEREFORE, PREMISES CONSIDERED,** movant prays that the court grant  
this motion to appear pro hac vice in this matter.

Respectfully Submitted,

\* \* \* \* \*

*Comment:* Pro hac vice motions must now be filed on a court-approved form

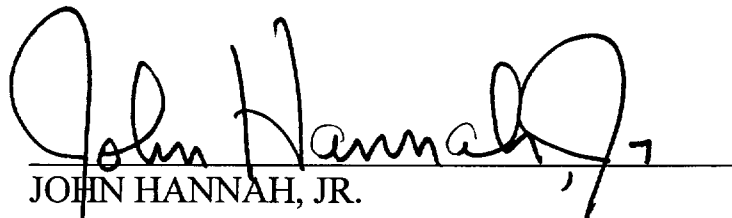
signed by the movant. This ensures that the requirement that the movant read and comply with Local Rule AT-3 is adhered to. The fee for pro hac vice motions is also increased from \$10 to \$25. The money from this fee is placed in the court's non-appropriated fund, which is used for the benefit of both bench and bar. .

**14. Appendix C - Civil Cover Sheet (Form JS-44)**

*Comment:* We have adopted the clerk's office recommendation to return to the standard JS-44 civil cover sheet used by most courts. The prior civil cover sheet is obsolete. It was designed to work with the discovery track system used in the former CJRA Plan.

Signed this 24<sup>th</sup> day of October, 2001.

FOR THE COURT:

  
\_\_\_\_\_  
JOHN HANNAH, JR.  
Chief Judge