

SECTION III - ATTORNEYS

RULE AT-1. ADMISSION AND DISCIPLINE OF ATTORNEYS

(a) Any person licensed to practice law in the State of Texas and in good standing with the State Bar of Texas may make application to practice in the Western District of Texas upon certification he or she will comply with the requirements of this rule. Any person who is a member in good standing of the bar of any federal district court, federal circuit court, or the Supreme Court of the United States, or is active in the practice of the bar of any other state and who has five years of experience in the practice of law may make application to practice in the Western District of Texas upon certification he or she will comply with the requirements of this rule. Any person who resides within the Western District of Texas shall file his or her application with the Clerk in the division in which he or she resides.

(b) Application for admission shall be made on the form approved by the Court and in compliance with instructions therein. The Clerk shall provide, upon request, the approved application form and instructions. Completed applications shall be filed with the Clerk. Three letters of reference concerning the applicant's character and standing from licensed attorneys in the Western District of Texas must be included. If the attorney resides in another federal district, the applicant must additionally submit three letters of reference from attorneys licensed in that district. In addition, a statement by the attorney which illustrates willingness to appear before the committee or members of the Bar shall be provided.

(c) For the purposes of examining and reporting on the fitness and qualification for all attorneys for admission, a standing committee of no less than three nor more than seven members of the bar of this Court will be appointed in each division by the presiding judge(s) of each division. The period of time the members will serve on the committee will be determined by the judge or judges at the time of appointment. A majority of the members on a committee will constitute a quorum for the purpose of taking any action contemplated by this rule in those divisions having five or less committee members. In those divisions having more than five members, any three members will constitute a quorum.

(d) When an application is filed with the Clerk, it will immediately be referred to the committee. The applicant must submit with the application a current certificate of good standing (or equivalent documentation) from each bar in which he or she has an active practice along with the required letters of reference. The applicant must certify that he or she has read, is familiar with, and will comply with the Local Rules of the United States District Court for the Western District of Texas.

The committee may require the applicant to participate in the taking of a seminar specifically designed for those lawyers who wish to practice in the Western District of Texas.

An applicant who is not a member of the State Bar of Texas but who becomes a resident of the State of Texas shall, if not admitted to the practice before the courts of Texas within one year of becoming a resident of Texas, be again evaluated by the committee with regard to continuing membership of the bar in the Western District of Texas.

In the event the attorney fails to complete all requirements of this rule for admission to practice within one year following the date of the filing of the application, all records will be removed by the Clerk without further notice to the attorney. A new application for admission will be required.

(e) (1) After the petition has been referred to and approved by the committee, and upon motion of a member of this Bar in open court, the attorney may be admitted to the Bar of this Court. When admitted, the attorney will pay the statutory admission fee, which will be transmitted by the Clerk to the Treasury of the United States, together with an additional fee of twenty dollars (\$20.00), which will be placed in the Non-Appropriated Fund Account to be used to defray actual expenses of the committee incurred in implementing this rule, and for such other purposes that the majority of the Advisory Committee for the Non-Appropriated Fund agree are appropriate. In addition, the attorney will take in open court either an oath or affirmation of the following:

I do solemnly swear (or affirm) that I will demean myself as an attorney and counselor of this Court according to the best of my ability and learning, and with all good fidelity as well to the Court as to the client. That I will use no falsehood nor delay any person's cause for lucre or malice, and that I will support the Constitution of the United States. So help me, God.

(2) Any non-resident who has completed all requirements for admission to the Western District of Texas including the payment of the proper fee may, upon the concurrence of the presiding judge of the division where the application is pending, have the oath of admission administered by a United States District Judge in another district. The attorney will be required to file the oath with the Clerk of Court for the Western District of Texas before his or her name will be entered on the roll of attorneys for the district.

(f) (1) No attorney who has not been admitted to practice before this Court shall appear for, or represent, a party in any case except by permission of the judge before whom the case is pending. In the event permission is granted, the non-admitted attorney shall immediately pay to the clerk a twenty-five dollar (\$25.00) pro hac vice fee.

(2) All attorneys admitted to practice before this Court are required to renew their membership with this Bar every three (3) years, the first three-year cycle beginning

January 1, 2002. Attorneys will submit to the Clerk a twenty-five dollar (\$25.00) attorney renewal fee. Such fee must be paid within ninety (90) days of the beginning of each renewal cycle. If the renewal fee is not timely paid, the attorney's name will be removed from the attorney admissions rolls of this Court. That attorney must then reapply for admission to practice before this Court in compliance with the provisions found in paragraphs (a) through (e) above. Those attorneys who are, and continue to be, exempt from the attorney admissions requirements of this Court, or who are full-time judicial officers or attorneys with any federal, state, or other governmental entity, are not subject to payment of the attorney renewal fee.

(g) (1) United States Magistrate Judges shall have the authority to admit attorneys pro hac vice; such admissions shall be at the sole discretion of the United States Magistrate Judge to whom the motion for admission is addressed, and such admission shall be limited to the case proceeding at hand and shall not be considered admission to allow an attorney to practice generally before the United States District Court.

(2) United States Bankruptcy Judges shall have the authority to admit attorneys pro hac vice; such admissions shall be at the sole discretion of the United States Bankruptcy Judges to whom the motion for admission is addressed; any such admission shall be limited to the case or proceeding at hand and shall not be considered admission to allow an attorney to practice generally before the United States Bankruptcy Court or the United States District Court.

(h) If the committee does not approve an attorney for admission to practice, the attorney and the presiding judge(s) in the division wherein the application was filed will be notified in writing. The attorney may, within thirty days from receipt of written notice, appeal the committee's decision by a written request directed to the presiding judge(s) of the division with a copy of the request being delivered to the committee chairperson. Upon receipt of a copy of the written request, the chairperson will send the file of the committee to the judge for review. Thereafter, the presiding judge(s) may take such action as appropriate under the circumstances.

(i) Any attorney admitted to practice in this Court will be referred to the committee of the division wherein the attorney practices for appropriate review, investigation, and recommendation if said attorney:

- (1)** is convicted of a felony offense in any state or federal court;
- (2)** has his or her license to practice law in any jurisdiction suspended, revoked, or otherwise limited by any appropriate disciplinary authority;
- (3)** resigns his or her license to practice law in any state or federal district specified in his or her application;

(4) represents a client in such a fashion as to raise a serious question concerning the need to improve the quality of the attorney's professional performance; or

(5) presents an impediment to the orderly administration of justice and/or integrity of the Court.

Promptly after receipt of such reference, the chairperson of the committee will advise the attorney that the referral has been made. An initial screening subcommittee, consisting of one or more members of the full committee, chosen by the chairperson, will be formed. The subcommittee may request the attorney meet with it informally to explain the circumstances which gave rise to the reference, and may conduct such preliminary inquiry as it deems advisable. If after the inquiry the subcommittee determines further attention is not needed, it will so notify the referring judge and the committee's responsibility will end. The referring judge may then take such action, if any, as appropriate.

If the initial screening subcommittee determines that the matter warrants further action, it will notify and furnish the attorney with a copy of the subject matters which the subcommittee intends to refer to the full committee. In addition, it will advise the chairperson who will then initiate a review by the full committee or a quorum, as defined in this rule. Ten days after notice to the attorney, the committee may pursue such inquiries it deems appropriate including scheduling a hearing with the attorney present and shall thereafter make its recommendation in writing. The attorney will be advised of the recommendation, in writing, and will be given the opportunity to respond, to seek revision or revocation, and/or to suggest alternatives to the recommendation. The committee, after receiving the response, may modify, amend, revoke or adhere to its original recommendation and will thereafter notify the attorney and the referring judge of its final recommendation. The referring judge may then take such action, if any, that is appropriate.

It will be the obligation of any attorney who is a member of the bar of this district to cooperate with the committee so that it may effectively comply with its responsibilities under this rule. If an attorney refuses to meet with the committee, refuses to furnish it with an explanation of the circumstances which gave rise to any referral, or otherwise refuses to cooperate with the committee, the committee will advise the presiding judge(s) of the division wherein the attorney practices and the Chief Judge of this Court. Thereafter, the Chief Judge may take such action, if any, as appropriate or refer the matter to the presiding judge of the division in which the lawyer practices.

Any attorney of the bar of this Court who is subject to a reference under this rule or who is asked by the committee to furnish it with relevant information concerning any requirement of this rule will regard it to be an obligation as an officer of the court to cooperate fully with the committee. In addition, any attorney who is convicted of a felony offense in any state or

federal court; has his or her license to practice law suspended, revoked, or otherwise limited by any appropriate disciplinary authority; or resigns his or her license to practice law in any state or federal bar specified in the lawyer's application to be a member of the bar of this Court must notify the Clerk of this Court of such action immediately and the Clerk shall, in turn, notify the presiding judge(s) of the divisions wherein the attorney practices.

(j) All records of the committee pertinent to the implementation and administration of this rule will be kept confidential to ensure the flow of information to the committee, frankness in reporting, and preventing recriminations against sources of information, unless the Court orders otherwise. If the attorney in question files a written request with the committee to make the matter one of public record, then the entire record will be presented to the Chief Judge of the district of the division for an appropriate determination.

(k) When any judge of this district receives a recommendation from the committee regarding any member of the bar of the Western District of Texas and the circumstances warrant, the judge shall forward a copy of the committee's records and the Court's action regarding any attorney to the appropriate disciplinary authority of any bar that authorizes the attorney to practice law.