I. CIVIL

Rule 101. Counsel

1. Who May Appear as Counsel; Who May Appear *Pro Se*

a. **Generally**

Except as otherwise provided in this Rule and in L.R. 112.3 and 28 U.S.C. § 515, only members of the Bar of this Court may appear as counsel in civil cases. ~~Only i~~Individuals who are parties in civil cases may only represent themselves. Individuals representing themselves are responsible for performing all duties imposed upon counsel by these Rules and all other applicable federal rules of procedure. All parties other than individuals must be represented by counsel.

b. ***Pro Hac Vice***

The Court may permit any attorney (except any attorney who is a member of the Maryland Bar or maintains any law office in Maryland) who is a member in good standing of the Bar of any other United States Court or of the highest court of any state to appear and participate as counsel in a particular civil case. Such permission shall not constitute formal admission to the Bar of this Court. However, an attorney admitted *pro hac vice* is subject to the disciplinary jurisdiction of this Court. Any party represented by an attorney who has been admitted *pro hac vice* must also be represented by an attorney who has been formally admitted to the Bar of this Court who shall sign all documents and, unless excused by the presiding judge, be present at any court proceedings.

c. **Appearance for Obtaining Deposition Subpoenas**

It shall not be necessary for counsel to be admitted to the Bar of this Court in order to obtain a subpoena for depositions to be taken in this District for cases pending in other Districts. However, an attorney seeking such a subpoena is subjected to the disciplinary jurisdiction of this Court.

d. ~~**Checking for**~~ **Duty to Avoid Scheduling Conflicts**

Before entering an appearance in a case, counsel must inquire whether any hearing date or a trial date has already been set in the case. If a date has been set and it conflicts with counsel's schedule in any respect, counsel shall not enter an appearance unless counsel first resolves the conflict by obtaining a continuance of one of the conflicting proceedings or, if counsel is a member of a firm, obtaining the client's consent to have another member of the firm appear on the client's behalf. After entering an appearance, counsel has a continuing duty to honor all scheduling commitments made to the Court.

Rule 104. Discovery

8. **Procedure Regarding Motions to Compel**

The following procedure shall be followed in litigating motions to compel answers to interrogatories and requests for production or entry upon land as to which a response has been served. This procedure shall not govern motions to compel (a) answers to interrogatories or to requests for production or entry upon land where no responses at all have been served, (b) answers to deposition questions or (c) responses to discovery requests directed to a non-party. Such latter motions shall be filed with the Court and treated as any non-discovery motion, except that, as to disputes concerning discovery directed to a non-party, unless otherwise directed by the Court, the Court will not consider the motion until a conference has been held under L.R. 104.8.b and a certificate has been filed under L.R. 104.8.c.

a. **Service of Motions and Memoranda**

If a party who has propounded interrogatories or requests for production is dissatisfied with the response to them and has been unable to resolve informally (by oral or written communications) any disputes with the responding party, that party shall serve a motion to compel within thirty days of the party's receipt of the response. The memorandum in support of the motion shall set forth, as to each response to which the motion is directed, the discovery request, the response thereto, and the asserted basis for the insufficiency of the response. The memorandum shall be succinct and need not include citation to legal authorities unless such citation is necessary in order to understand the issues presented. The opposing party shall serve a memorandum in opposition to the motion within fourteen days thereafter. The moving party shall serve any reply memorandum within eleven days thereafter. The parties shall serve motions and memoranda under L.R. 104.8 in accordance with Fed. R. Civ. P. 5(a) and shall not serve them through the Court's electronic filing system nor file with the Court notices of service of the motion and memoranda. ~~In cases subject to electronic filing, the motion and memoranda should be attached to the notices filed with the Court. In cases exempt from electronic filing, the motion and memoranda should not be filed with the Court.~~ Extensions of time given by the parties to one another to serve any document hereunder need not be approved by the Court, provided, however, that no extension of time limits set in any scheduling order entered by the Court shall be made without the Court's prior approval.

b. **Conference of Counsel**

Counsel are encouraged to confer with one another before or immediately after a motion to compel is ~~filed~~ served. If they are unable to resolve their disputes, counsel must hold the conference required by L.R. 104.7 after serving upon one another all of the documents relating to the motion to compel.

c. **Filing of Certificate of Conference and Motions and Memoranda**

i. **Cases Subject to Electronic Filing**

If counsel fail to resolve their differences during their conference,

the party seeking to compel discovery shall file ~~a motion to compel, any memoranda not previously filed as attachments to notices of service, and~~ the certificate required by L.R. 104.7, and shall append thereto a copy of the motion and memoranda previously served by the parties under L.R. 104.8.a.

ii. **Cases Exempt from Electronic Filing**

If counsel fail to resolve their differences during their conference, the party seeking to compel discovery shall file (i) the certificate required by L.R. 104.7, and (ii) the original and two copies of its motion and memorandum concerning the motion to compel and three copies of all other memoranda concerning the motion.

Rule 109. Post-trial Proceedings

2. **Motions Requesting Attorneys' Fees**

a. **Time for Filing**

Unless otherwise provided by statute, L.R. 109.2.c or otherwise ordered by the Court, any motion requesting the award of attorneys' fees must be filed within fourteen days of the entry of judgment. The memorandum required by L.R. 109.2.b must be filed within thirty-five days from the date the motion is filed; or (unless otherwise ordered by the Court) in the event an appeal is taken from the underlying judgment, within fourteen days of the issuance of the mandate of the Court of Appeals. Any opposition to the motion shall be filed within fourteen days of service of the memorandum. Non-compliance with these time limits shall be deemed to be a waiver of any claim for attorneys' fees.

b. **Contents**

Any motion requesting the award of attorneys' fees must be supported by a memorandum setting forth the nature of the case, the claims as to which the party prevailed, the claims as to which the party did not prevail, a detailed description of the work performed broken down by hours or fractions thereof expended on each task, the attorney's customary fee for such like work, the customary fee for like work prevailing in the attorney's community, a listing of any expenditures for which reimbursement is sought, any additional factors which are required by the case law, and any additional factors that the attorney wishes to bring to the Court's attention. Any motion for attorneys' fees in civil rights and discrimination cases shall be prepared in accordance with the Rules and Guidelines For Determining ~~Lodestar~~ Attorneys' Fees in ~~Civil Rights And Discrimination~~ Certain Cases that are an appendix to these Rules.

c. **Social Security Cases**

The provisions of Rules 109.2.a. and 109.2.b shall apply to motions requesting an award of attorneys' fees under 42 U.S.C. § 406 (b) with the following exception and additions: (i) the motion must be filed within thirty days of the entry of judgment; and (ii) the motion may not seek any award of fees for representation of the claimant in administrative proceedings. A motion for bill of costs in a Social Security benefits case must be filed within thirty days of the entry of judgment.

VII. ATTORNEY ADMISSION, ASSISTANCE AND DISCIPLINE

Rule 701. Admission

1. **Qualifications**

a. **General**

Except as provided in subsection (c) and (d) of this rule, an attorney is qualified for admission to the bar of this District if the attorney is and continuously remains, a member in good standing of the highest court of any State (or the District of Columbia) in which the attorney maintains his or her principal law office, or of the Court of Appeals of Maryland, is of good private and professional character, is familiar with the Code of Professional Responsibility, the Federal Rules of Civil and Criminal Procedure, the Federal Rules of Evidence, the Federal Rules of Appellate Procedure and these Local Rules and is willing, available and competent to accept appointments by the Court to represent indigent parties in civil cases in this District unless the acceptance of such appointments is inconsistent with an attorney's professional employment obligations as, for example, a government attorney.

b. **Federal Government Attorneys**

An attorney who is a member of a Federal Public Defender's Office, the Office of the United States Attorney for this District, or other federal government lawyer, is qualified for admission to the bar of this District for purposes relating to her or his employment if the attorney is a member in good standing of the highest court of any state (or the District of Columbia), is of good private and professional character, is familiar with the Code of Professional Responsibility, the Federal Rules of Civil Procedure and Criminal Procedure, the Federal Rules of Evidence, the Federal Rules of Appellate Procedure and these Local Rules.

c. **Reciprocity with Other Jurisdictions**

No attorney, other than a member of the Maryland bar, who maintains his or her principal law office outside the District of Maryland may be a member of the bar of this District if the attorney is, or becomes, a member of the bar of the United States District Court for the district in which the attorney maintains his or her principal law office if that district court has a local rule that denies membership in its bar to any attorney who is a member of the Maryland bar maintaining his or her principal law office in Maryland.

~~: i. the United States District Court for the district in which the attorney maintains his or her principal law office has a local rule that denies membership in its bar to any attorney who is a member of the Maryland bar maintaining his or her principal law office in Maryland; and~~

~~ii. the attorney is a member of the bar of that district.~~

d. **Non-Maryland Lawyers Maintaining Any Law Office in Maryland**

An attorney who is not a member of the Maryland Bar is not qualified for admission to the bar of this District if the attorney maintains any law office in Maryland.

e. **Principal Office**

The term "principal law office" as used in this rule means "the chief or main office in which an attorney usually devotes a substantial period of his or her time to the practice of law during ordinary business hours in the traditional work week." In determining whether an office is the "principal law office," the Court shall consider the following non-exclusive factors:

i. The attorney's representations of his or her "principal law office" or "law office" for purposes of malpractice insurance coverage, tax obligations and client security trust fund obligations.

ii. The address utilized in pleadings, correspondence with clients, applications for malpractice insurance and bar admissions, advertising, letterhead and other business matters.

iii. The location of meetings with clients, conduct of depositions, research and employment of support staff and associates.

iv. Location of client files, accounting records, and other business records, library and communication facilities such as telephone and fax service.

v. Whether the attorney has other offices, their locations and their relative utilization.

vi. The laws under which the law practice is organized, such as the place of incorporation.

APPENDIX B

RULES AND GUIDELINES FOR DETERMINING ~~LODESTAR~~ ATTORNEYS' FEES IN ~~CIVIL RIGHTS AND DISCRIMINATION~~CERTAIN CASES[1]

1. Mandatory Rules Regarding Billing Format, Time Recordation, and Submission of Quarterly Statements

a. Time shall be recorded by specific task and lawyer or other professional performing the task as set forth more fully in L.R. 109.~~2~~1.b.

b. Fee applications, accompanied by time records, shall be submitted in the following format organized by litigation phase[2]:

i. case development, background investigation and case administration (includes initial investigations, file setup, preparation of budgets, and routine communications with client, co-counsel, opposing counsel, and the Court);

ii. pleadings;

iii. interrogatories, document production, and other written discovery;

iv. depositions (includes time spent preparing for depositions);

v. motions practice;

vi. attending Court hearings;

vii. trial preparation and post-trial motions;

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[1]These rules and guidelines apply to cases in which a prevailing party would be entitled , by applicable law or contract, to reasonable attorneys' fees ~~under 42 U.S.C. § 1988(b) and to cases brought under Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Equal Pay Act, the Americans With Disabilities Act, ERISA, the Rehabilitation Act, the Individuals With Disabilities Education Act, the Family and Medical Leave Act, The Fair Credit Reporting Act and equivalent statutes.~~based on a set of criteria including hours and rates. They do not apply to cases in which statutes or contracts authorize fees based on a fixed percentage or other formula, such as Social Security cases.

[2]In general, preparation time and travel time should be reported under the category to which they relate. For example, time spent preparing for and traveling to and from a Court hearing should be recorded under the category "Court hearings." Factual investigation should also be listed under the specific category to which it relates. For example, time spent with a witness to obtain an affidavit for a summary judgment motion or opposition should be included under the category "motions practice." Similarly, a telephone conversation or a meeting with a client held for the purpose of preparing interrogatory answers should be included under the category "Interrogatories, document production and other written discovery." Of course, each of these tasks must be separately recorded in the back-up documentation in accordance with Guideline 1.a.

viii. attending trial;

ix. ADR; and

x. fee petition preparation.

c. Counsel for a party intending to seek fees if the party prevails shall submit to opposing counsel quarterly statements showing the amount of time spent on the case and the total value of that time. These statements need not be in the "litigation phase" format provided in Guideline 1.b or otherwise reflect how time has been spent. The first such statement is due at the end of the first quarter in which the action is filed. Failure to submit these statements may result in a denial or reduction of fees.[3]

d. Upon request by the Judge (or private mediator agreed upon by the parties) presiding over a settlement conference, counsel for all parties (with the exception of public lawyers who do not ordinarily keep time records) shall turn over to that officer (or mediator) statements of time and the value of that time in the "litigation phase" format provided in Guideline 1.b.

e. If during the course of a fee award dispute a Judge orders that the billing records of counsel for the party opposing fees must be turned over to the party requesting fees, those billing records shall be submitted in the "litigation phase" format.

2. **Guidelines Regarding Compensable and Non-compensable Time**

a. Where plaintiffs with both common and conflicting interests are represented by different lawyers, there shall be a lead attorney for each task (e.g., preparing for and speaking at depositions on issues of common interest and preparing pleadings, motions, and memoranda), and other lawyers shall be compensated only to the extent that they provide input into the activity directly related to their own client's interests.

b. Only one lawyer for each separately represented party shall be compensated for attending depositions[4].

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[3]Opposing counsel may not seek a denial or reduction of fees from the court if she did not first request that such statements be provided.

[4]Departure from this guideline would be appropriate upon a showing of a valid reason for sending two attorneys to the deposition, e.g. that the less senior attorney's presence is necessary because he organized numerous documents important to the deposition but the deposition is of a critical witness whom the more senior attorney should properly depose. Departure from the guideline also ~~would~~may be appropriate upon a showing that more than one retained attorney representing the defendant attended the deposition and charged the time for her attendance. ~~(If two lawyers from a public law office representing a defendant attend a deposition, the Court should consider this fact and the role played by the second lawyer, *i.e.*, whether she provided assistance, including representation of a separate public agency or individual defendant, or was present for merely educational purposes, in determining whether plaintiff should also be~~

~~c. Only one lawyer for each party shall be compensated for client and third party conferences.~~

~~d~~c. Only one lawyer for each party shall be compensated for attending hearings[5].

~~e~~d. Generally, only one lawyer is to be compensated for client, third party and intra-office conferences~~. If during such a conference one lawyer is seeking the advice of another lawyer, the time~~ , although if only one lawyer is being compensated the time may be charged at the rate of the more senior lawyer. Compensation may be paid for the attendance of more than one lawyer where justified for specific purposes such a~~t~~s periodic conferences of defined duration held for the purpose of work organization, strategy, and delegation of tasks in cases where such conferences are reasonably necessary for the proper management of the litigation.

~~f~~e. Travel

i. Whenever possible time spent in traveling should be devoted to doing substantive work for a client and should be billed (at the usual rate) to that client. If the travel time is devoted to work for a client other than the matter for which fees are sought, then the travel time should not be included in any fee request. If the travel time is devoted to substantive work for the client whose representation is the subject of the fee request, then the time should be billed for the substantive work, not travel time.

ii. Up to 2 hours of travel time (each way and each day) to and from a Court appearance, deposition, witness interview, or similar proceeding that cannot be devoted to substantive work may be charged at the lawyer's hourly rate.

iii. Time spent in long-distance travel above the 2 hours limit each way, that cannot be devoted to substantive work, may be charged at one-half of the lawyer's hourly rate.

3. **Guidelines Regarding Hourly Rates**[6]

~~compensated for having a second lawyer attend.)~~

[5]The same considerations discussed in footnote ~~3~~4 concerning attendance by more than one lawyer at a deposition also apply to attendance by more than one lawyer at a hearing. There is no guideline as to whether more than one lawyer for each party is to be compensated for attending trial. This must depend upon the complexity of the case and the role that each lawyer is playing. For example, if a junior lawyer is present at trial primarily for the purpose of organizing documents but takes a minor witness for educational purposes, consideration should be given to billing her time at a paralegal's rate.

[6]These rates are intended solely to provide practical guidance to lawyers and judges when requesting, challenging, and awarding fees. The factors established by case law obviously govern over them. ~~However, the guidelines~~ One factor that might support an adjustment to the applicable range is an increase in the cost of legal services since the adoption of the guidelines. The guidelines, however, may serve to make the fee petition less onerous by narrowing the debate over the range of a reasonable hourly rate in many cases. ~~The guidelines were derived by~~

a. Lawyers admitted to the bar for less than five years: ~~$135-170~~$150-190.

b. Lawyers admitted to the bar for five to eight years: ~~$150-225~~$165-250.

~~c.~~ c. Lawyers admitted to the bar for ~~more than eight years: $200-275.~~

~~d~~ nine to fourteen years: $225-300

d. Lawyers admitted to the bar for fifteen years or more: $275-400.

e. Paralegals and law clerks: ~~$90~~$95-115.

4. **Reimbursable Expenses**

a. Generally, reasonable out-of-pocket expenses (including long-distance telephone calls, express and overnight delivery services, computerized on-line research and faxes) are compensable at actual cost.

b. Mileage is compensable at the rate of reimbursement for official government travel in effect at the time the expense was incurred.

c. Copy work is compensable at the rate established by the Court for taxation of costs.

~~informally surveying members of the bar concerning hourly rates paid on the defense side in employment discrimination and civil rights cases and adding an upward adjustment to account for the risk of nonpayment faced by a plaintiff's lawyer in the event that her client does not prevail. The guideline rates also are generally comparable to those applied by the Court in several recent cases involving the award of fees to plaintiffs' counsel after considering affidavits submitted in support of such rates. They~~

These rates do not apply to cases governed by the Prison Litigation Reform Act, which sets an hourly rate by statute**.**