

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. 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

i. Generally

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.

ii. Certification Requirement

The Motion for Admission *Pro Hac Vice* shall include a certification as to the number of times the attorney has been admitted *pro hac vice* during the twelve (12) months immediately preceding the filing of the motion and identify any other active cases in this Court in which the attorney is admitted *pro hac vice*.

iii. Limitation

Admission *pro hac vice* is not a substitute for admission to the Bar of this Court, but rather is intended to facilitate occasional appearances only. Unless otherwise ordered for good cause shown, no attorney may be admitted *pro hac vice* in more than three (3) unrelated cases in any twelve (12) month period, nor may any attorney be admitted *pro hac vice* in more than three (3) active unrelated cases at any one time.

iv. Multi-District Litigation

Attorneys in multi-district litigation cases need not be members of this

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Court's Bar. Instead, an attorney may move for admission *pro hac vice* if the attorney is a member in good standing of the bar of any United States District Court. For purposes of this subsection only, attorneys requesting admission *pro hac vice* (1) are not required to have their admissions moved by an active member of this Court's bar, (2) do not need another member of this Court's bar to sign pleadings or enter appearances, and (3) are limited to practice in this Court in only the multi-district litigation proceeding.

c. **Appearance for Obtaining Deposition Subpoenas**

Unless otherwise ordered by the Court, it shall not be necessary for counsel to be admitted to the Bar of this Court in order to (1) obtain a subpoena for depositions to be taken in this District for cases pending in other Districts or (2) participate in proceedings to enforce or quash any such subpoena. However, an attorney exempted by this Rule from the requirement of being admitted to the bar of this Court is subject to the disciplinary jurisdiction of this Court.

d. **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.

2. **Withdrawal of Appearance**

a. **Individuals**

In the case of an individual, appearance of counsel may be withdrawn only with leave of Court and if (1) appearance of other counsel has been entered, or (2) withdrawing counsel files a certificate stating (a) the name and last known address of the client, and (b) that a written notice has been mailed to or otherwise served upon the client at least seven (7) days previously advising the client of counsel's proposed withdrawal and notifying the client either to have new counsel enter an appearance or to advise the Clerk that the client will be proceeding without counsel. If the withdrawal of counsel's appearance is permitted, the Clerk shall notify the party that the party will be deemed to be proceeding *pro se* unless and until new counsel enters an appearance on behalf of the party.

b. **Parties Other Than Individuals**

In the case of any party other than an individual, including corporations, partnerships, unincorporated associations and government entities, appearance of counsel may be withdrawn only with leave of Court and if (1) appearance of other counsel has been entered, or (2) withdrawing counsel files a certificate stating (a)

7. **Trial Briefs**

Unless otherwise ordered by the Court, counsel may (but need not) submit trial briefs.

8. **Motions for Sanctions**

a. **Not to be Filed as a Matter of Course**

The Court expects that motions for sanctions will not be filed as a matter of course. The Court will consider in appropriate cases imposing sanctions upon parties who file unjustified sanctions motions.

b. **Responses Required Only upon Court Order**

Unless otherwise ordered by the Court, a party need not respond to any motion filed under Fed. R. Civ. P. 11 or 28 U.S.C. § 1927. The Court shall not grant any motion without requesting a response.

9. **Motions for Extension of Time**

Before filing a motion to postpone any proceeding or to extend the time for the filing of any document or the taking of any other required action counsel shall attempt to obtain the consent of other counsel and shall give notice of the motion to other counsel a reasonable time before presentation of the motion to the Court. Counsel shall state in the motion whether the consent of other counsel has been obtained. Where counsel deems it reasonably practicable, counsel also shall try to obtain the consent of an unrepresented party.

10. **Motions to Reconsider**

Except as otherwise provided in Fed. R. Civ. P. [50, 52, 59, or 60](#), any motion to reconsider any order issued by the Court shall be filed with the Clerk not later than fourteen (14) days after entry of the order.

11. **Sealing**

Any motion seeking the sealing of pleadings, motions, exhibits or other documents to be filed in the Court record shall include (a) proposed reasons supported by specific factual representations to justify the sealing and (b) an explanation why alternatives to sealing would not provide sufficient protection. The Court will not rule upon the motion until at least fourteen (14) days after it is entered on the public docket to permit the filing of objections by interested parties. Materials that are the subject of the motion shall remain temporarily sealed pending a ruling by the Court. If the motion is denied, the party making the filing will be given an opportunity to withdraw the materials. Upon termination of the action, sealed materials will be disposed of in accordance with L.R. 113.

Rule 106. Pretrial Procedure

3. **Multi-District Litigation**

a. **Numbering and Docketing**

A group of actions transferred to this District under 28 U.S.C. § 1407 shall be given the composite number previously assigned by the Multi-District Panel. Individual actions within the group shall be given specific civil action numbers.

b. **Counsel Need Not be a Member of the Bar of This Court**

Counsel representing a party in a transferred action need not be a member of the bar of this Court but shall follow ~~Rule 101.b. iv any modified procedures for moving for admission pro hac vice. Parties in multi-district litigation cases- admission established by the Court, and such a party,~~ need not have counsel who ~~have~~ been admitted to the Bar of this Court.

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c. **Notification of Address**

Upon receipt of an order of transfer, all counsel in the transferred action shall notify the Clerk of their names, addresses and telephone numbers.

4. **Condemnation Cases - Request for Immediate Possession**

A plaintiff in a condemnation case seeking immediate possession of land shall submit a statement reciting (a) whether or not the land is improved and, if so, a specific description of the improvements, (b) whether or not the land is occupied and, if so, the name and address of the occupant and (c) whether the owner and the occupant consent to plaintiff's taking immediate possession.

5. **Review of Jeopardy Assessments**

All actions arising under 26 U.S.C. § 7429 shall bear the designation "Review of Jeopardy Assessment" on the complaint next to the style of the case. A proposed show cause order shall be submitted with the complaint, and the Clerk shall immediately bring the action to the attention of the Court. Failure to comply with this Rule may result in dismissal of the action.

Rule 113. Disposition of Exhibits and Sealed Materials

1. **Trial and Hearing Exhibits**

a. **Pending Appeal**

Unless otherwise ordered by the Court, at the conclusion of a trial or a hearing, the Clerk shall return all exhibits to counsel who submitted them. It is the responsibility of counsel to maintain the exhibits until the time for filing a notice of appeal has expired, or, in the event an appeal is taken, until the appeal is concluded. Upon request by counsel for another party or the Court, counsel having custody of the exhibits must make them available for inspection. Upon

Magistrate Judge or District Court Judge in this District.

2. **Requirements**

For a student to be eligible to practice, the following requirements must be met:

- a. The conduct of the case must be under the supervision of a member of the Bar of this District and that supervisor must be present with and prepared to assist the student at any Court appearances, assume full professional responsibility for the student's work, and read, approve and co-sign all documents filed with the Court.
- b. The student must be in his or her final two (2) years of law school.
- c. The student must be enrolled for credit in a law school clinical program.
- d. The program must maintain professional liability insurance for its activities and those of its supervisors and participating students.
- e. The student may not accept personal compensation from a client or other source, although the supervisor or the law school clinical program may accept compensation.

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3. **Petition to Practice**

Before a student shall be eligible under this Rule, the dean of the student's law school shall file with the Clerk of this Court a petition listing: the names of the enrolled students, the names of the supervisors and the address of an office ~~in this District~~ to which the Court may send all notices in connection with this Rule. The petition shall include a certification that, in the opinion of the dean and the faculty, the students have adequate knowledge of the procedural rules and substantive law, and that the activities of the students will be adequately supervised as required by this Rule. Upon written approval by the Chief Judge or a designated Judge, of this District, to be filed with the Clerk of this Court, the listed students shall be authorized to practice pursuant to this Rule and subject to the further order of this Court. The written approval of the said Judge as to both students and supervisors shall remain in effect for twelve (12) months from the date of approval, unless withdrawn or unless, by further petition by the dean, the said Judge shall extend the privilege.

Rule 703. Attorneys Subject to Discipline

Any attorney practicing before this Court or who has practiced before this Court in any way shall be deemed thereby to have conferred disciplinary jurisdiction upon the Court for any alleged misconduct of that attorney. To the extent appropriate, all Rules set forth herein as applicable to attorneys admitted to practice before the Court shall also be deemed applicable to and enforceable against any attorney participating in any manner in any proceeding in this Court, whether or not admitted to practice before the Court.

Rule 704. Rules of Professional Conduct

This Court shall apply the Rules of Professional Conduct as they have been adopted by the Maryland Court of Appeals.

Rule 705. Disciplinary Proceedings

1. **Allegations of Misconduct**

a. **Referral for Investigation**

When allegations of misconduct which, if substantiated, would warrant discipline of an attorney shall come to the attention of a Judge of this Court, the Judge shall refer the matter to the Court's Disciplinary Committee. If the Disciplinary Committee determines that further investigation is necessary, it may refer the matter to Maryland Bar Counsel to conduct an investigation. Alternatively, the Court, upon the recommendation of the Disciplinary Committee, may appoint one (1) or more members of the Bar of the Court as counsel to conduct the investigation. Notice of any such appointment shall be given to the respondent-attorney, and the respondent-attorney may move to disqualify counsel so appointed within fourteen (14) days after service of the notice.

b. **Recommendation by Counsel**

After the conclusion of the investigation, counsel shall submit to the Disciplinary Committee a recommendation that a formal hearing be held or that the matter be disposed of by dismissal, admonition, deferral or otherwise. The Disciplinary Committee shall take such action as it deems appropriate.

c. **Initiation of Formal Proceedings**

If formal disciplinary proceedings are to be initiated, the Court shall issue an order requiring the respondent-attorney to show cause within thirty (30) days after service of the order why the attorney should not be disciplined.

d. **Disciplinary Hearing**

If the respondent-attorney's answer to the show cause order raises any issue of fact or if the respondent-attorney wishes to be heard in mitigation, a disciplinary hearing shall be held before one (1) or more Judges of the Court. If the disciplinary proceeding is predicated upon the complaint of a Judge of this Court, the disciplinary hearing shall be conducted before a panel of three (3) other Judges of this Court appointed by the Chief Judge or, if there are less than three (3) Judges eligible to serve or the Chief Judge is the complainant, the panel shall be appointed by the Chief Judge of the Fourth Circuit Court of Appeals. For purposes of this subsection, "Judge" includes the District Judges, Magistrate Judges, and Bankruptcy Judges of this Court, and at least one (1)

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District Judge shall serve on each panel.

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- e. **Recommendation and Final Action**
Following the disciplinary hearing, the panel shall prepare a report and recommendation for en banc consideration by the District Judges of the Court. The District Judges will review the report and recommendation and determine any final action in the matter. The Chief Judge will then issue any appropriate order on behalf of the District Judges.

- f. **Confidentiality**
Proceedings under this section shall be confidential, except that any opinion and order entered by the Court disbarring, suspending, or imposing other discipline upon an attorney shall be placed on the public record.

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g.f. Disbarment by Consent While Under Disciplinary Investigation or Prosecution

- i. Any respondent-attorney may consent to disbarment while a disciplinary investigation or proceeding is pending against that attorney, but only by delivering to the Court an affidavit stating that the attorney desires to consent to disbarment and that: (1) the attorney's consent is freely and voluntarily rendered; (2) the attorney is not being subjected to coercion or duress; (3) the attorney is fully aware of the implications of so consenting; (4) the attorney is aware that there is a presently pending investigation or proceeding involving allegations that there exists grounds for the attorney's discipline, the nature of which the attorney shall specifically set forth; (5) the attorney acknowledges that the material facts so alleged are true, unless such acknowledgment would involve the admission of a crime; and (6) 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 himself.
- ii. Upon receipt of the required affidavit, the Court shall enter an order disbarring the attorney.
- iii. The order disbarring the attorney on consent shall be a matter of public record. However, the affidavit required under the provisions of this Rule shall not be publicly disclosed or made available for use in any other proceeding except upon order of the Court.

2. **Criminal Convictions**

a. **Serious Crimes**