

## 83.5 BAR ADMISSION

- (a) **Roll of Attorneys.** The Bar of this Court shall consist of those attorneys-at-law (hereinafter called "attorney" or "counsel") heretofore and those hereafter admitted to practice before the Court.
- (b) **Eligibility and Qualifications.**
1. Any attorney who is a member of the Missouri Bar in good standing, or admitted to practice before the United States District Court for the District of Kansas and is regularly engaged in the practice of law shall be admitted to practice upon motion of an attorney of this Bar who has been in good standing for a minimum of five years, and upon taking the proper oath and the entry of the attorney's name on the Roll of Attorneys.
  2. Any attorney who has passed the Missouri Bar Examination and who has been admitted to practice by the Supreme Court of Missouri in the current calendar year, and who intends to engage regularly in the practice of law, or serve as a law clerk to a federal judge or a judge of a state court of record, shall be eligible for admission to the Bar of this Court, provided, however, that any such attorney may not, without special leave, appear as counsel in this Court unless he or she maintains a law office and is regularly engaged in the practice of law or is associated with or employed by an attorney or attorneys admitted to the Bar of this Court. The form of application shall be modified for use by applicants being currently admitted to the Missouri Bar by the Supreme Court of Missouri. The Clerk of this Court shall ascertain that an applicant admitted under this paragraph has met all character requirements of the Supreme Court of Missouri. Appropriate certification of that fact will be accepted by this Court in lieu of the certificate required under Rule 83.5(d).
  3. Any attorney who is a member of the Missouri Bar in good standing who has not been regularly engaged in the practice of law for the preceding two years, who desires to be admitted to this Bar, may file a petition with the Clerk in the form and manner set forth in Rule 83.5(d) and also state the reasons for seeking admission. The Clerk shall submit such petition to any judge, who may, for good cause shown, grant it, or may appoint some member of this Bar to examine the attorney's reason for seeking admission, and legal training, prior experience in the practice of the law, and fitness to become a member of this Bar, and report to the Court the examiner's conclusions and findings. Upon the filing of the report, the judge appointing the examiner shall dispose of any such petition so filed, as to the judge shall be just and right. The judge denying any such petition may, for good cause shown, reconsider the same. A subsequent petition, filed after denial of an earlier petition, shall be presented only to the judge denying the earlier petition so long as that judge

remains an active member of this Court.

**(c) Standards for Professional Conduct.**

1. For misconduct defined in these Rules, and for good cause shown, and after notice and opportunity to be heard, any attorney admitted to practice before this Court may be disbarred, suspended from practice before this Court, reprimanded or subjected to such other disciplinary action as the circumstances warrant.
2. Acts or omissions by an attorney admitted to practice before this Court, individually or in concert with any other person or persons, which violate the Code of Professional Responsibility adopted by this Court shall constitute misconduct and shall be grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship. The Code of Professional Responsibility adopted by this Court is the Code of Professional Responsibility adopted by the highest court of the state in which this Court sits, as amended from time to time by that state court, except as otherwise provided by specific Rule of this Court after consideration of comments by representatives of bar associations within the state.

**(d) Procedure for Admission.** Each applicant for admission shall file with the Clerk a written petition in form provided by the Clerk, setting forth name, age, and office address; the date the applicant was admitted to practice by the Supreme Court of the State of Missouri or the United States District Court for the District of Kansas, and that applicant is not in default in payment of any fee required by the Rules of the Missouri Supreme Court or the United States District Court for the District of Kansas, for the then current year. The petition shall be accompanied by the certificate of two members of this Bar, of at least five years' good standing, stating when they were admitted to this Bar, and what they know of the applicant's character and experience at the Bar. The Clerk will examine the petition and certification and, if in compliance with this Rule, the petition will be presented to a judge. The applicant will make suitable arrangement thereafter with the Court for appearance and admission in open court. When a petition is called in open court, one of the members of this Bar shall move the admission of the petitioner. If admitted, the applicant shall, in open court, take the following oath:

"I do solemnly swear (or affirm) that:

I will support the Constitution of the United States and the Constitution of the State of Missouri. I will maintain the respect due to Courts of Justice and judicial officers.

I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except such as I believe to be honestly debatable under the law of the land.

I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth and honor, and will never seek to mislead the judge or jury by any artifice or false statement of fact or law.

I will maintain the confidence and preserve inviolate the secrets of my client, and will accept no compensation in connection with my client's business except from my client or with my client's knowledge and approval.

I will abstain from all offensive personalities, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged.

I will never reject from any consideration personal to myself the cause of the defenseless or oppressed, or delay any person's cause for lucre or malice.

**SO HELP ME GOD !"**

After taking the oath, the attorney shall sign the Roll of Attorneys and pay to the Clerk the fee as posted in the Clerk's Office.

- (e) **Continuing Legal Education Requirement.** Rescinded by Court en banc on December 7, 2000.
- (f) **Annual Fee.** Every attorney admitted to practice in the Western District of Missouri shall pay an annual fee as set from time to time by the Court en banc, but not to exceed **\$25.00**. This fee shall be paid in the manner designated by the Clerk of Court. **(A reinstatement fee of \$150.00 will be required for all fees received after March 31st.)**
- (g) **Failure to Comply.** Failure to pay the Annual Fee (Local Rule 83.5(f)) will result in loss of the right to practice before this Court by placing the subject attorney on inactive status **and disabling the attorney's CM/ECF password if applicable.**
- (h) **Bar Fund.** The fund created by the fees hereinabove required shall be kept by the Clerk in a separate account, and shall be disbursed by the Clerk under the direction and order of the Court en banc.
- (i) **Periodic Assessment of Attorneys; Registration Statements.**
  1. Every attorney admitted to practice before this Court shall upon admission pay to the Clerk of Court an initial disciplinary registration fee in an amount to be determined by Order of the Court which shall be used, until this Court determines that an additional assessment will be required, for the payment of costs incurred in the disciplinary administration and enforcement under these Rules.

2. Payment of the disciplinary registration fee shall be a condition precedent to the granting of any application for admission *pro hac vice* by any attorney not otherwise admitted to the Bar of this Court.
3. If an attorney has paid a registration fee in another court of the United States pursuant to the adoption, of that court, of disciplinary rules similar to this local rule, then said attorney shall not be required to pay the registration fee required under (d) above.
4. An attorney who has retired or is not engaged in the practice of law before this Court may advise the Clerk of Court, in writing, that said attorney desires to assume inactive status and said attorney is not required to pay the fee required under (f) above. Upon the filing of a notice to assume inactive status, the attorney shall no longer be eligible to practice law in this Court and shall be removed from the rolls of those classified as active until, and unless, said attorney requests and is granted reinstatement to the active rolls by the Clerk of Court.
5. The fund created by the disciplinary registration fee hereinabove required shall be maintained in a separate account held by the Clerk of Court, as trustee, for the payment of expenditures incurred, pursuant to Rule 83.6(i) and not on behalf of the United States.

- (j) **Inactive Status.** If a member of this Bar desires to become inactive in the practice of law before this Court, said member shall submit a request, in writing, to the Clerk of this Court.

If a member of this Bar has been granted or placed on inactive status and desires to be reinstated to active status, said member shall submit a request in writing accompanied by a payment of **\$150.00**, to the Clerk of this Court. Upon receipt of notification of reinstatement the attorney may again practice in this Court, and will be expected to comply with Local Rule 83.5(f).

- (k) **Local Counsel.** In any case, civil or criminal, in which a member of this Bar whose office is situated a great distance from the place of holding court in the division in which the action is pending, represents one or more parties, the judge to whom the action is assigned may, in his or her discretion, require the attorney to retain a local attorney, who is a member in good standing of this Bar, who can be available for unscheduled meetings and hearings.

- (l) **Visiting Attorneys: Permission to Appear in a Particular Case.** Any attorney not a member of this Bar, but who is a member in good standing of the bar of any court of record, may be permitted to appear and participate in a particular case, civil or criminal, under the following conditions:

Any attorney residing outside of this district and admitted to practice before and then in good standing in the United States District Court in the district of residence, may, upon written motion, be permitted by this Court to appear and participate as an attorney in the trial of any action or the hearing of any motion, petition or other proceeding then pending before this Court, but only if the attorney associates with an active Missouri resident member in good standing of this Bar who shall participate in the preparation and trial of the case or presentation of the matter involved and on whom service of all papers may be made. An attorney seeking admission to practice pursuant to this provision shall file a Petition for Admission *Pro Hac Vice*, on a form supplied by the Clerk of Court (set forth on Appendix "A" to this Rule), accompanied by payment of the sum of **\$50.00**. The Clerk of Court shall maintain a roll of attorneys so admitted. The Clerk of Court shall not accept for filing papers which do not contain the name of an attorney admitted to practice before this Court.

Unless the statement, *supra*, is filed with the initial pleading, or within 15 days thereafter, the Court, upon motion or on its own motion, may dismiss the action commenced in violation of this Rule. Upon compliance with the foregoing and introduction of the visiting attorney to the Court, the sponsoring attorney may be excused from further attendance and the visiting attorney will be permitted to appear for the purpose of the particular case, without enrollment. After being so excused from attendance, however, the sponsoring attorney shall retain all of the responsibilities of a counsel of record and shall continue to accept service of papers and to serve as a point of contact or communication between the Court and the party represented by the sponsoring attorney.

- (m) **Attorneys Specially Admitted.** Whenever an attorney applies to be admitted or is admitted to this Court for purposes of a particular proceeding (*pro hac vice*), the attorney shall be deemed thereby to have conferred disciplinary jurisdiction upon this Court for any alleged misconduct of that attorney arising in the course of or in the preparation for such proceeding.
- (n) **Government Attorneys and Federal Public Defenders.** Any attorney representing the United States Government, or any agency thereof, or employed by the Office of the Federal Public Defender, may appear and participate in particular cases in the attorney's official capacity without petition for admission. If the Government Attorney is not a resident of this District, the attorney shall designate the United States Attorney or the Assistant United States Attorney for this District, for the purpose of receiving service of all notices or papers in said action. Service of notice upon the designated District Attorney, or an Assistant, shall constitute service upon such non-resident Government Attorney.
- (o) **Withdrawal of Counsel and Entry of Appearance of New Counsel.** Counsel may not be relieved from further representation of a client without obtaining leave of Court. Such leave will ordinarily be denied unless entry of appearance by substitute counsel is assured or has occurred.