

UNITED STATES DISTRICT COURT
FOR THE
EASTERN AND WESTERN DISTRICTS OF KENTUCKY

JOINT GENERAL ORDER No. 15-02

IN RE: AMENDMENTS TO JOINT LOCAL RULES

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Pursuant to LR 83.14 and LCrR 57.7 of the Joint Local Rules of the Eastern and Western Districts of Kentucky, and pursuant to the authority granted by Rule 83 of the Federal Rules of Civil Procedure and Rule 57 of the Federal Rules of Criminal Procedure, upon recommendation of the Joint Local Rules Commission, and upon the close of the comment period without comment, the Judges of the Eastern and Western Districts hereby ORDER that the following amendments be made to the Joint Local Rules:

1. Subparagraph (b) of LR 83.3 – Attorney Discipline – will be amended as follows:

(b) Discipline By Admitting or Licensing Authority; Procedure.

(1) *Attorney's Duty to Notify.* An attorney practicing before the Court who is publicly reprimanded, suspended, or disbarred by any admitting or licensing authority must inform the Clerk in writing of the public reprimand, suspension or disbarment within ten (10) days after the effective date of any such public reprimand, suspension, or disbarment.

(2) *Automatic Reciprocal Discipline; Discretion to Enhance Discipline.* Unless otherwise ordered by the Court, any such attorney who has been suspended or disbarred by any admitting or licensing authority, whether by suspension, revocation, or disbarment, shall automatically forfeit his or her right to practice law before this Court during the same period that such attorney has been prohibited from practicing law by such other licensing authority, or, under the Court's discretion, for a greater period of time. The Clerk of Court shall send a written notice to the attorney, together with a copy of this section of the Local Rules, informing the attorney of the forfeiture of his or her right to practice law before this court. Any failure or delay with regard to the sending of such notice shall not affect the automatic forfeiture provisions of this section.

(3) *Grounds for Challenge.* Within thirty (30) days after the effective date of any suspension or disbarment by any admitting or licensing authority, the

attorney may file a written challenge to the reciprocal discipline imposed under section (2). To conclude that the entry of some other order is appropriate, the Court must find that the record underlying the attorney's suspension or disbarment clearly indicates that:

(A) the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;

(B) the proof establishing the misconduct was so infirm that the Court could not – consistent with its duty – accept the conclusion of the admitting or licensing authority as final;

(C) the Court's disqualification of the attorney would result in grave injustice; or

(D) the Court concludes that the misconduct underlying the attorney's suspension or disbarment warrants substantially different discipline.

(4) *Finality of the Action of the Admitting or Licensing Authority.*

Unless the Court determines that one of the grounds contained in (3) above exists, the admitting or licensing authority's final adjudication of attorney misconduct conclusively establishes the misconduct for purposes of this Court's discipline.

(5) *Reinstatement.* Upon reinstatement of an attorney by any admitting or licensing authority, the attorney shall provide to the Clerk of Court written notice from the admitting or licensing authority confirming the reinstatement. The Clerk of Court shall then transmit the confirmation to the Chief Judge who shall determine whether the attorney may be reinstated to practice before the Court.

2. Subparagraph (b) of LCrR 57.3 – Attorney Discipline – will be amended as follows:

(b) Discipline By Admitting or Licensing Authority; Procedure.

(1) *Attorney's Duty to Notify.* An attorney practicing before the Court who is publicly reprimanded, suspended, or disbarred by any admitting or licensing authority must inform the Clerk in writing of the public reprimand, suspension, or disbarment within ten (10) days after the effective date of any such public reprimand, suspension or disbarment.

(2) *Automatic Reciprocal Discipline; Discretion to Enhance Discipline.* Unless otherwise ordered by the Court, any such attorney who has been suspended or disbarred by any admitting or licensing authority, whether by suspension, revocation, or disbarment, shall automatically forfeit his or her right to practice law before this Court during the same period that such attorney has been prohibited from practicing law by such other licensing authority, or, under the Court's discretion, for a greater period of time. The Clerk of Court shall send a written notice to the attorney, together with a copy of this section of the Local Rules, informing the attorney of the forfeiture of his or her right to practice law

before this court. Any failure or delay with regard to the sending of such notice shall not affect the automatic forfeiture provisions of this section.

(3) *Grounds for Challenge.* Within thirty (30) days after the effective date of any suspension or disbarment by any admitting or licensing authority, the attorney may file a written challenge to the reciprocal discipline imposed under section (2). To conclude that the entry of some other order is appropriate, the Court must find that the record underlying the attorney's suspension or disbarment clearly indicates that:

(A) the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;

(B) the proof establishing the misconduct was so infirm that the Court could not – consistent with its duty – accept the conclusion of the admitting or licensing authority as final;

(C) the Court's disqualification of the attorney would result in grave injustice; or

(D) the Court concludes that the misconduct underlying the attorney's suspension or disbarment warrants substantially different discipline.

(4) *Finality of the Action of the Admitting or Licensing Authority.* Unless the Court determines that one of the grounds contained in (3) above exists, the admitting or licensing authority's final adjudication of attorney misconduct conclusively establishes the misconduct for purposes of this Court's discipline.

(5) *Reinstatement.* Upon reinstatement of an attorney by any admitting or licensing authority, the attorney shall provide to the Clerk of Court written notice from the admitting or licensing authority confirming the reinstatement. The Clerk of Court shall then transmit the confirmation to the Chief Judge who shall determine whether the attorney may be reinstated to practice before the Court.

The amendments reflected in this Joint General Order shall be incorporated into the Courts' Joint Local Rules published on the Courts' respective websites. Copies of this Order shall be made available to the public on the Courts' respective websites and made available to the various publishing companies that publish the Joint Local Rules of the Eastern and Western Districts of Kentucky. The amendments noted in this Order shall take effect upon entry of this Order.

IT IS SO ORDERED:

s/Karen K. Caldwell
Hon. Karen K. Caldwell
Chief Judge, United States District
Court, Eastern District of Kentucky

s/Joseph H. McKinley, Jr.
Hon. Joseph H. McKinley, Jr.
Chief Judge, United States District
Court, Western District of Kentucky