

UNITED STATES DISTRICT COURT
FOR THE
EASTERN AND WESTERN DISTRICTS OF KENTUCKY**JOINT GENERAL ORDER No. 2023-02****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 in the absence of any comments after Notice, the Judges of the Eastern and Western Districts hereby ORDER that the following amendments be made to the Joint Local Rules:

- A. **LR 83.2 Permission to Practice in a Particular Case** – is amended to delete the asterisk and note as redundant with subsection (b) of the local rule.
- B. **LR 83.6 Substitution or Withdrawal of Attorney of Record** – is amended as follows in order to modernize and clarify the local rule:

LR 83.6 Substitution or Withdrawal of Attorney of Record

Absent leave granted by the Court upon a motion showing compelling circumstances supporting leave to withdraw, an attorney of record is not permitted to withdraw within twenty-one (21) days of trial or a hearing on any motion for judgment or dismissal. At any other time, an attorney of record may withdraw from a case only under the following circumstances:

- (a) **By Motion.** The attorney files a motion, certifies the motion was served on the client, makes a showing of good cause, and the Court consents to the withdrawal on whatever terms the Court chooses to impose. If the withdrawal will leave the client unrepresented, the motion must include the client's current email address, mailing address, and telephone number.
- (b) **By Notice of Withdrawal.** An attorney of record may withdraw from a case by filing a notice of withdrawal stating that the client has been notified of the withdrawal, if:

- (1) multiple attorneys are attorneys of record for the client; and
 - (2) at least one of those attorneys will remain attorney of record after the attorney seeking to withdraw does so.
- (c) **By Notice of Substitution.** In cases where an attorney seeks to be substituted for another as attorney of record, and both attorneys are within the same governmental department or agency, federal public defender office, or private law firm, a notice of substitution may be filed. The notice must be filed by the withdrawing attorney and the substitute attorney with an affirmative representation stating that the substitution is made with the client's consent.
- (d) **By Notice of Change of Law Firm Affiliation.** When an attorney changes his or her law firm or other legal professional affiliation, but will remain as a client's attorney of record, the attorney must file a notice of such change in law firm affiliation and provide complete updated contact information. It remains the responsibility of each attorney to maintain a current email and mailing address through their PACER account.

C. LR 83.9 Courtroom Decorum – Subsection (e) is amended as follows in order to clarify the local rule:

- (e) **Remote Participation.** No person remotely participating in any court proceeding may record or cause to be recorded any such proceeding.

D. LCrR 50.1 Reassignment of Criminal Cases – is amended as follows in order to reflect existing practice consistent with the inherent power of the Court, and for consistency with the Local Civil Rule:

LCrR 50.1 Assignment of Cases Among Judges and Calendaring

- (a) **Assignment of Cases Among Judges.** Cases are assigned among the various judges within a district in a manner established by the Court's General Order. Unless otherwise ordered, cases are calendared for trial or other appropriate proceedings by the assigned judge.
- (b) **Reassignment of Cases.** Any judge within the district is authorized to reassign a case to another judge within the district willing to accept the assignment.
- (c) **Judge Not Available.** If it appears that any matter demands immediate attention and the judge to whom the case has been assigned is not or will not be available, the Clerk – upon request – must determine if another judge is available who will consent to hear the matter.

E. LCrR 53.1 Courtroom Decorum – Subsection (c) will be amended as follows in order to clarify the local rule:

- (e) **Remote Participation.** No person remotely participating in any court proceeding may record or cause to be recorded any such proceeding.

F. LCrR 57.2 Permission to Practice in a Particular Case – is amended to delete the asterisk and note as redundant with subsection (b) of the local rule.

G. LCrR 57.6 Substitution or Withdrawal of Attorney of Record – is amended as follows in order to reflect existing practice consistent with the inherent power of the Court, and for consistency with the Local Civil Rule:

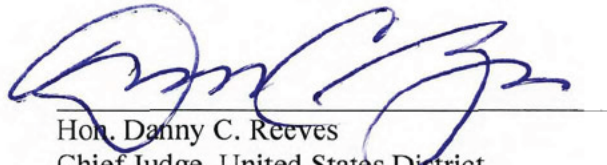
LCrR 57.6 Substitution or Withdrawal of Attorney of Record

Absent leave granted by the Court upon a motion showing compelling circumstances supporting leave to withdraw, an attorney of record is not permitted to withdraw within twenty-one (21) days of trial or an evidentiary hearing. At any other time, an attorney of record may withdraw from a case only under the following circumstances:


- (a) **By Motion.** The attorney files a motion, certifies the motion was served on the client, makes a showing of good cause, and the Court consents to the withdrawal on whatever terms the Court chooses to impose. If the withdrawal will leave the client unrepresented, the motion must include the client's current email address, mailing address, and telephone number.
- (b) **By Notice of Withdrawal.** An attorney of record may withdraw from a case by filing a notice of withdrawal stating that the client has been notified of the withdrawal, if:
- (1) multiple attorneys are attorneys of record for the client; and
 - (2) at least one of those attorneys will remain attorney of record after the attorney seeking to withdraw does so.
- (c) **By Notice of Substitution.** In cases where an attorney seeks to be substituted for another as attorney of record, and both attorneys are within the same governmental department or agency, federal public defender office, or private law firm, a notice of substitution may be filed. The notice must be filed by the withdrawing attorney and the substitute attorney with an affirmative representation stating that the substitution is made with the client's consent.
- (d) **By Notice of Change of Law Firm Affiliation.** When an attorney changes his or her law firm or other legal professional affiliation, but will remain as a client's attorney of record, the attorney must file a notice of such change in law firm affiliation and provide complete updated contact information. It remains the responsibility of each attorney to maintain a current email and mailing address through their PACER account.

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:



Hon. Danny C. Reeves
Chief Judge, United States District
Court, Eastern District of Kentucky
Dated: July 7, 2023



Greg N. Stivers, Chief Judge
United States District Court

Hon. Greg N. Stivers
Chief Judge, United States District
Court, Western District of Kentucky