

**Amendments to the Middle District of Pennsylvania Local Rules
to become effective, December 1, 2014**

1. **LR 67.1 Investment of Registry Funds Pending Litigation.**

(a) Investment of Funds by Clerk of Court. The Clerk of Court will invest funds under Fed. R. Civ. P. 67 as soon as the business of his or her office allows.

~~Funds regularly deposited in the registry of the court such as bail, removal bonds and civil garnishments are placed in the Treasury of the United States and accrue no interest.~~

~~**(b) Deposit in Court Pursuant to Fed. R. Civ. P. 67.** Counsel or parties who wish to deposit funds in pending litigation may, by leave of court, have such funds invested in interest bearing accounts. Any order directing investment will include the amount to be invested. The order may, if counsel so stipulate, describe the specifics of the investment mechanism. Otherwise, the clerk shall deposit the funds with a commercial financial institution approved by the U.S. Treasury as meeting the requirements of 31 CFR part 202 in a passbook, certificate of deposit, money market deposit account, U.S. Treasury securities, or the Court Registry Investment System administered by the United States District Court for the Southern District of Texas.~~

(1) Receipt of Funds

- A. No money shall be sent to the Court or its officers for deposit in the Court's registry without a court order signed by the presiding judge in the case or proceeding.
- B. The party making the deposit or transferring funds to the Court's registry shall serve the order permitting the deposit or transfer on the Clerk of Court, the Chief Deputy and the Financial Administrator.
- C. Unless provided for elsewhere in the Order, all monies ordered to be paid to the Court or received by its officers in any case pending or adjudicated shall be deposited with the Treasurer of the United States in the name and to the credit of this Court pursuant to 28 U.S.C. § 2041 through depositories by the Treasury to accept such deposit on its behalf.

(2) Investment of Registry Funds

- A. Where, by order of the Court, funds on deposit with the Court are to be placed in some form of interest-bearing account, or invested in a court-approved, interest-bearing instrument in accordance with Rule 67 of the Federal Rules of Civil Procedure, the Court Registry Investment System ("CRIS"), administered by the Administrative Office of the United States Courts under 28 U.S.C. § 2045, shall be the only investment mechanism authorized.

- B. Money from each case deposited in the CRIS shall be “pooled” together with those on deposit with Treasury to the credit of other courts in the CRIS and used to purchase Government Account Series securities through the Bureau of Public Debt, which will be held at Treasury, in an account in the name and to the credit of the Director of Administrative Office of the United States Courts, hereby designated as Custodian (“Custodian”) for CRIS. Funds held in the CRIS remain subject to the control and jurisdiction of the Court.
- C. An account for each case will be established in the CRIS titled in the name of the case giving rise to the investment in the fund. Income generated from fund investments will be distributed to each case based on the ratio each account’s principal and earnings has to the aggregate principal and income total in the fund. Reports showing the interest earned and the principal amounts contributed in each case will be prepared and distributed to each court participating in the CRIS and made available to litigants and/or their counsel upon request.

(3) Deduction of Fees

- A. The Custodian is authorized to deduct the investment services fee for the management of investments in the CRIS and the registry fee for maintaining accounts deposited with the Court.
- B. The investment services fee is assessed from interest earnings according to the Court’s Miscellaneous Fee Schedule.
- C. The registry fee is assessed by the Custodian from each case’s pro rata distribution of the earnings and is to be determined on the basis of the rates published by the Director of the Administrative Office of the United States Courts as approved by the Judicial Conference of the United States.

- (4) Withdrawal of a Deposit Pursuant to Fed. R. Civ. P 67.** The Court’s order for disbursement of invested registry funds must include the name and address of the payee(s) in addition to the total amount of the principal and interest (if the interest is not known, the order may read “plus interest”) which will be disbursed to each payee. In order for the Clerk of Court to comply with the Internal Revenue Code and the rules thereunder, payees receiving earned interest must provide a W-9 Taxpayer Identification and Certification form to the office of the Clerk of Court prior to disbursement from the invested account. The disbursement order should be reviewed by the Clerk of Court or the Financial Supervisor prior to being signed by the Judge in order to insure that the necessary information is provided.

~~(c) Counsel or parties obtaining an order as described in paragraph (b) of this rule~~

~~shall cause a copy to be served personally upon the clerk or the chief deputy and the financial deputy at the district office or on the deputy in charge at a division office.~~

~~(d) The clerk shall take all reasonable steps to deposit funds at interest within, but not more than, fourteen (14) days after having been served with a copy of the order.~~

~~(e) Counsel or parties will have the responsibility, fourteen (14) days after service of the order as provided by paragraph (c) of this rule, to verify with the clerk that the funds have been invested as ordered.~~

~~(f) Failure to personally serve as specified in paragraph (c) above, or failure to verify that the funds were actually invested as provided by part (e) of this rule shall release the clerk and deputy clerks from any liability for the loss of interest which could have been earned on the funds.~~

(b c) Funds regularly deposited in the registry of the court such as bail, removal bonds and civil garnishments are placed in the Treasury of the United States and accrue no interest.

~~(g) A service fee shall be charged by the clerk for the investment of registry funds in accordance with the fee schedule prescribed by the Judicial Conference pursuant to 28 U.S.C. § 1914, except as otherwise provided by law.~~

(Edited version)

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2. LR 83.8 Admission to Practice.

In order to practice in this court, an attorney must be admitted to practice under these rules, **except as provided in Federal Rule of Civil Procedure 45(f).**

(Edited version)

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3. LR 83.8.2.5 Procedure.

An attorney seeking special admission under Local Rule 83.8.2.1, .2, .3 or .4 of this chapter shall file a petition with the court, setting forth the basis for admission under that section. In cases where admission under Local Rule 83.8.2.2, .3 or .4 is sought, the attorney shall submit a statement from a superior stating that the attorney performs duties which qualify him or her for admission under that section. The clerk of the court shall record and maintain all legal papers submitted by attorneys seeking admission under this rule. The court may grant special admission under this rule by oral or written order and by notifying the clerk of the court. A fee, to be established by Standing Order, shall be charged by the clerk for each Special Admission **under Local Rules 83.8.2.1, but no fee shall be charged for attorneys seeking special admission under Local Rule 83.8.2.2, .3, or .4.** Petition forms shall be available from the clerk.

(Edited version)

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An attorney seeking special admission under Local Rule 83.8.2.1, .2, .3 or .4 of this chapter shall file a petition with the court, setting forth the basis for admission under that section. In cases where admission under Local Rule 83.8.2.2, .3 or .4 is sought, the

attorney shall submit a statement from a superior stating that the attorney performs duties which qualify him or her for admission under that section. The clerk of the court shall record and maintain all legal papers submitted by attorneys seeking admission under this rule. The court may grant special admission under this rule by oral or written order and by notifying the clerk of the court. A fee, to be established by Standing Order, shall be charged by the clerk for each Special Admission under Local Rules 83.8.2.1, but no fee shall be charged for attorneys seeking special admission under Local Rule 83.8.2.2, .3, or .4. Petition forms shall be available from the clerk.

4. LR 83.26.3 Petitions for Reinstatement.

Petitions for reinstatement by a disbarred or suspended attorney under this rule shall be filed with the chief judge of this court.

(a) Upon receipt of the petition, the chief judge shall determine whether the attorney is entitled to reinstatement without a hearing and issue an appropriate order.

(b) If the petitioner is not entitled to reinstatement without a hearing the chief judge shall promptly refer the petition to counsel and shall assign the matter for prompt hearing before one or more judges of this court, provided, however, that if the disciplinary proceeding was predicated upon the complaint of a judge of this court, the 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 was the complainant, by the chief judge of the court of appeals for this circuit. The judge or judges assigned to the matter shall within thirty (30) days after referral schedule a hearing at which the petitioner shall have the burden of demonstrating by clear and convincing evidence that he or she has the moral qualifications, competency and learning in the law required for admission to practice law before this court and that his or her resumption of the practice of law will not be detrimental to the integrity and standing of the bar or to the administration of justice, or subversive of the public interest. **Absent extraordinary circumstances, no such petition for reinstatement shall be granted unless the attorney seeking reinstatement meets the requirements for admission set forth in Local Rule 83.8.1.2. In the case where this court has imposed discipline or otherwise taken adverse action identical to that imposed or taken by a state court or authority, any petition for reinstatement in this court shall be held in abeyance until a petition for reinstatement to practice in the state court has been filed and finally decided, unless otherwise ordered by this court.**

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