

Rule 1.5

**ATTORNEYS**

(a) **Admission to the Bar of this Court.** Admission to and continuing membership in the bar of this Court is limited to attorneys who are active members in good standing of the State Bar of Arizona.

Attorneys may be admitted to practice in this District upon application and motion made in their behalf by a member of the bar of this Court.

Every applicant shall first file with the Clerk a statement on a form provided by the Clerk setting out the applicant's place of birth, residence, office address, the courts in which the applicant has been admitted to practice, the respective dates of admissions to those courts, whether the applicant is active and in good standing in each, and whether the applicant has been or is being subjected to any disciplinary proceedings.

Motions for admission will be entertained upon the convening of the Court at the call of the law and motion calendar. The applicant must be personally present at the time and, if the motion is granted, shall be admitted upon being administered the following oath by the Clerk or a District Judge:

"I solemnly swear (or affirm) that I will support the Constitution of the United States; that I will bear true faith and allegiance to the Government of the United States; that I will maintain the respect due to the courts of justice and judicial officers; and that I will demean myself as an attorney, counselor, and solicitor of this Court uprightly."

Thereafter, before a certificate of admission issues, the applicant shall pay an admission fee of eighty dollars (\$80) to the Clerk, U.S. District Court.

(b) **Practice in this Court.** Except as herein otherwise provided, only members of the bar of this Court shall practice in this District.

(1) U.S. Government Attorneys. Any attorney representing the United States Government in an official capacity,

or who is employed by the office of the Federal Public Defender in an official capacity, and is admitted to practice in another U.S. District Court may practice in this District in any matter in which the attorney is employed or retained by the United States during such period of federal service. Attorneys so permitted to practice in this Court are subject to the jurisdiction of this Court to the same extent as members of the bar of this Court.

(2) Tribal Attorneys. Any attorney representing a tribal government entity in a full time official capacity may practice in this District in any matter in which the attorney is employed or retained by the tribal government entity during such period of tribal service provided the attorney is a member of a state bar. The attorney may apply to this district court under paragraph 3, pro hac vice. Attorneys so permitted to practice in this Court are subject to the jurisdiction of this Court to the same extent as members of the bar of this Court.

(3) Pro Hac Vice. An attorney who is admitted to practice in another U.S. District Court, and who has been retained to appear in this Court may, upon written application and in the discretion of the Court, be permitted to appear and participate in a particular case. Unless authorized by the Constitution of the United States or an Act of Congress, an attorney is not eligible to practice pursuant to this subparagraph (b)(3) if any one or more of the following apply: (i) the attorney resides in Arizona, (ii) the attorney is regularly employed in Arizona, or (iii) the attorney is regularly engaged in the practice of law in Arizona. The pro hac vice application shall be presented to the Clerk and shall state under penalty of perjury (i) the attorney's residence and office address, (ii) by what courts the attorney has been admitted to practice and the dates of admissions, (iii) that the attorney is in good standing and eligible to practice in those courts, (iv) that the attorney is not currently suspended, disbarred or subject to disciplinary proceedings in any court, and (v) if the attorney has concurrently or within the year preceding the current application made any other pro hac vice applications to this Court, the title and number of each action in which such application was made, the

date of each application, and whether each application was granted. The pro hac vice application shall also be accompanied by payment of a pro hac vice fee of twenty-five dollars (\$25.00) to the Clerk, U.S. District Court. If the pro hac vice application is denied, the Court may refund any or all of the fee paid by the attorney. If the application is granted, the attorney is subject to the jurisdiction of the Court to the same extent as a member of the bar of this Court.

(4) **Certified Students.** Students certified to practice under Rule 1.14 of these Rules may practice in this District as provided in that Rule.

(c) **Association of Local Counsel.** Nothing herein shall prevent any judicial officer from ordering that local counsel be associated in any case.

(d) **Disbarment or Suspension.** An attorney who, before admission or permission to practice pro hac vice has been granted, unless specially authorized by one of the judges, or during disbarment or suspension exercises any of the privileges of a member of this bar, or who pretends to be entitled to do so, is subject to appropriate sanctions after notice and opportunity to be heard.

(e) **Sanctions for Noncompliance with Rules or Failure to Appear.**

(1) **When Appropriate.** After notice and a reasonable opportunity to be heard, the Court upon its own initiative may impose appropriate sanctions upon the party, attorney, supervising attorney or law firm who without just cause:

(a) violates, or fails to conform to, the Federal Rules of Civil or Criminal Procedure, the Local Rules of Practice for the District, the Federal Rules of Bankruptcy Procedure, the Local Bankruptcy Rules and/or any order of the Court; or

(b) fails to appear at, or be prepared for, a hearing, pretrial conference or trial where proper notice has been given.

The Court may impose sanctions against a supervising attorney or

law firm only if the Court finds that such supervising attorney or law firm had actual knowledge, or reason to know, of the offending behavior and failed to take corrective action.

(2) Sanctions; Generally. The Court may make such orders as are just under the circumstances of the case, and among others the following:

- (a) An order imposing fines;
- (b) An order imposing costs, including attorneys' fees;
- (c) An order that designated matters or facts shall be taken to be established for the purposes of the action;
- (d) An order refusing to allow the failing party to support or oppose designated claims or defenses, or prohibiting that party from introducing designated matters or facts in evidence;
- (e) An order striking, in whole or in part, pleadings, motions or memoranda filed in support or opposition thereto; and
- (f) An order imposing sanctions as permitted by Local Rule 1.6 for violations of the applicable ethical rules, incorporated into these rules by Local Rule 1.6(d). The Court may also refer the matter to the relevant bar association(s) for appropriate action.

For violations of form, sanctions will be limited generally to fines, costs or attorneys' fees awards. Local rules governing the form of pleadings and other papers filed with the Court include, but are not limited to, the provision of Local Rule 1.9 [Forms of Papers-Civil and Criminal]. Attorneys' fees may only be assessed for a violation of a Local Rule when the Court finds that the party, attorney, supervising attorney or law firm has acted in bad faith or has willfully disobeyed Court orders or rules.

(3) Sanctions; Repeated Violations in Civil Cases. If, in a civil case, the Court finds that an attorney, party, supervising attorney or law firm has committed repeated serious

violations without just cause, such finding may result in the imposition of more serious sanctions, including but not limited to, increased fines, fines plus attorneys' fees and costs, contempt, or the entry of judgment against the offending party on the entire case. Judgment against the offending party will not be entered unless the Court also finds there are no other adequate sanctions available.

(4) Scope; Enforcement. Nothing in this Rule is intended to modify, or take the place of, the Court's inherent powers, contempt powers or the sanctions provisions contained in any applicable federal rule or statute. Further, nothing in this Rule is intended to confer upon any attorney or party the right to file a motion to enforce the provisions of this rule. The initiation of enforcement proceedings under this rule is within the sole discretion of the Court.