

United States District Court
Central District of California
Amended Local Civil Rules, Effective June 1, 2013

L.R. 4-4 Summons - Service of Process - Habeas Corpus Proceedings. In all cases where a petitioner has filed a habeas corpus petition under 28 U.S.C. § 2241 or § 2254, which challenges the judgment of a state court or the decision of a state agency, the procedures for service of the petitions and related orders will be pursuant to the agreement between the Attorney General of California and the Court set forth in Appendix B to these Local Rules. In all cases where a petitioner has filed a habeas corpus petition under 28 U.S.C. § 2241 or a motion under 28 U.S.C. § 2255, which challenges the judgment of a federal court or a decision of a federal agency, the procedures for service of the petitions, motions, and related orders will be pursuant to the agreement between the United States Attorneys' Office and the Court set forth in Appendix C to these Local Rules.

L.R. 5-3 Serving Documents. Unless service is governed by F.R.Civ.P. 4, documents must be served as follows:

L.R. 5-3.1 Service of Documents Not Filed Electronically.

L.R. 5-3.1.1 Service. Documents presented to the Clerk for filing or lodging in paper format pursuant to L.R. 5-4.2 must be served in accordance with F.R.Civ.P. 5. All documents served under this L.R. 5-3.1.1 must be accompanied by a proof of service in the form required by L.R. 5-3.1.2.

L.R. 5-3.1.2 Proof of Service. Proof of service for documents served pursuant to L.R. 5-3.1.1 must be made by declaration of the person accomplishing the service. If the proof of service declaration is attached to the original document, it must be attached as the last page(s) of the document. The proof of service declaration must include the following information:

- (a) The day and manner of service;
- (b) Each person and/or entity served;
- (c) The title of each document served; and

- (d) The method of service employed (e.g., personal, mail, substituted, etc.).

L.R. 5-3.2 Service of Documents Filed Electronically.

L.R. 5-3.2.1 Service. Upon the electronic filing of a document, a “Notice of Electronic Filing” (“NEF”) will be automatically generated by the CM/ECF System and sent by e-mail to all CM/ECF Users who have consented to receive service through the CM/ECF System and to all *pro se* parties in the case who are registered to receive service through the CM/ECF System (*see* L.R. 5-4.1.3). Service with this electronic NEF will constitute service pursuant to the Federal Rules of Civil and Criminal Procedure, and the NEF itself will constitute proof of service for individuals so served.

Individuals not registered for the CM/ECF System, or who have not consented to receive service through the CM/ECF System, must be served in accordance with F.R.Civ.P. 5, and proof of service on such individuals must be made by declaration in the form required by L.R. 5-3.1.2.

L.R. 5-3.2.2 Consent to Electronic Service. An attorney who registers as a CM/ECF User will be deemed to consent, for purposes of F.R.Civ.P. 5(b)(2)(E), to receive electronic service of documents through the CM/ECF System, unless the attorney submits a completed Central District Electronic Service Exemption Form, which may be obtained from the Court’s website.

A *pro se* litigant who registers to receive service of documents through the CM/ECF System will be deemed to consent, for purposes of F.R.Civ.P. 5(b)(2)(E), to receive electronic service of documents through the CM/ECF System.

L.R. 5-4 Filing Documents.

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L.R. 5-4.1.3 Definitions.

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- (2) “CM/ECF User” is an attorney who is registered with this Court to file documents electronically through the CM/ECF System. Registration may be completed online through the CM/ECF Website; upon completion of registration, a CM/ECF login and password are provided to the CM/ECF User. Registration as a CM/ECF User will constitute consent, for purposes of F.R.Civ.P. 5(b)(2)(E), to receive electronic service of documents through the CM/ECF System, unless the attorney submits a completed Central District Electronic Service Exemption Form, which may be obtained from the Court’s website.

Non-incarcerated litigants who are not represented by an attorney may register to receive service of documents through the CM/ECF System, but may not use the CM/ECF System to file documents. Such registration will constitute consent, for purposes of F.R.Civ.P. 5(b)(2)(E), to receive electronic service of documents through the CM/ECF System.

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- (5) The “Notice of Electronic Filing” (“NEF”) generated pursuant to L.R. 5-3.2 for each electronically filed document will include the time of filing, the name of the parties and attorney(s) filing the document, the type of document, the text of the docket entry, the name of parties and/or attorney(s) receiving the NEF, a hyperlink to the filed document that allows recipients to retrieve the document automatically, and the names of any attorneys or parties who have appeared in the case but who are not registered to receive service through the CM/ECF System.

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L.R. 5-4.2 Exceptions to Electronic Filing in Civil Cases.

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- (2) *Other Exceptional Cases Involving Unregistered Filers.* For good cause shown, the Court may grant an exemption from the obligation to file electronically to an attorney who is not registered as a CM/ECF User. Any such exemption will not exceed one calendar year, but may be renewed upon good cause shown. If an attorney granted such an exemption thereafter registers as a CM/ECF User, that registration will abrogate any exemption granted under this rule. Documents received by the Clerk from an attorney granted an exemption pursuant this rule will be scanned by the Clerk into the CM/ECF System. Once scanned, the original documents will be destroyed.

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L.R. 5-4.8 Maintenance of Personal Contact Information.

L.R. 5-4.8.1 Obligation to Maintain Personal Contact Information.

CM/ECF Users and *pro se* parties registered to receive service of documents through the CM/ECF System are required to maintain and update, in the Court's CM/ECF System, their personal contact account information, including name, law firm or other affiliation, business address, telephone number, facsimile number, and e-mail address, and are required to notify the Clerk and parties to any pending cases of any change in this information in accordance with L.R. 83-2.4.

L.R. 5-4.8.2 Obligation to Maintain Electronic Post Office Box.

Each CM/ECF User and *pro se* party registered to receive service of documents through the CM/ECF System will be responsible for maintaining an "electronic post office box," or storage area in the CM/ECF User's or party's computer system, that is adequate to handle all documents that will be sent electronically; for making certain that the e-mail service provider used does not limit the size of

attachments; and for ensuring that the Court's NEF transmissions (*see* L.R. 5-3.2) are not blocked.

L.R. 7-3 Conference of Counsel Prior to Filing of Motions. In all cases not listed as exempt in L.R. 16-12, and except in connection with discovery motions (which are governed by L.R. 37-1 through 37-4) and applications for temporary restraining orders or preliminary injunctions, counsel contemplating the filing of any motion shall first contact opposing counsel to discuss thoroughly, *preferably in person*, the substance of the contemplated motion and any potential resolution. The conference shall take place at least seven (7) days prior to the filing of the motion. If the parties are unable to reach a resolution which eliminates the necessity for a hearing, counsel for the moving party shall include in the notice of motion a statement to the following effect:

“This motion is made following the conference of counsel pursuant to L.R. 7-3 which took place on (date).”

L.R. 54-2 Application to Tax Costs Pursuant to F.R.Civ.P. 54(d); Bill of Costs.

L.R. 54-2.1 Filing and Form - Notice. Within fourteen (14) days after the entry of judgment, the party entitled to costs shall electronically file a completed Form CV-59 “Notice of Application to the Clerk to Tax Costs and Proposed Bill of Costs,” which shall state the hour and date when such application will be made. All costs shall be specified on Form CV-59 so that the nature of the claim can be readily understood. Once a determination of the allowable costs has been made, the Bill of Costs will be electronically filed by the Clerk.

L.R. 54-2.2 Time of Application; Hearing. Applications to the Clerk to tax costs shall be noticed for a date and time not less than fourteen (14) nor more than twenty-one (21) days from the date notice is given to the other parties. Applications shall be heard when and as described in the Court's Bill of Costs Handbook, available on the Court's website at www.cacd.uscourts.gov.

L.R. 54-11 Filing Date for Motions to Award Costs Not Governed by F.R.Civ.P. 54(d). Any motion for an award of costs not governed by F.R.Civ.P. 54(d), such as a motion for a discretionary award of costs pursuant to 28 U.S.C. § 1919, shall

be served and filed within fourteen (14) days after the entry of judgment or other final order, unless otherwise ordered by the Court. Such motions and their disposition shall be governed by L.R. 7-3, et seq.

L.R. 83-2 Attorneys; Parties Without Attorneys

L.R. 83-2.1 Attorneys

L.R. 83-2.1.1 Appearance Before the Court

L.R. 83-2.1.1.1 Who May Appear. Except as provided in L.R. 83-2.1.3, 83-2.1.4, 83-2.1.5, and 83-4.5, an appearance before the Court on behalf of another person, an organization, or a class may be made only by members of the Bar of this Court, as defined in L.R. 83-2.1.2.

L.R. 83-2.1.1.2 Effect of Appearance. Any attorney who appears for any purpose submits to the discipline of this Court in all respects pertaining to the conduct of the litigation.

L.R. 83-2.1.1.3 Form of Appearance - Professional Corporations and Unincorporated Law Firms. No appearance may be made and no pleadings or other documents may be signed in the name of any professional law corporation or unincorporated law firm (both hereinafter referred to as “law firm”) except by an attorney admitted to the Bar of or permitted to practice before this Court. A law firm may appear in the following form of designation or its equivalent:

John Smith
A Member of Smith and Jones, P.C.
Attorneys for Plaintiff

L.R. 83-2.1.2 The Bar of this Court

L.R. 83-2.1.2.1 In General. Admission to and continuing membership in the Bar of this Court are limited to persons of good moral character who are active members in good standing

of the State Bar of California. If an attorney admitted to the Bar of this Court ceases to meet these criteria, the attorney will be subject to the disciplinary rules of the Court, *infra*.

L.R. 83-2.1.2 Admission to the Bar of this Court. Each applicant for admission to the Bar of this Court must fill out and present to the Clerk an Application for Admission to the Bar of the Central District of California (available from the Court's website), together with the admission fee prescribed by the Judicial Conference of the United States and such other fees as may from time to time be required by General Order of this Court. The completed Application for Admission to the Bar of the Central District of California must include the following:

- (a) certification that the applicant is familiar with the Court's Local Rules and Local Criminal Rules, the F.R.Civ.P., the F.R.Crim.P., and the F.R.Evid.; and
- (b) either:
 - (1) registration for the Court's automated Case Management/Electronic Filing ("CM/ECF") System; or
 - (2) an active CM/ECF login ID previously issued to the applicant by the Central District of California.

L.R. 83-2.1.3 Pro Hac Vice Practice

L.R. 83-2.1.3.1 Who May Apply for Permission to Practice Pro Hac Vice. An attorney who is not a member of the State Bar of California may apply for permission to appear *pro hac vice* in a particular case in this Court if the attorney:

- (a) is a member in good standing of, and eligible to practice before, the bar of any United States Court,

or of the highest court of any State, Territory, or Insular Possession of the United States;

- (b) is of good moral character;
- (c) has been retained to appear before this Court; and
- (d) is not disqualified under L.R. 83-2.1.3.2.

L.R. 83-2.1.3.2 Disqualification from Pro Hac Vice Appearance. Unless authorized by the Constitution of the United States or Acts of Congress, an applicant is not eligible for permission to practice *pro hac vice* if the applicant:

- (a) Resides in California;
- (b) Is regularly employed in California; or
- (c) Is regularly engaged in business, professional, or other similar activities in California.

L.R. 83-2.1.3.3 How to Apply for Permission to Appear Pro Hac Vice. Applicants for permission to appear *pro hac vice* must submit, in each case in which the applicant seeks to appear, the following:

- (a) a completed Application of Non-Resident Attorney to Appear in a Specific Case, which must include:
 - (1) certification that the applicant is familiar with the Court's Local Rules and Local Criminal Rules, the F.R.Civ.P., the F.R.Crim.P., and the F.R.Evid.;
 - (2) either:
 - (a) registration for the Court's automated Case Management/Electronic Filing

System (“CM/ECF”); or

- (b) an active CM/ECF login ID previously issued to the applicant by the Central District of California;
 - (3) identification of Local Counsel pursuant to L.R. 83-2.1.3.4; and
 - (4) a list of all *Pro Hac Vice* applications made to this Court within the previous three years;
- (b) a separate proposed Order;
 - (c) the *Pro Hac Vice* fee set by General Order of the Court; and
 - (d) a Certificate of Good Standing from each state bar in which the applicant is a member, issued within thirty (30) days prior to the filing of the Application of Non-Resident Attorney to Appear in a Specific Case.

Approval of the applicant’s *pro hac vice* application will be at the discretion of the assigned judge in each case in which an application is submitted.

L.R. 83-2.1.3.4 Designation of Local Counsel. Every attorney seeking to appear *pro hac vice* must designate as Local Counsel an attorney with whom the Court and opposing counsel may readily communicate regarding the conduct of the case and upon whom documents may be served. An attorney may be designated as Local Counsel only if he or she: (1) is a member of the Bar of this Court; and (2) maintains an office within the District.

L.R. 83-2.1.3.5 Designation of Co-Counsel. A judge to whom a case is assigned may, in the exercise of discretion, require the designation of an attorney who is a member of the Bar of this

Court and who maintains an office within the District as co-counsel with authority to act as attorney of record for all purposes.

L.R. 83-2.1.4 Attorneys for the United States, or Its Departments or Agencies.

L.R. 83-2.1.4.1 Attorney for the United States, or its Departments or Agencies Employed in California. Any person who is not eligible for admission under L.R. 83-2.1.2 or 83-2.1.3, who is employed within this state and is a member in good standing of, and eligible to practice before, the bar of any United States Court, the District of Columbia Court of Appeals, or the highest court of any State, Territory or Insular Possession of the United States, and is of good moral character, may be granted leave of court to practice in this Court in any matter for which such person is employed or retained by the United States, or its departments or agencies. The application for such permission must include a certification filed with the Clerk showing that the applicant has applied to take the next succeeding Bar Examination for admission to the State Bar of California for which that applicant is eligible. No later than one year after submitting the foregoing application, the applicant must submit to this Court proof of admission to the State Bar of California. Failure to do so will result in revocation of permission to practice in this Court.

L.R. 83-2.1.4.2 Special Assistant United States Attorneys. Notwithstanding L.R. 83-2.1.4.1, any United States Armed Forces attorney who has been appointed a Special Assistant United States Attorney pursuant to 28 U.S.C. sections 515 and 543 may handle misdemeanor matters before this Court.

Attorneys employed by the United States Department of Justice specially appointed by the United States Attorney General to conduct any kind of legal proceeding, civil or criminal, pursuant to 28 U.S.C. § 515(a), may appear without filing an Application of Non-Resident Attorney to Appear in a Specific Case.

L.R. 83-2.1.5 Registered Legal Services Attorney. A registered legal services attorney authorized to appear in the state courts of California pursuant to California Rules of Court, Rule 9.45, may apply for permission to appear in a case before this Court under the conditions set forth in that rule. Such an applicant must submit, in each case in which he or she seeks to appear, the following:

- (a) a completed Application of Registered Legal Services Attorney to Practice Before the Court, which must include:
 - (1) certification that the applicant is a registered legal services attorney authorized to practice law in the state courts of California pursuant to California Rules of Court, Rule 9.45 (or a successor rule);
 - (2) certification that the applicant is familiar with the Court's Local Rules and Local Criminal Rules, the F.R.Civ.P., the F.R.Crim.P., and the F.R.Evid.;
 - (3) either:
 - (a) registration for the Court's automated Case Management/Electronic Filing System ("CM/ECF"); or
 - (b) an active CM/ECF login ID previously issued to the applicant by the Central District of California;
 - (4) identification of a supervising attorney who is a member in good standing of the Bar of this Court, and who must appear with the registered legal services attorney as one of the attorneys of record;
- (b) a separate proposed Order.

Approval of the application will be at the discretion of the assigned judge in each case in which an application is submitted.

By practicing in this Court, the registered legal services attorney

submits to the disciplinary authority of the Central District of California concerning attorneys admitted to practice in this Court.

L.R. 83-2.2 Parties Without Attorneys

L.R. 83-2.2.1 Individuals. Any person representing himself or herself in a case without an attorney must appear *pro se* for such purpose. That representation may not be delegated to any other person -- even a spouse, relative, or co-party in the case. A non-attorney guardian for a minor or incompetent person must be represented by counsel.

L.R. 83-2.2.2 Organizations. Only individuals may represent themselves *pro se*. No organization or entity of any other kind (including corporations, limited liability corporations, partnerships, limited liability partnerships, unincorporated associations, trusts) may appear in any action or proceeding unless represented by an attorney permitted to practice before this Court under L.R. 83-2.1.

L.R. 83-2.2.3 Compliance With Federal Rules. Any person appearing *pro se* is required to comply with these Local Rules, and with the F.R.Civ.P., F.R.Crim.P., F.R.Evid. and F.R.App.P.

L.R. 83-2.2.4 Sanctions. Failure to comply with the rules enumerated in L.R. 83-2.2.3 may be grounds for dismissal or judgment by default.

L.R. 83-2.3 Withdrawal and Substitution of Attorneys

L.R. 83-2.3.1 Appearance by Attorney. Whenever a party has appeared by an attorney, the party may not thereafter appear or act *pro se*, except upon order made by the Court after notice to such attorney and to any other parties who have appeared in the action.

L.R. 83-2.3.2 Motion for Withdrawal. An attorney may not withdraw as counsel except by leave of court. An application for leave to withdraw must be made upon written notice given reasonably in advance to the client and to all other parties who have appeared in the action.

L.R. 83-2.3.3 Individuals. When an attorney of record for any reason ceases to act for a party, such party must appear *pro se* or appoint another attorney by a written substitution of attorney signed by the party and the attorneys.

L.R. 83-2.3.4 Organizations. An attorney requesting leave to withdraw from representation of an organization of any kind (including corporations, limited liability corporations, partnerships, limited liability partnerships, unincorporated associations, trusts) must give written notice to the organization of the consequences of its inability to appear *pro se*.

L.R. 83-2.3.5 Delays by Substitution of Attorneys. Unless good cause is shown and the ends of justice require, no substitution or relief of attorney will be approved that will cause delay in prosecution of the case to completion.

L.R. 83-2.4 Notification of Change of Name, Address, Firm Association, Telephone Number, Facsimile Number, or E-Mail Address. An attorney who is a member of the bar of this Court or who has been authorized to appear in a case in this Court, and any party who has appeared *pro se* in a case pending before the Court, and who changes his or her name, office address (or residence address, if no office is maintained), law firm association (if any), telephone number, facsimile number, or e-mail address must, within five (5) days of the change, notify the Clerk of Court in writing. If any actions are currently pending, the attorney or party must file and serve a copy of the notice upon all parties.

L.R. 83-2.5 Communications with the Judge. Attorneys or parties to any action or proceeding shall refrain from writing letters to the judge, sending e-mail messages to the judge, making telephone calls to chambers, or otherwise communicating with a judge in a pending matter unless opposing counsel is present. All matters must be called to a judge's attention by appropriate application or motion filed in compliance with these Local Rules.

L.R. 83-4 Student Practice

L.R. 83-4.1 Consent. An eligible law student acting under the supervision of a member of the bar of this Court may appear on behalf of any client, including federal, state, or local government bodies, if the client has filed a written consent with the Court. Additional written consent must be given if one eligible student is replaced by another.

L.R. 83-4.2 Requirements. An eligible student must:

- (a) be enrolled and in good standing in a law school accredited by the American Bar Association or The State Bar of California;
- (b) have completed one-half of the legal studies required for graduation;
- (c) have completed a course in evidence. For civil cases, an eligible law student must have also completed a course in civil procedure. For criminal cases, an eligible law student must have completed courses in criminal law and criminal procedure. An eligible law student must also have knowledge of and be familiar with the Federal Rules of Civil and Criminal Procedure as well as the Federal Rules of Evidence, the Rules of Professional Conduct of the State Bar of California and applicable statutory rules, and rules of this Court;
- (d) be certified by the dean of a law school as being adequately trained to fulfill all responsibilities as a legal intern to the Court in compliance with L.R. 83-4.2(a) and (b);
- (e) not accept compensation for his or her legal services directly or indirectly from a client; and
- (f) file with the Clerk of the Court all documents required to comply with this rule.

L.R. 83-4.3 Supervising Attorney. The supervising attorney must:

- (a) have such substantial litigation experience to satisfy the Court of his or her ability to supervise the student;

- (b) be a registered for the Court's CM/ECF System;
- (c) file with the Clerk of the Court to whom each case has been assigned a "Request to Undertake the Supervision of an Eligible Law Student." The undertaking, if approved by the Court, may be withdrawn by the supervising attorney by filing a written notice with the Clerk of the Court and by giving notice of such withdrawal to the affected student;
- (d) appear with the student in any oral presentations before this Court;
- (e) sign all documents filed with this Court;
- (f) assume personal professional responsibility for the student's work in matters before this Court;
- (g) assist and counsel the student in the preparation of the student's work in matters before this Court; and
- (h) be responsible to supplement oral or written work of the student as necessary to assure proper representation of the client. All written work will be filed over the signature of the supervising attorney. Written work may also be signed by the eligible law student who participated in such written work. The student, in signing the written work, must indicate his or her status as an eligible law student.

L.R. 83-4.4 Law School Dean's Certification. The dean's certification of the student:

- (a) must be filed with the Clerk of the Court and must remain in effect for a period of three years or until withdrawn;
- (b) must state that he or she knows of no reason which would render the law student ineligible under this rule;
- (c) may be withdrawn for good cause by the dean with notice to the Court and to the student. Certification may only be

withdrawn by the dean for good cause. Such cause must be stated in the notice filed with the Court.

L.R. 83-4.5 Student Appearance. Upon fulfilling the requirements of this rule, the student may appear and make oral presentations before this Court when accompanied by the supervising attorney.