

PUBLIC NOTICE: Opportunity for Public Comment on Proposed Amendments to Local Bankruptcy Rules Effective December 1, 2023.

United States Bankruptcy Court
Northern District of New York
September 7, 2023

The Local Rules Standing Committee and the Judges for the United States Bankruptcy Court for the Northern District of New York are proposing amendments to the local rules and have requested that the proposed amendments be circulated to the bar for comment. The amended rules will become effective December 1, 2023. Please submit all comments electronically to rules_comment@nynb.uscourts.gov. The deadline for submitting comments is Monday, October 23, 2023.

Amendments are being proposed to the following rules:

2014-2 – Pro Hac Vice
8009-1 – Designation of Record on Appeal

The proposed amended rules together with a marked-up version of the current rules are attached.

RULE 2014-2**ADMISSION TO PRACTICE/DESIGNATION FOR SERVICE**

- (a) **Attorney Admission.** An attorney who is admitted to practice before the District Court of the Northern District of New York, unless otherwise restricted, is also admitted to practice before this Court. See [N.D.N.Y. Local Rule 83.1](#) for information on admission to the District Court of the Northern District of New York.
- (b) **Pro Hac Vice Admission.** A member in good standing of the bar of any state or of any United States District Court may be permitted to practice on motion in this Court for a limited purpose only in a particular case, adversary proceeding, contested matter, or action.
- (1) **Motion.** An attorney seeking admission pro hac vice shall file, in the Clerk's Office in paper format, a Motion for Limited Admission – Pro Hac Vice along with a proposed order, both of which must include the case and/or adversary proceeding caption for the particular matter for which admission is sought. The Motion shall be supported by the following:
- (A) **Sworn Statement of Applicant Attorney.** The sworn statement shall include:
- (i) applicant's place of residence and office address;
 - (ii) the date(s) when and court(s) where previously admitted;
 - (iii) whether the applicant has ever been held in contempt of court, censured, suspended or disbarred by any court and, if so, the facts and circumstances connected therewith;
 - (iv) whether the applicant has ever been convicted of a crime, either a felony or misdemeanor, and, if so, the facts and circumstances connected therewith; and
 - (v) that the applicant is familiar with the provisions of the Judicial Code (Title 28 U.S.C.), which pertain to the jurisdiction of, and practice in, the United States Bankruptcy Courts; the Bankruptcy Code (title 11 U.S.C.); the Federal Rules of Bankruptcy Procedure; the Local Rules of the Bankruptcy Court for the Northern District of New York; and the New York Rules of Professional Conduct. The applicant shall further affirm faithful adherence to these rules and responsibilities.
- (B) **Certificate of Good Standing.** An original Certificate of Good Standing, as evidence of admission to the bar of the highest court of any state or from a United States District Court, dated within six (6) months of the date of the motion.
- (C) **Required Fee.** The filing fee for the Motion for Limited Admission – Pro Hac Vice is \$100 and must be paid to the **District Court Clerk** electronically via Pay.Gov. A link for electronic payment will be emailed to the applicant upon the Bankruptcy Clerk's Office receipt of the motion in compliance with paragraph (b)(1) above.

- (D) **Waiver of Fee.** The admission fee shall be waived for all attorneys in the full-time employ of the United States Government pursuant to the [N.D.N.Y. Local Rule 83.1\(a\)\(5\)](#).
- (2) **Electronic Filing Privileges.** Upon entry of an order granting the Motion for Limited Admission – Pro Hac Vice, the attorney admitted pro hac vice must immediately submit a request to PACER for filing access to the NYNB at <https://pacer.uscourts.gov/>.
- (3) **Notice of Appearance.** Upon entry of an order granting the Motion for Limited Admission – Pro Hac Vice, the attorney admitted pro hac vice must immediately file a notice of appearance in the matter for which the attorney was admitted.
- (c) **Limited Admission as Student Practitioner.** A law student approved as a “Student Practitioner” may, under the supervision of an attorney and with prior Court approval, appear on behalf of a debtor who has completed and signed the [Student Practice Authorization Form](#). The completed [Student Practice Authorization Form](#) shall be filed in the case pending before the Court.
- (1) **Attorney Supervision.** The attorney who supervises a student shall:
- (A) Be a member in good standing of the bar of the United States District Court for the Northern District of New York;
- (B) Assume personal professional responsibility for the student’s work;
- (C) Assist the student to the extent necessary;
- (D) Appear with the student in all proceedings before the Court unless his or her presence is waived by the Court; and
- (E) Consent to supervise the student on the [Student Practice Authorization Form](#).
- (2) **Student Eligibility.** In order to appear, the student shall:
- (A) Be enrolled in a law school approved by the American Bar Association;
- (B) Have completed legal studies amounting to at least two (2) semesters, or the equivalent;
- (C) Be recommended by either the dean or a faculty member of his or her law school as a Student Practitioner, which recommendation may be withdrawn by the recommender at any time by mailing a notice to the Clerk;
- (D) Neither ask for, nor receive any compensation or remuneration of any kind for the services performed from the person on whose behalf they are rendered, but this shall not prevent an attorney, legal aid bureau, law school, public defender agency, a State, or the United States from paying compensation to the eligible law student, nor shall it prevent any agency

from making proper charges for its services. Neither the student, nor anyone on the student's behalf, shall seek recovery of attorneys' fees from an adverse party for the services rendered by the student as a student practitioner, except for the successful prosecution of a willful violation of the automatic stay or of the discharge injunction pursuant to §§ 362 and 524 and for the defense of an § 523(a)(2) nondischargeability action;

- (E) Certify in writing that the student is familiar with the federal procedural and evidentiary rules as well as these rules; and
- (F) Complete and file a [Student Practice Authorization Form](#) with the Court together with a proposed order for appearance as a Student Practitioner in the bankruptcy case and/or adversary proceeding in which the client consent has been obtained.

(3) Permitted Student Services. The Student Practitioner may:

- (A) Appear as counsel in Court or at other proceedings when consent of the client and the supervising attorney has been filed and when the Court has approved the student's request to appear in the particular case;
- (B) Prepare and sign affidavits, motions, petition, answers, objections, replies, memoranda and legal briefs, and other documents (collectively, "Documents") in connection with any matter in which the student has met the conditions of subparagraph (A) above. The Documents must also be signed by the supervising attorney with the original maintained in the case file.

(4) Term of Student Admission. A Student Practitioner whose application has been approved may continue to appear in a particular case as a Student Practitioner until the student has graduated from law school and is formally admitted to the bar or until termination by the Court. The Court sua sponte may terminate a Student Practitioner's right to appear at any time without notice of hearing and without showing of cause.

(d) Designation for Service. A Court may require an attorney who does not have an office in the Northern District of New York to designate a resident member of the bar of the Northern District of New York for service of process or papers.

RULE 2014-2

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RULE 8009-1 DESIGNATION OF RECORD ON APPEAL

- (a) Contents.** Each party preparing and filing a designation of the items to be included in the record on appeal shall set forth the document number from the Court's docket, filing date and the title or a description of each item designated.
- (b) PDF Format.** Immediately after filing a designation of the items to be included in the record on appeal, the filing party shall provide to the Clerk a copy of the items designated in PDF format on a CD or USB Flash Drive, unless otherwise directed by the Court.
- (c) Noncompliance.** If a party fails to deliver the CD or USB Flash Drive to the Clerk pursuant to paragraph (b) of this Rule, the Court shall prepare the record on appeal at the party's expense. The expense shall be calculated in accordance with the [Appendix](#) entitled Bankruptcy Court Miscellaneous Fee Schedule issued pursuant to [28 U.S.C. § 1930](#).

Comment

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Comment

~~The current fee charged for reproducing designated items to a c.d. is \$30.~~

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