

United States District Court
District of Idaho

Re: Revision of Local Rules)
54.3 - Award of Attorney Fees)
83.6 - Attorney Discipline)
Criminal Rule 46.2 - Pretrial Services)
_____)

FILED
U.S. DISTRICT COURT
General Order
NOV - 3 4: 15
No. 99
DISTRICT OF IDAHO
CAMERON S. BURKE

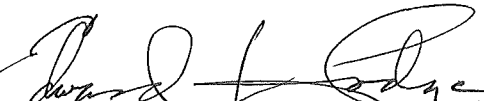
The revisions to the attached Local Rules were approved at a judges meeting held on February 26, 1993.

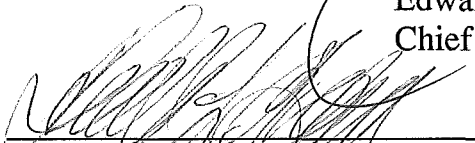
Notice of Publication of these revised Local Rules was duly given to the Idaho Bar on March 12, 1993 stating that these revised Local Rules would become effective on May 1, 1993.

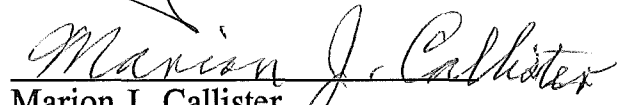
The attached revised Local Rules became effective on May 1, 1993. However, due to an administrative oversight, a signed, written order reflecting this action was never formally entered.

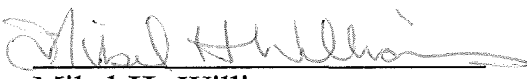
IT IS HEREBY ORDERED that, in light of the foregoing circumstances, the attached revised Local Rules are effective nunc pro tunc.

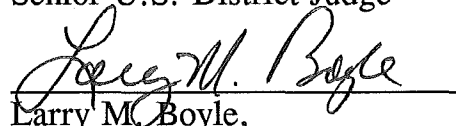
dated: October 26, 1993


Edward J. Lodge,
Chief U.S. District Judge


Harold L. Ryan,
Senior U.S. District Judge


Marion J. Callister
Senior U.S. District Judge


Mikel H. Williams,
U.S. Magistrate Judge


Larry M. Boyle,
U.S. Magistrate Judge

RULE 54.3
AWARD OF ATTORNEY FEES

(a) Claims for attorney fees will not be treated as routine items of costs. Attorney fees will only be allowed upon an order of a judge of the court after such fact finding process as the judge shall order.

(b) Within thirty (30) days after entry of final judgment, a party claiming the right to allowance of attorney fees may file and serve a petition for such allowance. The petition shall state the amount claimed and cite the legal authority relied on. The petition shall be accompanied by an affidavit of counsel setting forth the following: (1) date(s), (2) service(s) rendered, (3) hourly rate, and (4) hours expended; a statement of attorney fee contract with the client; and information, where appropriate, as to other factors which might assist the court in determining the dollar amount of fee to be allowed. Petitions for attorney fees and cost bills shall be filed as separate documents. Failure to comply with this requirement will result in delay in processing.

(c) Within fourteen (14) days after receipt of a party's petition for allowance of attorney fees, any other party may serve and file objections to the allowance of fees or any portion thereof. The objecting party shall set forth specific grounds of objection.

RELATED AUTHORITY

28 U.S.C. § 2412

RULE 83.6
ATTORNEY DISCIPLINE

(a) **Standard of Professional Conduct.** All members of the bar of this court and all attorneys permitted to practice in this court shall familiarize themselves with and comply with the standards of professional conduct required of members of the Idaho State Bar and decisions of any court applicable thereto which are hereby adopted as standards of professional conduct of this court. These provisions shall not be interpreted to be exhaustive of the standards of professional conduct. In that connection, the Idaho Rules of Professional Conduct for the Idaho State Bar should be noted. No attorney permitted to practice before this court shall engage in any conduct which degrades or impugns the integrity of the court or in any manner interferes with the administration of justice therein.

(b) **Discipline.**

(1) In the event any attorney engages in conduct which may warrant discipline or other sanctions, the court or any district judge may, in addition to initiating proceedings for contempt under Title 18 U.S.C. and Fed. R. Cr. P. 42, or imposing other appropriate sanctions pursuant to the court's inherent powers or the Fed. R. Cr. P., refer the matter to the disciplinary body of any court before which the attorney has been admitted to practice. A United States magistrate judge shall refer and certify any contempt proceedings to a district judge pursuant to 28 U.S.C. § 636(e).

(2) Any attorney admitted to practice in this court, who is convicted of a felony in any court of the United States, of the District of Columbia, or of any state, territory, commonwealth, or possession of the United States shall immediately be suspended from practice before this court, whether the conviction resulted from a plea of guilty or nolo contendere or from a verdict after trial or otherwise. The court shall issue an order to show cause directing the suspended attorney to demonstrate within thirty (30) days why he should be reinstated to practice before the court during the pendency of any appeal. Upon the felony conviction becoming final, an order of disbarment will be entered, unless the attorney can show cause within thirty (30) days after notice and the opportunity to be heard, why disbarment would not be in the interest of justice.

(3) Upon the receipt by this court of a certified copy of a judgment or order showing that any attorney admitted to practice before this court has been suspended, disbarred or otherwise disciplined by any other court of the United States, or the District of Columbia, or of any state, territory, commonwealth or possession of the United States, this court shall notify

and issue an order to show cause directing the suspended, disbarred, or otherwise disciplined attorney to demonstrate to this court within thirty (30) days why the imposition of the identical discipline would be unwarranted.

Upon the expiration of thirty (30) days after notification and the opportunity to be heard, this court shall impose the identical discipline unless the attorney clearly demonstrates or this court finds that:

(i) the procedure was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process;

(ii) there was such an absence of proof establishing misconduct that the court would not accept as final the conclusions reached;

(iii) the imposition of the disciplinary action stated in the order would otherwise result in grave injustice; or

(iv) the misconduct is deemed to warrant substantially different discipline from that stated in the order.

RELATED AUTHORITY

NONE

CRIMINAL RULE 46.2
PRETRIAL SERVICES

Pursuant to the Pretrial Services Act of 1982 (18 U.S.C. §§ 3152-3155), the court authorizes the United States Probation Office for the District of Idaho to establish a Pretrial Services Division as provided for by the Act.

At the discretion of the Chief United States Probation Officer, personnel within the probation office shall be designated as pretrial service officers pursuant to the Act.

Upon notification that a defendant has been charged with an offense, either felony or misdemeanor, pretrial service officers will conduct a pre-release interview as soon as practicable. The judicial officer setting bail or reviewing a bail determination shall receive and consider all reports submitted by pretrial service officers.

Pretrial service reports shall be made available to the attorneys for the accused and the attorneys for the government and shall be used only for the purpose of fixing conditions of release, including bail determinations. Otherwise, the reports shall remain confidential, as provided in 18 U.S.C. § 3153, subject to the exceptions provided therein. In the event a pretrial service report is received in evidence at a hearing on terms and conditions of release, it shall be sealed by the court and not made a matter of public record.

Pretrial service officers shall supervise persons released on bail at the discretion of the judicial officer granting the release or conditions of the release.

The Chief U.S. Probation Officer of the District is authorized to approve interdistrict travel for persons under the supervision of the court.

RELATED AUTHORITY

18 U.S.C. § 3152-3155
18 U.S.C. § 3142(c)(1)(B)(VI)
