

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND



PROPOSED AMENDMENTS TO THE  
LOCAL RULES

*PUBLISHED FOR PUBLIC COMMENT ON AUGUST 31, 2018*

*PURSUANT TO LOCAL RULE 605.1*



**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND  
OFFICE OF THE CLERK**

Felicia C. Cannon, Clerk of Court  
Elizabeth B. Snowden, Chief Deputy  
Catherine M. Stavlas, Chief Deputy

Reply to Northern Division Address

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August 31, 2018

**NOTICE**

The United States District Court for the District of Maryland is proposing changes to the following Local Rules: 108, 201, 701, and Local Admiralty Rules. Copies of the amendments are available on the Court's website at [www.mdd.uscourts.gov/local-rules-amendments](http://www.mdd.uscourts.gov/local-rules-amendments). If adopted, the amendments would take effect on December 1, 2018.

Comments must be submitted on or before November 1, 2018, to Mr. David E. Ciambuschini, Local Rules and Forms Committee, U.S. District Court for the District of Maryland, 101 West Lombard Street, Baltimore, MD 21201, or emailed to [MDD\\_Localrules@mdd.uscourts.gov](mailto:MDD_Localrules@mdd.uscourts.gov).

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PROPOSED AMENDMENTS TO THE LOCAL RULES

**RULE 108. JUDGMENTS .....1**

**RULE 201. COUNSEL.....2**

**RULE 201. COUNSEL (CONTINUED).....3**

**RULE 701. ADMISSION.....4**

**LOCAL ADMIRALTY RULE (B): MARITIME ATTACHMENT AND  
GARNISHMENT .....5**

**LOCAL ADMIRALTY RULE (E): ACTIONS IN REM AND QUASI IN  
REM: GENERAL PROVISIONS .....6**

**LOCAL ADMIRALTY RULE (E): ACTIONS IN REM AND QUASI IN  
REM: GENERAL PROVISIONS (CONTINUED) .....7**

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## **RULE 108. JUDGMENTS**

### **REDLINED VERSION**

#### **[2. Default Judgments]**

**[To obtain an order of default pursuant to Fed. R. Civ. P. 55(a), the plaintiff must file a written request with the Court. This request shall contain the last known address of the defendant. Promptly upon entry of an order of default, the Clerk shall mail the order of default to the defendant at the address stated in the request and to the defendant's attorney of record, if any, together with a notice informing the defendant that the order of default has been entered and that the defendant may move to vacate the order within 30 days after its entry.]**

### **PROPOSED VERSION**

#### **2. Default Judgments**

To obtain an order of default pursuant to Fed. R. Civ. P. 55(a), the plaintiff must file a written request with the Court. This request shall contain the last known address of the defendant. Promptly upon entry of an order of default, the Clerk shall mail the order of default to the defendant at the address stated in the request and to the defendant's attorney of record, if any, together with a notice informing the defendant that the order of default has been entered and that the defendant may move to vacate the order within 30 days after its entry.

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## **RULE 201. COUNSEL**

### **REDLINED VERSION**

1. Who May Appear as Counsel

**[a] Generally**

**[Except as otherwise provided in this Rule,]A[a]** defendant in a criminal case may **[ only]** be represented by ~~(1) a member of the Bar of this Court or (2) an attorney who certifies that he or she is (a) a member in good standing of the bar of the highest court of any state of the District of Columbia and (b) familiar with the Federal Rules of Criminal Procedure, the Federal Rules of Evidence, the Federal Rules of Appellate Procedure, and the Local Rules of this Court.~~

**[b] Pro Hac Vice**

**The Court may permit any attorney who is an active member in good standing of the bar of any other United States court or of the highest court of any state to appear and participate as counsel in a particular criminal case. Such permission shall not constitute formal admission to the Bar of this Court. However, an attorney admitted pro hac vice is subject to the disciplinary jurisdiction of this Court. Any party represented by an attorney who has been admitted pro hac vice must also be represented by an attorney who is, and continuously remains, an active member in good standing of the Bar of this Court who shall sign all documents and, unless excused by the presiding judge, be present at any court proceedings.]**

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<b>RULE 201. COUNSEL (CONTINUED)</b>
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**PROPOSED VERSION**

1. Who May Appear as Counsel

a) Generally

Except as otherwise provided in this Rule, a defendant in a criminal case may only be represented by a member of the Bar of this Court.

b) Pro Hac Vice

The Court may permit any attorney who is an active member in good standing of the bar of any other United States court or of the highest court of any state to appear and participate as counsel in a particular criminal case. Such permission shall not constitute formal admission to the Bar of this Court. However, an attorney admitted pro hac vice is subject to the disciplinary jurisdiction of this Court. Any party represented by an attorney who has been admitted pro hac vice must also be represented by an attorney who is, and continuously remains, an active member in good standing of the Bar of this Court who shall sign all documents and, unless excused by the presiding judge, be present at any court proceedings.

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<b>RULE 701. ADMISSION</b>
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**REDLINED VERSION**

1. Qualifications
  - c) Reciprocity with Other Jurisdictions

No attorney, other than a member of the Maryland Bar, who maintains his or her principal law office outside the District of Maryland may be a member of the Bar of this District if the attorney is, or becomes, a member of the bar of the United States District Court for the district in which the attorney maintains his or her principal law office if that district court has a local rule that ~~denies~~ **[limits]** membership in its bar to **[members of the bar of the highest court of the state (or the District of Columbia) in which the district is located.]** ~~any attorney who is a member of the Maryland Bar maintaining his or her principal law office in Maryland.~~

**PROPOSED VERSION**

1. Qualifications
  - c) Reciprocity with Other Jurisdictions

No attorney, other than a member of the Maryland Bar, who maintains his or her principal law office outside the District of Maryland may be a member of the Bar of this District if the attorney is, or becomes, a member of the bar of the United States District Court for the district in which the attorney maintains his or her principal law office if that district court has a local rule that limits membership in its bar to members of the bar of the highest court of the state (or the District of Columbia) in which the district is located.

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<b>LOCAL ADMIRALTY RULE (B): MARITIME ATTACHMENT AND GARNISHMENT</b>
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**REDLINED VERSION**

LAR(b)(3) Use of State Procedure

When the plaintiff invokes a state procedure in order to attach or garnish under Fed. R. Civ. P. ~~4(e)~~**[4(n)(2)]**, the process of attachment or garnishment shall so state.

**PROPOSED VERSION**

LAR(b)(3) Use of State Procedure

When the plaintiff invokes a state procedure in order to attach or garnish under Fed. R. Civ. P. 4(n)(2), the process of attachment or garnishment shall so state.

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*(This expedited amendment was made in the March 2018 Local Rules Supplement.)*



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<b>LOCAL ADMIRALTY RULE (E): ACTIONS IN REM AND QUASI IN REM: GENERAL PROVISIONS</b>
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**REDLINED VERSION**

LAR(e)(12) Sale of Property

b) Payment of Bid

These provisions apply unless otherwise ordered in the order of sale: The person whose bid is accepted shall immediately pay the Marshal the full purchase price if the bid is \$1,000 or less. If the bid exceeds \$1,000, the bidder shall immediately pay a deposit of at least \$1,000 or 10% of the bid, whichever is greater, and shall pay the balance within seven (7) days after the day on which the bid was accepted. If an objection to the sale is filed within that seven (7) day period, the bidder is excused from paying the balance of the purchase price until seven (7) days after the sale is confirmed. Payment shall be made ~~in cash,~~ by certified check, ~~or~~ by cashier's check drawn on banks insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation **[, or as otherwise authorized by the Marshal].**

\* \* \*

3) Time and Procedure for Objection to Sale

An interested person may object to the sale by filing a written objection with the Clerk within seven (7) days following the sale, serving the objection on all parties of record, the successful bidder, and the Marshal, and depositing such sum with the Marshal as determined by him to be sufficient to pay the expense of keeping the property for at least seven (7) days. Payment to the Marshal shall be ~~in cash,~~ **[made by ]**certified check, ~~or~~ by cashier's check drawn on banks insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation **[, or as otherwise authorized by the Marshal].**

*(This expedited amendment was made in the March 2018 Local Rules Supplement.)*

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<b>LOCAL ADMIRALTY RULE (E): ACTIONS IN REM AND QUASI IN REM: GENERAL PROVISIONS (CONTINUED)</b>
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**PROPOSED VERSION**

LAR(e)(12) Sale of Property

b) Payment of Bid

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An interested person may object to the sale by filing a written objection with the Clerk within seven (7) days following the sale, serving the objection on all parties of record, the successful bidder, and the Marshal, and depositing such sum with the Marshal as determined by him to be sufficient to pay the expense of keeping the property for at least seven (7) days. Payment to the Marshal shall be made by certified check, by cashier's check drawn on banks insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, or as otherwise authorized by the Marshal.

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