

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

IN THE MATTER OF:  
RULES OF PRACTICE

General Order No. 2014-6

Pursuant to 28 U.S.C. § 2071, and Rule 83 of the *Federal Rules of Civil Procedure*, it is ordered that Local Rule 83-6.11 is hereby revised effective August 15, 2014. The revised Local Rule 83-6.11 is attached hereto.

Dated: August 15, 2014

/s/ Philip P. Simon  
Philip P. Simon, Chief Judge

/s/ William C. Lee  
William C. Lee, Judge

/s/ James T. Moody  
James T. Moody, Judge

/s/ Rudy Lozano  
Rudy Lozano, Judge

/s/ Robert L. Miller, Jr.  
Robert L. Miller, Jr., Judge

/s/ Theresa L. Springmann  
Theresa L. Springmann, Judge

/s/ Joseph S. Van Bokkelen  
Joseph S. Van Bokkelen, Judge

/s/ Jon E. DeGuilio  
Jon E. DeGuilio, Judge

**N.D. Ind. L.R. 83-6.11 Reinstatement**

- (a) **Court Order Required.** A suspended or disbarred attorney must not resume practice until reinstated by court order.
  
- (b) **Reinstatement by Affidavit.**
  - (1) ***When Permitted.*** The chief judge may—without a vote of the court’s judges—reinstate a suspended attorney after receiving an affidavit of compliance if the suspension was:
    - (A) for three months or less; or
    - (B) because the attorney had been suspended from a state bar for failing to:
      - (i) pay bar dues on time; or
      - (ii) comply with continuing-legal-education requirements; or
      - (iii) comply with IOLTA program requirements.
  - (2) ***How Raised.*** To be reinstated without a vote of the court, an attorney must file:
    - (A) an affidavit of compliance; and
    - (B) a certified copy of the judgment or order reinstating the attorney to the state bar, if applicable.
  
- (c) **Reinstatement by Petition and Court Vote.**
  - (1) ***Initiating the Process.*** An attorney seeking reinstatement from disbarment or any suspension not described in subdivision (b)(1) must file:
    - (A) a petition with the court; and
    - (B) if the attorney was suspended or disbarred because another court disciplined the attorney, a certified copy of the other court’s reinstatement order.
  - (2) ***Chief Judge’s Duties.*** The chief judge must promptly:

- (A) consider whether the petition and any supporting materials—including any findings and conclusions from another court’s reinstatement order—establish the attorney’s fitness to practice law; and
  - (B) based on the review of the petition and supporting materials, recommend a course of action to the other judges.
- (3) ***Action by Judges.*** After the chief judge’s review, the court’s district judges—and bankruptcy judges, if the matter involved an attorney’s conduct before the bankruptcy court—may by a majority vote:
  - (A) reinstate the attorney, if they find that the petition and supporting materials establish the attorney’s fitness to practice law; or
  - (B) request additional evidence or a hearing before voting on the petition.
- (4) ***Hearing.***
  - (A) ***Referral to Grievance Committee.*** If the judges request a hearing, the chief judge must promptly refer the petition to the grievance committee and the chairperson must promptly set a hearing.
  - (B) ***Attorney’s Burden of Proof.*** At the hearing, the attorney must establish:
    - (i) by clear and convincing evidence, that he or she has the moral qualifications, competency, and learning in the law required for admission to the court’s bar; and
    - (ii) that the attorney’s reinstatement will not harm the bar’s integrity and standing, the administration of justice, or the public interest.
  - (C) ***Post-Hearing Report.*** After the hearing, the committee must give the court a written report including its:
    - (i) findings of fact about the petitioner’s fitness to resume practicing law; and
    - (ii) recommendations about whether to reinstate the attorney.
- (5) ***Court’s Decision.*** After considering the committee’s report, the court’s district judges—and bankruptcy judges, if the matter involved an attorney’s conduct

before the bankruptcy court—may by majority vote:

- (A) deny the petition, if they find that the attorney is unfit to resume practicing law;
- (B) reinstate the attorney unconditionally; or
- (C) reinstate the attorney conditioned on the attorney:
  - (i) paying for all or part of the proceeding's cost;
  - (ii) making restitution to parties harmed by the conduct that led to the discipline;
  - (iii) providing certification from any jurisdiction's bar examiners that the attorney has successfully completed an admission examination after the suspension or disbarment took effect;
  - (iv) otherwise proving competency and learning in the law (if the suspension or disbarment was for five or more years); or
  - (v) meeting any other terms the judges deem appropriate.

**(d) Timing of Petition.**

- (1) ***After Disbarment.*** A disbarred attorney may not file a reinstatement petition until five years after disbarment.
  - (2) ***After Previous Unsuccessful Petition.*** An attorney who has previously filed a reinstatement petition that was denied may not file another reinstatement petition on the same matter until one year after the denial.
- (e) **Fee.** Any request for reinstatement, whether by affidavit or petition, must be accompanied by a fee in an amount equal to the filing fee for miscellaneous cases.