

**United States District Court
for the District of Puerto Rico**

Local Rules

- **Civil** • **Admiralty** • **Criminal**



**Effective December 3, 2009
with amendments through April 12, 2018**

Table of Contents

CIVIL RULES

Rule 1	Scope; Definitions	<u>-2-</u>
Rule 3	Commencement of Action	<u>-4-</u>
Rule 3A	Assignment and Reassignment of Cases	<u>-6-</u>
Rule 3.1	Commencement of an action under Title VI of PROMESA	<u>-9-</u>
Rule 5	Serving and Filing Pleadings and Other Papers	<u>-10-</u>
Rule 5.2	Privacy Protection for Filings Made with the Court	<u>-11-</u>
Rule 6	Computing and Extending Time	<u>-12-</u>
Rule 7	Pleadings Allowed; Form of Motions, and Other Papers	<u>-13-</u>
Rule 7.1	Disclosure Statement	<u>-15-</u>
Rule 9	Social Security Cases	<u>-16-</u>
Rule 10	Form of Pleadings	<u>-17-</u>
Rule 11	Signing Pleadings, Motions, and Other Papers	<u>-18-</u>
Rule 16	Pretrial Conferences; Scheduling; Management	<u>-19-</u>
Rule 26	Discovery	<u>-24-</u>
Rule 38	Demand for Jury Trial	<u>-25-</u>
Rule 39	Trial by Jury or by the Court	<u>-26-</u>
Rule 41	Dismissal of Actions	<u>-28-</u>
Rule 42	Consolidation	<u>-29-</u>
Rule 43	Taking of Testimony	<u>-30-</u>
Rule 47	Jurors	<u>-31-</u>
Rule 51	Instructions to Jury	<u>-32-</u>
Rule 54	Costs	<u>-33-</u>
Rule 55	Default	<u>-34-</u>
Rule 56	Summary Judgment	<u>-35-</u>
Rule 65	Injunctions	<u>-37-</u>
Rule 65.1	Proceedings Against a Surety	<u>-38-</u>
Rule 67	Deposit into Court	<u>-41-</u>
Rule 72	Duties of United States Magistrate Judges	<u>-43-</u>
Rule 73	Assignment of Cases to United States Magistrate Judges	<u>-47-</u>
Rule 77	Conducting Business; Clerk’s Authority	<u>-48-</u>
Rule 77A	Communications with Judges	<u>-49-</u>
Rule 79	Records Kept by the Clerk	<u>-50-</u>
Rule 83A	Attorneys: Admission to the Bar	<u>-51-</u>
Rule 83B	Law Student Practice	<u>-56-</u>
Rule 83C	District Bar Examination	<u>-58-</u>
Rule 83D	Attorneys: Appearances and Withdrawals	<u>-59-</u>
Rule 83E	Attorneys: Disciplinary Rules and Enforcement	<u>-60-</u>
Rule 83F	Security	<u>-66-</u>
Rule 83G	Court Proceedings; Release of Information	<u>-68-</u>

Rule 83H	Complaints of Judicial Misconduct or Disability	<u>-72-</u>
Rule 83I	Certificates of Appealability	<u>-73-</u>
Rule 83J	Court-annexed Mediation	<u>-74-</u>
Rule 83K	Bankruptcy	<u>-79-</u>
Rule 83L	Pro-Bono Program	<u>-80-</u>

ADMIRALTY RULES

Rule A	Scope of Rules	<u>-90-</u>
Rule C	Actions in Rem: Special Provisions	<u>-91-</u>
Rule D	Possessory, Petitory, and Partition Actions	<u>-92-</u>
Rule E	Actions in Rem and Quasi in Rem: General Provisions	<u>-93-</u>
Rule F	Limitation of Liability	<u>-101-</u>
Rule H	Special Rules	<u>-102-</u>

CRIMINAL RULES

Rule 101	Scope; Definitions	<u>-104-</u>
Rule 106	The Grand Jury	<u>-105-</u>
Rule 107	The Indictment and the Information	<u>-106-</u>
Rule 111	Pleas	<u>-107-</u>
Rule 112	Pleadings and Pretrial Motions	<u>-108-</u>
Rule 116	Discovery	<u>-109-</u>
Rule 116A	Special Procedures for Recordings	<u>-111-</u>
Rule 116B	Notification to Law Enforcement Agencies and Preservation of Rough Notes	<u>-112-</u>
Rule 116C	Confidential Materials; Impounding	<u>-113-</u>
Rule 117.1	Status and Pretrial Conferences	<u>-114-</u>
Rule 123	Jury or Non-jury Trial	<u>-116-</u>
Rule 124	Trial Jurors	<u>-117-</u>
Rule 130	Jury Instructions	<u>-120-</u>
Rule 132	Sentencing and Judgment	<u>-121-</u>
Rule 144	Right to and Appointment of Counsel	<u>-123-</u>
Rule 144A	Appointment of Counsel and Case Management in Capital Cases	<u>-124-</u>
Rule 146	Release from Custody [Bonds in Criminal Cases]	<u>-130-</u>
Rule 147	Motions and Supporting Affidavits	<u>-134-</u>
Rule 159	Matters Before a Magistrate Judge	<u>-135-</u>
Rule 162	Attorneys: Appearances and Withdrawals	<u>-138-</u>

CIVIL RULES

RULE 83A

ATTORNEYS: ADMISSION TO THE BAR

(a) Eligibility for Admission.

Any attorney who is of good personal and professional character, and who is an active member in good standing of and eligible to practice before the bar of the highest court of a state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, and who is not then disbarred from or under a period of suspension in any court of record in the United States, is eligible for admission to the bar of this Court provided the attorney also complies with one of the following provisions:

- (1) Has received a satisfactory score on the bar examination as determined by the District Bar Examination Committee; or,
- (2) has served, for a period of one year, as a District Judge, Magistrate Judge, Clerk, Chief Deputy Clerk, Law Clerk, United States Attorney, or Assistant United States Attorney, Federal Public Defender or Assistant Federal Public Defender, in this Court; or,
- (3) has served, for a period of five (5) years, as a Supreme Court Justice, a Court of Appeals Judge, or a Judge of the Court of First Instance in the General Court of Justice of the Commonwealth of Puerto Rico; or,
- (4) has served on a continuous basis for at least ten (10) years as a full-time tenured law professor at a law school duly accredited by the American Bar Association and any other pertinent authority, provided that both at the time of his or her graduation from law school and the start of his or her tenure no district examination was administered in this district.

(b) Committee on Admissions.

A Committee on Admissions composed of three (3) members in good standing of the bar of this Court shall be named by the judges to aid in the screening and evaluation of the applications for admission to the bar of this Court. The members shall be appointed for terms of three (3) years, except that initial appointments shall be for one, two or three years, so that the term of three members shall expire each year and membership shall rotate with continuity. Upon its expiration an appointment may be renewed or filled by the Court, as appropriate, provided that the same member does not serve continuously for more than two (2) regular terms. The Court shall designate one member to chair the Committee.

(c) **Procedure for Admission.**

- (1) **Petition.** Each applicant for admission to the bar of this Court shall file a sworn written petition setting forth: residential, office, and electronic addresses, residential and office telephone and facsimile numbers; courts to which admitted to practice; legal training and experience; proficiency in written and oral English; and the availability to work pro bono.

The Petition shall be filed with the clerk accompanied by the following documents: certificate of admission and good standing from the clerk of any and all courts to which applicant is admitted to practice; certificate of good conduct issued by the police department where applicant resides; an itemized written statement detailing the nature, status, and disposition of any criminal prosecution or conviction; evidence of satisfaction of one of the eligibility criteria set forth in subsection (a) above, including evidence of receipt of a satisfactory score in the District Bar Examination, if applicable; three (3) personal references, of which two (2) must be by members in good standing of the bar of this Court. The date of issuance of the documents must not exceed three (3) months from the date of the Petition.

- (2) **Referral for Report.** Upon filing of the Petition and accompanying documents, the clerk shall refer the matter to the Committee on Admissions. The Committee shall consider the Petition and render a report to the Court within thirty (30) days of its receipt, or such additional period of time as the Court may determine upon request by the Committee.

If the Committee on Admissions finds that it has grounds to render an unfavorable report, it shall notify the applicant in writing of the nature of the evidence. The applicant may rebut this evidence within the reasonable time established by the Committee. The Committee shall, upon reviewing all the evidence, render its report to the Court. If the report is unfavorable, the Committee shall state the bases for its findings.

- (3) **Determinations on Admissions.** Upon receipt of the report from the Committee on Admissions, the Court shall convene to consider and pass upon the application. Determinations on petitions for admission will be made by a majority vote of the active judges of this Court. Whenever a majority of the judges cannot agree as to the admission of an applicant, the decision shall be made by the Chief Judge. The clerk shall notify each applicant in writing of the Court's decision.

- (4) **Hearing.** The Court may deny any petition for admission, regardless of the nature of the report, provided that the applicant is served with notice of the grounds for the denial and afforded an opportunity to be heard.
- (5) **Certificate of Admission.** Upon admission to the bar of this Court and payment of the applicable admissions fee, the clerk shall issue a certificate of admission after the applicant has taken and subscribed the following oath or affirmation before this Court:

I do solemnly swear (affirm) that I will demean myself as an attorney and counselor of this Court uprightly and according to law; and that I will support and defend the Constitution of the United States. So help me God.

The applicant shall sign the roll of attorneys of this Court, shall be assigned a bar member number by the clerk, and shall thenceforth be a member of the bar of this Court.

(d) Practice Before this Court; Continuing Membership; Practice Prohibited While on Inactive Status.

Except as otherwise provided by these rules, only members of the bar of this Court shall practice in this Court. Admission to and continuing membership in the bar of this Court is limited to attorneys who are of good moral character and are active members in good standing of the bar of the highest court of any state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States. Any attorney previously admitted to the bar of this Court who no longer is in good standing of the bar of the highest court of any state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, shall not practice before this Court.

(e) Attorneys for the United States and Federal Public Defenders.

(1) **Eligibility to Practice.** An attorney who is not eligible for admission under subsection (a) of this rule, but who 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, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands of the United States, and who is of good moral character and is not subject to pending disciplinary proceedings as a member of the bar in any jurisdiction, may appear and practice in this Court in any matter in which the attorney is employed or retained by the United States or its agencies, and is representing the United States or any of its officers or agencies in an official capacity.

(2) **Temporary Permission.** Attorneys permitted to practice in this Court pursuant to subsection (1)(e) are subject to the jurisdiction of the Court with respect to their conduct to the same extent as members of the bar of this Court, and the Court may at any time revoke the permission for good cause without a hearing. Once the attorney ceases to be employed or retained by the United States or any of its agencies, he or she shall cease to practice in this Court in that official capacity. The attorney shall then be required to apply for admission to the bar of this Court pursuant to subsection (a) above, in order to appear and practice in this Court.

(3) **Application.** Attorneys for the United States requesting permission to appear and practice before this Court pursuant to this rule, shall file a motion to appear and practice with the clerk addressing the required eligibility standards. The motion shall be signed by the attorney applicant and the authorized representative of the employing or retaining instrumentality or agency of the United States. The clerk shall, within fourteen (14) days from the filing of the motion, enter an order denying or granting permission to appear and practice, or requesting additional information, as appropriate.

(4) **Special Roll of Attorneys.** Upon authorization by the clerk, the attorney shall sign the specially-designated roll of attorneys of this Court, whereupon he or she shall be assigned an appearance number.

(5) **Admission Fee not Applicable.** Although permission to appear and practice before this Court pursuant to this rule subjects attorneys to the jurisdiction of the Court with respect to their conduct to the same extent as members of the bar of this Court, the permission is not considered an admission to the bar of this Court. Therefore, no admission fee shall be taxed.

(f) **Pro Hac Vice.**

An attorney who does not reside in the Commonwealth of Puerto Rico and who is authorized to practice law before the bar of any United States court or of the highest court of any state, the District of Columbia, the Commonwealth of Puerto Rico, the Territory of Guam, the Commonwealth of the Northern Mariana Islands or the Virgin Islands of the United States, may apply for permission to appear as attorney of record in a particular case or proceeding. The movant shall:

- (1) designate a member of the bar of this Court as local counsel;
- (2) state the court(s) in which the movant is admitted to practice law;
- (3) attest that the movant is not currently suspended from practicing law before any court or jurisdiction;

- (4) state if any complaint for unethical misconduct, disciplinary proceeding, or criminal charges involving the movant are currently pending before any court or jurisdiction; and,
- (5) pay the appropriate fee.

The pro hac vice application shall be presented to the Court in the form available at the Clerk's office or on the court's web site (www.prd.uscourts.gov), together with the prescribed admission fee. The Court will not refund the fee if the motion is denied.

The Court may at any time revoke pro hac vice admission for good cause without a hearing. An attorney permitted to practice before this Court pro hac vice in a particular action shall at all times remain associated in the action with a member of the bar of this Court. All process, notices, and other papers shall be served on the attorney admitted pro hac vice and on the member of the bar of this Court. Both attorneys shall sign all filings submitted to the Court. The attendance of the member of the bar of this Court is required at all proceedings, unless excused by the Court.

(g) Disciplinary Jurisdiction.

Whenever an attorney applies to be admitted or is admitted as a member of the bar of this Court or pro hac vice for purposes of a particular proceeding, the attorney shall be deemed to have conferred disciplinary jurisdiction upon this Court for any alleged misconduct of that attorney arising in the course of or in the preparation for such proceeding.

(h) Other Persons.

A person who is not a member of the bar of this Court, and who is not otherwise eligible for admission pursuant to these rules, will only be allowed to appear and practice before the Court pro se, that is, on his or her own behalf. That representation may not be delegated to any other person, including a spouse, parent or other relative, nor to any other party on the same side who is not represented by an attorney. A non-attorney guardian for a minor or an incompetent person who is not an attorney must be represented by counsel.

Any person appearing pro se will be required to comply with these local rules and with the federal rules of evidence and procedure. Pro-se litigants are expected to compose their pleadings substantially to the standards set forth in the Federal Rules of Procedure and these rules, and to allege sufficient facts to support a cognizable legal claim. Although the Court may be more lenient with pro-se litigants, unrepresented parties are not immune from sanctions.