

**LCvR39.3 Taking of Photographs or Use of Use of Electronic Devices, Photographs, Audio/Video Recorders or Tape Recorders at Trial.**

**(a)** The following are prohibited in the Western District of Oklahoma:

1. Photographing or video and/or audio recording in the courtrooms and common areas of the courthouse (i.e. the corridors and other areas outside the courtrooms) or livestreaming video and/or audio in such locations. The taking of photographs and operation of or television broadcasting in the courthouse during the progress of or in connection with judicial proceedings, including proceedings before a United States magistrate judge, whether or not court is actually in session, is prohibited.
2. Photographing or video and/or audio recording any court proceeding from a location outside the courthouse in conjunction with remote audio or video access or proceedings or livestreaming video and/or audio under such circumstances; and
- 4.3. Video and/or audio recording of conversations, in person or remote, including telephone conversations, with judges or employees of the Western District of Oklahoma.

~~**(b)**—A judge may, however, permit the use of electronic or photographic means for the presentation of evidence or the perpetuation of a record, and the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings.~~

**(b)** The court prohibits the use of cellular telephones, pagers, or other electronic communication devices in the courtroom. When possession of such devices in the courthouse is authorized pursuant to Misc. 22, In re: Electronic Device Policy (October 6, 2020), sSuch devices may be carried on the person within a courtroom only if the device is turned off or non-auditory.

**(c)** A judge is authorized to make an exception to these prohibitions, including for the use of electronic means for the presentation of evidence or the perpetuation of a record, for court events, ceremonial occasions, or other gatherings.

## LCvR83.6 Discipline by the Court.

**(a) Discipline by Other Courts; Criminal Convictions.** Whenever it appears to the court that any member admitted to practice in this court, including those persons admitted pro hac vice, has been suspended, disbarred, or resigned pending disciplinary proceedings from the practice of law by the Supreme Court of Oklahoma or by any other court of competent jurisdiction or has been convicted of a felony or any crime involving moral turpitude in any court, such disbarment, suspension, or conviction shall operate as an automatic disbarment of the attorney's right to practice in this court, and an order of disbarment shall be issued by the court. The order of disbarment shall remain in effect unless, within 30 days from the date of the order of disbarment, the attorney has, by motion to the court, shown good cause as to why disbarment should not be imposed.

**(a)(b) Requirement to Self-Report.** Any attorney subject to this rule must notify the court within 14 days of any such conviction, suspension, disbarment, or resignation. The notification must be in writing to the Clerk of Court. Failure to self-report is a separate cause for disciplinary action; however, a failure to self-report an administrative suspension for failure to pay an annual registration fee or to comply with mandatory continuing legal education requirements shall not constitute separate cause for further disciplinary action by this Court.

**(b)(c) Standard Governing Attorney Conduct.** The court adopts the Oklahoma Rules of Professional Conduct as adopted and amended from time to time by the Supreme Court of Oklahoma as the standard governing attorney conduct in this court.

**(e)(d) Misconduct.** Complaints of professional misconduct, including those referred by judges, shall be submitted to the Chief Judge in writing and shall state with particularity the circumstances out of which the charges arose. Complaints submitted by counsel are subject to Fed. R. Civ. P. 11. All other complaints of professional misconduct, except those submitted by judicial officers of this court, shall be under oath.

Upon receipt of a complaint regarding the professional conduct of an attorney, the Chief Judge or the designee of the Chief Judge shall determine whether:

(1) The inquiry should be terminated because the question raised is unsupported or insubstantial;

(2) The alleged professional misconduct justifies further inquiry and, for members of the Oklahoma Bar Association, the matter should be referred to the Office of the General Counsel of the Oklahoma Bar Association for investigation and prosecution by that Office, if warranted;

(3) The alleged professional misconduct warrants consideration of prompt disciplinary action by this court regarding the attorney's right to practice before the Court, and the matter should be referred to the Court's Committee on Discipline for investigation, notwithstanding concurrent reference of the matter to the Office of the General Counsel of the Oklahoma Bar Association;

(4) The alleged professional misconduct of an attorney not a member of the Oklahoma Bar Association justifies further inquiry by the court and should be referred to a committee on discipline appointed by the court for investigation. Any attorney whose conduct in this court is under investigation by the Committee on Discipline shall not be admitted pro hac vice until the pending investigation is concluded.

Upon determination that an action is appropriate under subsections (c)(2), (3), or (4) above, the Chief Judge or the designee of the Chief Judge shall provide a copy of the written allegations to the attorney whose conduct is the subject of the complaint. Nothing herein contained in this rule shall limit the right of an individual judge to refer a matter to any bar association for disciplinary action or otherwise address the matter.

**(d)(e) Right to a Hearing.** Except as provided in subsection (a) above, this court shall not impose any disciplinary action affecting an attorney's right to practice before the court until after a hearing on the matter has been held before a 3-judge panel as designated by the Chief Judge and upon a showing of good cause. In no instance shall a judge who referred the charge of misconduct sit on the 3-judge panel. The attorney may waive the right to a hearing. At the hearing, the attorney whose conduct is the subject of the complaint shall be afforded an opportunity to appear in person and/or by counsel, to present oral and documentary evidence, to compel the attendance of witnesses or the production of documents, to cross-examine

witnesses, and to present argument orally or in writing. If not called by the attorney whose conduct is being investigated, it is within the discretion of the 3-judge panel to call the complaining party to appear at the hearing. This rule shall not apply to sanctions, penalties, or other restrictions imposed by a judge which are applicable only to a particular case pending before that judge.

**(e)(f) Sanctions.** Discipline by this court may include disbarment, suspension from practice for a definite time, reprimand, or other discipline which the court deems proper. Referral of a complaint to the Office of the General Counsel of the Oklahoma Bar Association for investigation shall not constitute such discipline as to entitle the attorney to a hearing in this court on the propriety of the referral.

**(f)(g) Committee on Discipline.** The Committee on Admissions and Grievances shall act as the Committee on Discipline. The Committee shall have the power to investigate all charges of professional misconduct referred to it by the Chief Judge. At the request of the Committee, the clerk shall issue subpoenas and subpoenas duces tecum as may be required by the investigation.

The Committee shall complete its investigation within 8 weeks from the date of referral from the Chief Judge. Upon good cause shown, the Committee may obtain extensions of time for investigation.

At the close of the investigation, the Committee shall make a written report to the Chief Judge stating the discipline or other action recommended by the Committee. All disciplinary proceedings shall be in camera unless the 3-judge panel shall direct otherwise.

**(g)(h) Contempt of Court.** Disciplinary proceedings under this rule shall not affect or be affected by any proceeding for contempt under [Title 18](#) of the United States Code or under [Fed. R. Crim. P. 42](#).

**(h)(i) Unauthorized Practice.** Any person who, before admission to the bar of this court, or who, during disbarment or suspension, exercises any of the privileges bestowed upon members of this bar, or who pretends to be entitled to such privileges, shall be guilty of contempt of this court and shall be subject to punishment therefor and shall be subject to any other discipline which the court may impose.

**(i) Reinstatement.** Persons disbarred from practice before this court may not petition for reinstatement within 3 years following disbarment or within 2 years following an adverse decision upon a previous petition for reinstatement; provided, however, that a person disbarred under subsection (a) may apply for reinstatement at any time upon being reinstated by the Oklahoma Bar Association. Persons suspended indefinitely must satisfy all conditions to reinstatement imposed by the court at the time of suspension.

**LCrR4.1 Sealing of ~~Warrants and Complaints~~ and Arrest Warrants.**

Upon written motion of the government, ~~search warrants~~, criminal complaints, arrest warrants, and supporting affidavits may be sealed by order of a judicial officer. The sealing order shall be automatically lifted on the initial appearance of any defendant in the case. ~~Seal orders shall automatically expire upon return being made on a search warrant or the initial appearance of any named defendant.~~ The court may extend a sealing order for good cause shown ~~by the government in either the original or a subsequent motion.~~ (See also LCrR12.32 for Motions to Seal.) Even after lifting of a sealing order, arrest warrants are not remotely accessible.

**LCrR9.1 Sealing of Warrants or Summonses upon Indictment or Information.**

Upon application of the government, a summons or arrest warrant on an information or indictment may be filed under seal. Such seal shall be lifted upon the arraignment of any defendant named therein. The court may extend the time for sealing the summons or warrant upon motion for good cause shown. (See LCrR4.1 and *also* LCrR12.2 for Motions to Seal.)~~LCrR12.3 for procedure of sealing documents under this rule.~~

**LCrR10.2 Setting of Trial Date at Arraignment.**

After a plea of not guilty is entered in this district, the magistrate judge conducting the arraignment shall set a trial date on the first day of the trial docket following the 30-day period prescribed by the Speedy Trial Act, or upon the consent of the parties, on the first day of any trial docket not more than 70 days after arraignment.~~provided that t~~ Trial settings must be consistent with the Constitution and the statutes of the United States.

## LCrR12.2 Motions to Seal.

**(a) General Rule.** Any party requesting that any pleading, document, or other matter be filed under seal ~~(such as ex parte or in camera motions, including in camera motions for downward departure of a sentence, if desired)~~ shall electronically file an application for leave to file the document under seal and shall submit a proposed order with to the assigned judge. Unless otherwise permitted by statute, the Federal Rules of Criminal Procedure, or the Court's Local Criminal Rules, the pleading, document, or other matter shall not be filed under seal without leave of court.

~~Responses to sealed matters may likewise be filed under seal. A separate request to seal such a response is not necessary.~~

**(b) Motions for Variance or Departure.** Motions pursuant to § 5K1.1 of the United States Sentencing Guidelines, or to reduce a sentence pursuant to Fed.R.Crim. P. 35(b) may be filed under seal without a court order. A request to seal such motions is not required.

**(c) Defense Motions for Investigative, Expert, or Other Services.** Motions seeking compensation under the Criminal Justice Act for investigative, expert, or other services may be filed under seal without a court order. A request to seal such motions is not required.

**(d) Responses.** Responses to sealed matters may likewise be filed under seal. A separate request to seal such a response is not required.

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**LCrR16.4 Expert Witness Disclosures.**

Unless otherwise ordered by the Court, expert witness disclosures pursuant to Fed.R.Crim.P. 16(a)(1)(G) or 16(b)(1)(C) shall be made at least 14 days prior to the commencement of the scheduled trial docket. The party requesting expert witness disclosures shall make a timely request for expert witness disclosures to facilitate the opposing party's compliance with the applicable disclosure deadlines.

**LCrR32.3 Confidentiality of Sentencing Recommendations.**

If the Court requests a probation officer to submit a sentencing recommendation, the officer may not disclose that recommendation to anyone other than the court unless the court orders otherwise.

**LCrR41.1 Sealing of Warrants Issued Pursuant to Federal Rule of Criminal Procedure 41 for Search and Seizure Proceedings.**

*See LCrR4.1 and LCrR12.3 for procedure for sealing of warrants, etc., under this rule.*

On written motion of the government, warrants under Rule 41, including search, seizure, and tracking warrants, along with the applications and supporting affidavits may be sealed by order of a judicial officer. Any motion to seal and proposed order shall identify the duration for sealing. The court may extend a seal order for good cause shown. (See also LCrR12.2 for Motions to Seal.)

**LCrR44.1 ~~Plan Pursuant to the Criminal Justice Act~~ Plan for the Representation of Indigent Defendants.**

The Federal Public Defender Organization, supervised by the Federal Public Defender, shall assist in the administration of the Court's Criminal Justice Act Plan and maintain a panel(s) of eligible attorneys. (~~See General Order 19.424-6, Criminal Justice Act Plan General Order Regarding the Plan of the United States District Court for the Western District of Oklahoma for the Implementation of the Criminal Justice Act, 18 U.S.C. §3006A.~~)

**LCrR44.2 Claims for Compensation Regarding Indigent Defense Fees.**

All Criminal Justice Act (CJA) vouchers shall be submitted within 45 days after a case is dismissed or after a defendant is sentenced. Any voucher submitted beyond 45 days ~~and less than 1 year~~ after the case is dismissed or after a defendant is sentenced shall be accompanied by a letter demonstrating good cause why the voucher should be paid. ~~Any application, letter or voucher submitted more than 1 year after the case is dismissed or after a defendant is sentenced shall be summarily denied.~~

**LCrR49.4 Change of Address; Proof of Service.**

(a) All papers shall contain the name, mailing address, daytime telephone number, and e-mail address, if any, of the attorney or pro se litigant. If any of this information changes, the attorney or pro se litigant must notify the court by filing the form provided by the clerk and serving a copy on opposing counsel or pro se parties. Papers sent by the court will be deemed delivered if sent to the last known address given to the court.

(b) Proof of service of any papers not filed using the court's electronic filing system required to be served shall be made by the certificate of any attorney of record or pro se litigant, or if made by any other person, the affidavit of such person.

(c) Service of sealed documents filed in the court's electronic filing system shall be made in accordance with Federal Rule of Criminal Procedure 49(a)(3)(B) or 49(a)(4); the Notice of Electronic Filing generated by the court's electronic case filing system does not constitute service for sealed documents. Pursuant to Federal Rule of Criminal Procedure 49(b), receipt of the Notice of Electronic Filing generated by the Court's Electronic Case Filing System shall constitute the equivalent of service of the paper identified in the notice on persons who have consented to electronic service and who have waived their right to service by personal service or first class mail.