

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MONTGOMERY COUNTY,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	No. 97-6331
	:	
MICROVOTE CORPORATION, et al.,	:	
CARSON MANUFACTURING COMPANY, INC.,	:	
and WESTCHESTER FIRE INSURANCE	:	
COMPANY,	:	
	:	
Defendants.	:	

MEMORANDUM

R.F. KELLY, J.

MARCH 16, 2000

Presently before the Court is the Motion of Defendant, Microvote Corporation ("Microvote"), for Admission of Loren J. Comstock, Esquire as counsel pro hac vice for purposes of this case. Microvote brings this Motion pursuant to the Local Rule of Civil Procedure of the United States District Court for the Eastern District of Pennsylvania ("Local Rule") 83.5.2. Plaintiff, in its Response, objects to the pro hac vice admission of Attorney Comstock and requests relief from this Court pursuant Local Rule 83.5. Based on the motions received and pursuant to Federal Rule of Civil Procedure 52, I make the following:

FINDINGS OF FACT

1. Samuel E. Klein, Esquire, is a member in good standing of the bar of this Court and currently serves as Microvote's associate counsel in this action pursuant to Local

Rule 83.5.2(a). Attorney Klein submitted Microvote's Motion for this Court's consideration.

2. Loren J. Comstock, Esquire, is a member in good standing of the Bar of the State of Indiana, to which he was admitted in 1972. Attorney Comstock has been admitted to practice before the United States District Court for the Southern District of Indiana and the Seventh Circuit Court of Appeals.

3. Attorney Comstock has submitted a Certification which reveals his prior suspension from the practice of law for violating the Indiana Bar Disciplinary Rules of Professional Conduct. Since his reinstatement, Attorney Comstock has been a member in good standing of the Bar of the State of Indiana.

4. Plaintiff cites Local Rule 83.5 as the appropriate local rule governing the current motion for admission pro hac vice.

CONCLUSIONS OF LAW

1. The power to grant or deny a pro hac vice motion is within this Court's discretion.

2. Local Rule 83.5.2(b) provides: "An attorney who is not a member of the bar of this Court shall not actively participate in the conduct of any trial or any pretrial or post-trial proceeding before this Court unless, upon application, leave to do so shall have been granted."

3. Local Rule 83.5(f) provides, in pertinent part,

that:

An attorney applying for first-time admission to the bar of this court must simultaneously inform the court of any previous public discipline by any other Court of the United States . . . or by a court of any state . . . and of any conviction for a "serious crime" as defined in these rules.

Petitions for first-time admission filed by an attorney who has been previously publicly disciplined by another court or convicted of a serious crime shall be filed with the Chief Judge of this court. Upon receipt of the petition, the Chief Judge shall assign the matter for prompt hearing before one or more judges of this court appointed by the Chief Judge. The judge or judges assigned to the matter shall thereafter schedule a hearing at which the petitioner shall have the burden of demonstrating, by clear and convincing evidence, that the petitioner has the moral qualifications, competency and learning in the law required for admission to practice law before this court, and that the petitioner's admission shall not be detrimental to the integrity and standing of the bar or to the administration of justice, or subversive of the public interest.

5. The Local Rule which governs this Court's determination of an application for admission pro hac vice is Local Rule 83.5.2.

6. The requirements of 83.5.2 have been met in this case. Loren J. Comstock, Esquire has met the character and admission requirements permitting this Court to allow him to practice before the Court pro hac vice.

Because of the foregoing, I enter the following Order.

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COMPANY,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 16th day of March, 2000, upon consideration of the Motion of Defendant, Microvote Corporation, for Admission Pro Hac Vice of Loren J. Comstock, Esquire, and Plaintiff's Opposition thereto, it is hereby ORDERED that Defendant's Motion is GRANTED and Loren J. Comstock, Esquire is admitted to practice before this Court Pro Hac Vice.

BY THE COURT:

Robert F. Kelly,

J.