

After carefully reviewing the Fifth Circuit's opinion, the Court finds that it should reconsider its earlier decision regarding Conrad's motion to appear *pro hac vice*. As noted by the Fifth Circuit opinion, proposed Local Rule AT-1(f)(1) would allow Conrad to be admitted *pro hac vice* in the Western District of Texas, as he is a member in good standing of the Southern District of Texas. Accordingly, the Court finds it should allow Conrad to practice before the Court in this case, vacate the previous order denying Conrad's motion to appear *pro hac vice*, and grant Conrad's motion to appear *pro hac vice*. However, Conrad, a resident of Spring, Texas, admits he told Plaintiff that he "was reluctant to become her attorney in this matter because of [his] lack of experience in the courtroom and suggested that she consider someone else" because he "never previously represented anyone in Court (Federal or State)."¹ Inasmuch as Conrad does not maintain an office in this district, the Court orders that he have a member of the Bar of this Court who does maintain an office within this district as co-counsel.² The record shows that attorney Cori Harbour currently serves as local counsel in this matter. The Court suggests that Plaintiff maintain Cori Harbour as co-counsel in order to assist Conrad's handling of the case.

In addition, to dispel any concerns or appearances that might arise from the undersigned's future rulings in this case, the Court **RECUSES** itself from this matter. Accordingly, the Clerk of this Court shall immediately transfer this cause to the docket of United States District Judge Harry Lee Hudspeth. All proceedings in the cause shall remain pending in this division.

¹Pl.'s Mot. to Reconsider, Rec. No. 6, Declaration at p. 1.

²See Local Rule AT-3. "A judge to whom a case is assigned may in that case, in his discretion and upon notice, require an attorney appearing in this court who maintains his office outside of this district to designate a member of the Bar of this court who does maintain an office within this district as co-counsel with the authority to act as attorney of record for all purposes."

IT IS THEREFORE ORDERED that this Court's previous order denying Plaintiff's motion to appear *pro hac vice* are hereby **VACATED**. [Rec. Nos. 3; 10].

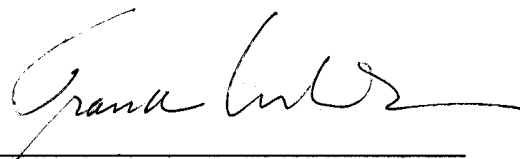
IT IS FURTHER ORDERED that Attorney David Mark Conrad's motion for permission to appear *pro hac vice* is **GRANTED**.

IT IS FURTHER ORDERED that Conrad have a member of the Bar of this Court who maintains an office within this district as co-counsel.

IT IS FURTHER ORDERED that the above-captioned cause be **TRANSFERRED** to the docket of the Honorable Harry Lee Hudspeth for final disposition.

The Court instructs the District Clerk to remit a copy of this Order to the Fifth Circuit Court of Appeals as notification that no further action is required on Conrad's petition.

SIGNED this 22nd day of January, 2007.



FRANK MONTALVO
UNITED STATES DISTRICT JUDGE