

Local-Counsel Requirements
for Practice in Federal District Courts

Federal Judicial Center
2024

This Federal Judicial Center publication was undertaken in furtherance of the Center's statutory mission to conduct and stimulate research and development for the improvement of judicial administration. While the Center regards the content as responsible and valuable, this publication does not reflect policy or recommendations of the Board of the Federal Judicial Center.

This report was produced at U.S. taxpayer expense.

LOCAL-COUNSEL REQUIREMENTS FOR PRACTICE IN FEDERAL DISTRICT COURTS

Tim Reagan¹
Federal Judicial Center 2024

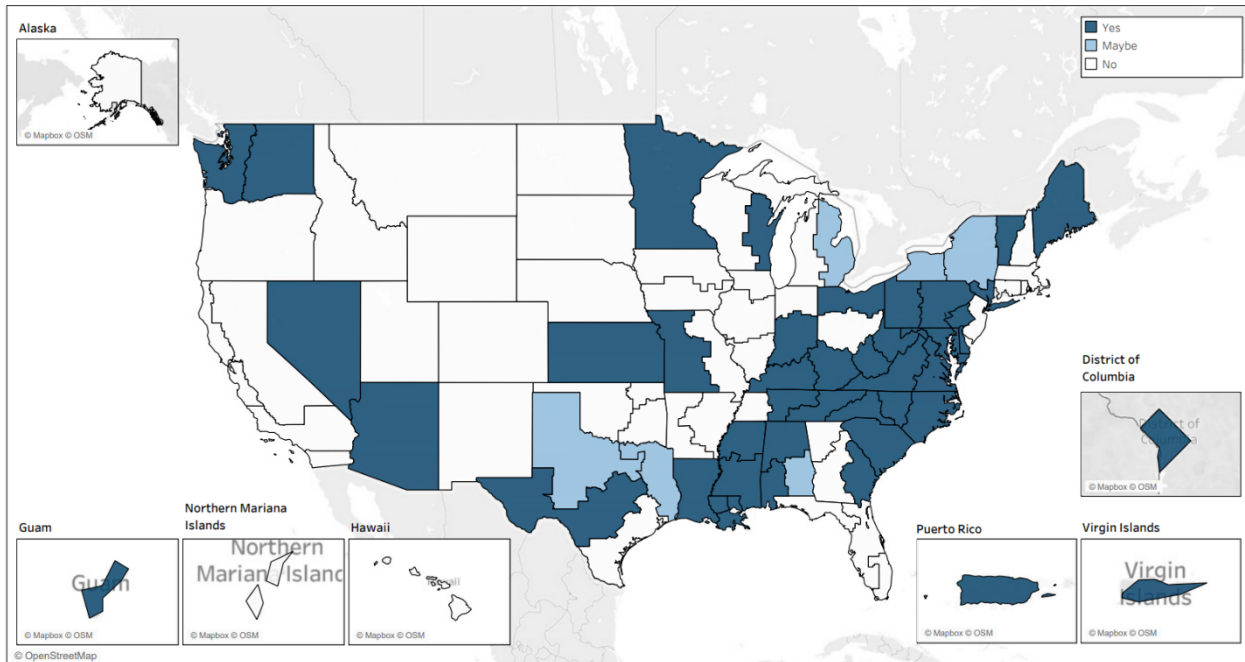
It is very common for district courts' rules to require local-counsel participation for bar admission or pro hac vice appearance in at least some cases. The rules for more than three-quarters of the districts do.

Although local-counsel participation in litigation is more often required for pro hac vice appearances than for appearances by bar members, several districts sometimes require the latter.

Some, but not all, district rules define local counsel. The epitome of local counsel is an attorney who is a member of the district court's bar, who is a member of the local state or territory bar, and who lives and works in the district. For ease of reference in this report, the District of Columbia is regarded as a territory.

This report was prepared for a subcommittee on attorney admissions created by the Judicial Conference's standing Committee on Rules of Practice and Procedure.²

Local-Counsel Participation Required for Bar Admission



1. The graphics in this report were created by Cheena Mae V. Pongase and Margaret S. Williams.

2. This report and its appendix, "Summaries of Rule Text," are available at www.fjc.gov/content/385779/local-counsel-requirements-practice-federal-district-courts.

Local-Counsel Requirements for Bar Admissions

Fifty districts (53%) require participation by local counsel in the bar-admission process. For seven of these districts, the local-counsel requirement depends on circumstances such as where the applicant lives or works.

The following analyses describe requirements of local-counsel participation in federal district-court bar admissions in the context of what other admissions are required.

Local State-Bar Membership Required

Sixty districts (64%) require membership in the bar of the state or territory that includes the district for membership in the district court's bar.³

Two of these districts require more than membership in the state bar. The Northern District of Alabama also requires the attorney to live and work in Alabama. For admission to the district court's bar, the district requires an admission motion by a current member. The Southern District of Alabama requires the attorney to be a member of the district-court bar where the attorney lives or works. Admission to the Southern District's bar requires a motion by a current member or by the court.

Twenty-seven other districts requiring local state-bar membership require one or more current members of the district court's bar to participate in the admission process. Parenthetical numbers in the following list represent how many current members of the district court's bar must participate:⁴

Arizona (1)	Mississippi Southern	South Carolina (2)
Delaware (1)	(1)	Virgin Islands (1)
Georgia Southern (2)	Nevada (1)	Virginia Eastern (2)
Guam (1)	North Carolina	Virginia Western (2)
Kentucky Eastern (1)	Eastern (2 to 3)	Washington Eastern
Kentucky Western (1)	North Carolina Middle	(2)
Louisiana Eastern (2)	(1)	Washington Western
Louisiana Middle (2)	North Carolina	(2)
Louisiana Western (1)	Western (1)	West Virginia
Maine (1)	Pennsylvania Eastern	Northern (1)
Minnesota (2 to 3)	(1)	West Virginia
Mississippi Northern	Pennsylvania Middle	Southern (1)
(1)	(1)	

3. Two of these districts expand eligibility for some attorneys. In the District of New Jersey, defense attorneys in a criminal cases may appear if they are members of a federal or state bar. In the District of the Virgin Islands, a patent attorney admitted to practice before the U.S. Patent Office may appear in a patent case if admitted to a federal, state, or territory bar.

4. The Eastern District of North Carolina requires an admission motion from one current bar member and—except for members of either the Middle District's bar or the Western District's bar—certifications from two current members of the district court's bar. The Middle and Western Districts of North Carolina require an admission motion from one current bar member, except for members of the bar of another district court in North Carolina.

Admission to the Middle District of Alabama requires a motion by a current member or by the court, or the attorney seeking admission must be a member of the district court's bar where the attorney lives or works.

Five districts (5%) expand bar eligibility with specific limited exceptions to the requirement of membership in the bar of the state that includes the district. For these districts, new bar admissions require participation by a current member of the district court's bar.

In the District of Kansas, members of the Western District of Missouri's bar also are eligible for admission. In the District of Vermont, members of a federal district court's bar in the First or Second Circuit also are eligible for admission. Admission to these two districts' bars requires participation by a current member of the district court's bar.

In the Eastern and Southern Districts of New York, attorneys who are members of the bar for either the District of Connecticut or the District of Vermont—the two districts in the circuit outside of New York—and the bar of the state that includes that district also are eligible for admission. Admission to the bar of each of these two New York districts requires participation by a current member of the district court's bar, except for attorneys who already are members of the other New York district's bar.

In the Western District of Missouri, members of the District of Kansas's bar also are eligible for admission. Admission to the Western District of Missouri's bar requires participation by two or three current members of the district court's bar.

State-Bar Membership Not Required

The rules for some districts state that members of another state's bar are eligible for admission to the district court's bar without mentioning the District of Columbia. Many, but not all, of these districts extend eligibility to members of the District of Columbia's bar as a matter of practice.

A State

The rules for three districts state that membership in any state's bar is required for membership in the district court's bar. In the Western District of Texas, the admission application must include two letters of recommendation from members of the district court's bar where the attorney lives.

A State or the United States Supreme Court

For admission to their bars, two districts require membership in a state bar or the bar of the United States Supreme Court. The Southern District of Indiana requires sponsorship by a current member of the district court's bar.

A State or the District of Columbia

The rules for six districts state that bar membership is open to a member of a state or District of Columbia bar. In the Northern District of Texas, a nonresident attorney may be admitted by taking an oath before a judge in another district court, but otherwise admission requires introduction by a current member of the district court's bar.

Membership in the District of Columbia's bar is open to a member of the District of Columbia's bar, to a member of a state bar where the attorney principally works, and to in-house counsel admitted to a state bar and authorized to provide legal advice where the attorney works. The admission petition must include an affidavit or declaration from a current member of the district court's bar.

A State or Territory

Three districts open bar membership to members of the bar of a state or territory, including the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands, the Virgin Islands, and American Samoa. One of these, the Eastern District of Tennessee, requires the endorsement of two current members of the district court's bar for bar admission.

The District of Puerto Rico's bar is open to members of state bars and members of listed territory bars; American Samoa is not on the list. (Admission also typically requires passing the district court's bar exam.) The petition for admission must include three personal references, including two from current members of the district court's bar.

A State or Federal District Court

Admission to two district courts' bars is based on membership in a state bar or another federal district court's bar.

The Northern District of New York's bar requires admission to New York's bar, a federal district court's bar, or a state bar in the state where the attorney lives. Unless the attorney is a member of the Eastern, Southern, or Western District's bar, admission must be sponsored by a current member of the district court's bar.

Admission to the Western District of New York's bar requires admission to New York's bar, admission to the Eastern, Northern, or Southern District's bar, or admission to the bar of another federal district court and the bar of the state that includes that district. If the attorney is not a member of a federal district court's bar, then admission is by motion from a current member of the Western District's bar.

A State or the District of Columbia and a Federal District Court

The District of Maryland's bar requires admission to Maryland's bar or, so long as the attorney does not maintain a law office in Maryland, admission to a state or District of Columbia bar and another federal district court's bar. Admission is by motion from a current member of the district court's bar.

A State, Territory, or Federal District Court

In two districts, an attorney is eligible for bar membership if the attorney is a member of any state or territory bar or a member of another federal district court's bar. The Northern District of Ohio requires an admission motion by a current member of the district court's bar or the endorsement of two current members, unless the attorney is a member of the Southern District's bar. The Eastern District of Michigan allows attorneys without an office in the district

to take the oath of admission remotely if sponsored by a current member of the district court's bar.

A State or Federal Court

Four districts open bar membership to members of any state or federal bar. The Eastern District of Texas requires an admission motion by a current member of the Texas bar or a federal district court's bar.

A State, District of Columbia, or Federal Court

In two districts, an attorney who is a member of a state, District of Columbia, or federal-court bar is eligible for admission. The Eastern District of Wisconsin requires admission participation by a current member of the district court's bar.

A State or Territory and Federal Court

Admission to the Middle District of Tennessee's bar requires admission to Tennessee's bar or to the bars of a federal court and a state or territory. Admission is by motion of a current member of the district court's bar bearing signatures from two current members.

Federal District Court or United States Supreme Court

Admission to the Western District of Pennsylvania's bar requires admission to Pennsylvania's bar or eligibility to become a member of Pennsylvania's bar or admission to the United States Supreme Court's bar or to a federal district court's bar. Admission is by oral motion by a current member of the district court's bar.

Local Counsel Not Required for Bar Admissions

Forty-four districts (47%) do not require participation by a current member of the district court's bar for new bar admissions.⁵

Members of a district court's bar in Arkansas are members of the other district court's bar in Arkansas. Other attorneys are eligible for membership if licensed where they principally work and either residents of Arkansas or previously admitted to another district court's bar.

The other forty-two districts are organized in the following list by admission requirements.⁶

Local State Bar	California Southern	Georgia Northern
Alaska	Florida Middle	Hawaii
California Central	Florida Northern	Idaho
California Eastern	Florida Southern	Iowa Northern
California Northern	Georgia Middle	Iowa Southern

5. In the Northern District of Illinois, the petition for admission must include affidavits from two members of state or District of Columbia bars.

The Western District of Texas requires two letters of recommendation from members of the district court's bar where the attorney lives.

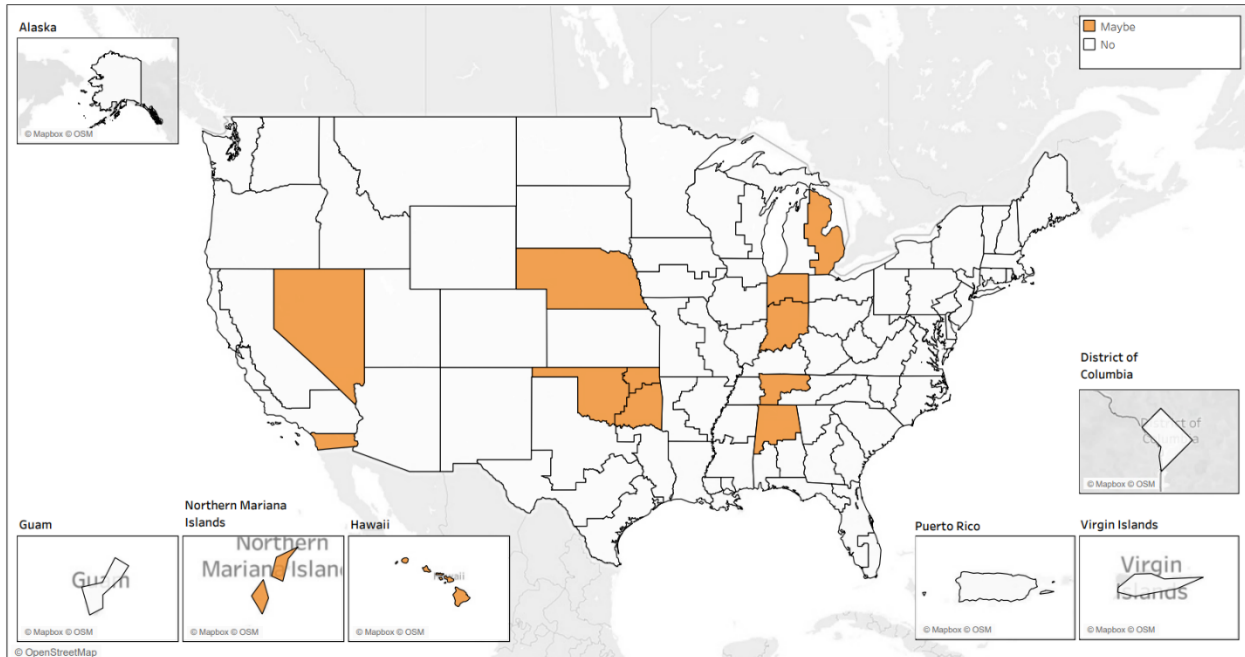
6. In the Central District of Illinois, admission eligibility includes admission to the bar of the Northern or Southern District as well as admission to a state or District of Columbia bar.

Massachusetts	A State or the U.S. Supreme Court	A State or Federal Court
Montana	Indiana Northern	Oklahoma Eastern
New Hampshire	A State or the District of Columbia	Oklahoma Northern
New Jersey	Illinois Central	Oklahoma Western
Northern Mariana Islands	Illinois Northern	A State, District of Columbia, or Federal Court
Ohio Southern	Illinois Southern	Court
Oregon	Missouri Eastern	North Dakota
Rhode Island	Wisconsin Western	A State or District of Columbia and Federal District Court
South Dakota	A State or Territory	District Court
Utah	Colorado	Tennessee Western
Wyoming	New Mexico	A State or Territory and Federal District Court
A State	A State or Federal District Court	Court
Michigan Western	Connecticut	Texas Southern
Nebraska		

Local-Counsel Requirements for Practice by Bar Members

Thirteen districts (14%) require association with local counsel even for some members of the district court’s bar.

Local Counsel Required for Practice by Some Bar Members



For two districts, the local-counsel requirement depends on whether the attorney is a member of the bar for the state that includes the district. The Eastern District of Oklahoma—which opens its bar to members of state and federal bars—requires attorneys who are not members of Oklahoma’s bar to

associate a member of the district court's bar who is. The Middle District of Tennessee—which opens its bar to members of other state and territory bars who are also members of federal bars—requires association with local counsel in civil cases for attorneys who are not members of Tennessee's bar.

For three districts, the local-counsel requirement depends on the location of the attorney's office. In the Southern District of California and the District of Hawaii, the court may require an attorney whose office is outside the district to associate a member of the district court's bar whose office is inside the district. In the District of Nevada, an attorney who does not have an office in Nevada must associate a Nevada attorney who does.

For four districts, the local-counsel requirement depends on where the attorney lives. In the Northern and Southern Districts of Indiana and the District of Nebraska, the court may require association with a member of the district court's bar who lives in the district for an attorney living outside the district. The Southern District of Alabama may also require local counsel for an attorney not living in the district.

For three districts, the local-counsel requirement depends on both where the attorney lives and where the attorney works. The Northern and Western Districts of Oklahoma require an attorney who does not live and work in Oklahoma to associate a member of the district court's bar who does. The District of the Northern Mariana Islands generally requires association with local counsel for attorneys who do not live and work in the district, but this requirement can be waived for good cause.

The Eastern District of Michigan—whose bar is open to members of state, territory, and federal district-court bars—requires attorneys who are not members of Michigan's bar to associate members of the district court's bar who have offices in the district.

Local-Counsel Requirements for Pro Hac Vice Appearances

More than three-quarters of the districts at least sometimes require the participation of local counsel for pro hac vice appearances, either during the permission process or during the litigation.

Pro Hac Vice Appearance Not Permitted

Four districts (4%) do not permit pro hac vice appearance: the District of Colorado,⁷ the Central District of Illinois,⁸ the Eastern District of Michigan,⁹ and the Eastern District of Wisconsin.¹⁰ All of their bars are open at least to members of any state bar. In addition, the Western District of Michigan allows, but disfavors pro hac vice appearance.

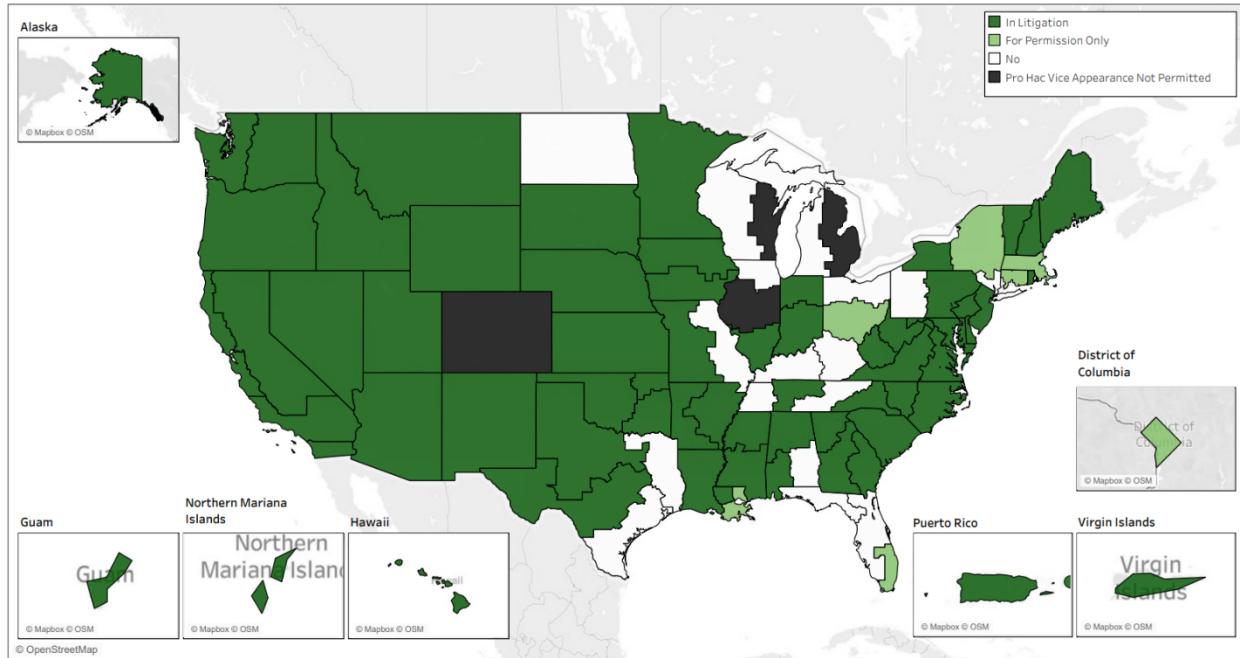
7. The district's bar is open to members of a state or territory bar.

8. The district's bar is open to members of a state or District of Columbia bar or a bar of the Northern or Southern District. Pro hac vice appearance may be permitted for an attorney awaiting admission to the district court's bar.

9. The district's bar is open to members of a state, territory, or federal district-court bar.

10. The district's bar is open to members of a federal, state, or District of Columbia bar.

Local Counsel Required At Least Sometimes for Pro Hac Vice Appearance



Local Counsel Not Required

The local rules for eighteen districts (19%) do not require local-counsel participation for pro hac vice appearance. As this is the more unusual situation, the particulars of these districts are described with some detail below. The analysis assumes that members of any federal bar are also members of a state or territory bar, because state and territory bars are the original licensing authorities.¹¹

The rules for seven of these districts expand eligibility for pro hac vice appearance beyond eligibility for bar admission:

- Northern District of Florida: Bar admission requires admission to Florida’s bar. An attorney who is a member of a bar where the attorney lives or works may seek pro hac vice appearance.
- Eastern and Western Districts of Kentucky: Bar admission requires admission to Kentucky’s bar. A member of another federal or state bar may be permitted to appear pro hac vice.
- Eastern and Southern Districts of New York: Bar admission requires admission to New York’s bar or to the bar of another state in the circuit and the district court’s bar in that state (so long as the district in the other state provides a reciprocal privilege). An attorney who is a member of a state or federal district-court bar may be permitted to appear pro hac vice.

11. One of the district court’s rules refers to attorneys licensed in other countries. The rules for the Northern District of West Virginia state that an attorney licensed in another country may be permitted to appear pro hac vice.

- Western District of Pennsylvania: Bar admission requires admission to Pennsylvania’s bar or to a U.S. Supreme Court or district-court bar. A member of a state or federal district-court bar may be permitted to appear pro hac vice.
- Western District of Tennessee: Bar admission requires admission to Tennessee’s bar or another district court’s bar and the bar of another state or the District of Columbia. An attorney not licensed in Tennessee who is licensed in another state or the District of Columbia may be permitted to appear pro hac vice.

In three other districts, eligibility for pro hac vice appearance is narrower than eligibility for bar admission, in two cases because of specifications of where an attorney lives or works:

- Eastern District of Missouri: Bar admission requires admission to a state or District of Columbia bar. An attorney who meets these requirements but who does not live or work in the district—absent relief from the geographic requirement for good cause—may be permitted to appear pro hac vice.
- Northern District of Ohio: Bar admission requires admission to a state, territory, or federal district-court bar. The district court disfavors pro hac vice appearances, but a member of a federal or state bar may seek permission to appear pro hac vice.
- Eastern District of Tennessee: Bar admission requires admission to a state or territory bar. An attorney who does not live or work in the district and who is a member of another district court’s bar and a member of a state or territory bar may be permitted to appear pro hac vice.

In two of the districts without a local-counsel requirement for pro hac vice appearance, eligibility for pro hac vice appearance is essentially the same as eligibility for bar admission:

- Western District of Michigan: Bar admission requires admission to a state bar. Pro hac vice appearance may be permitted pending admission to the district court’s bar or in unusual circumstances.
- Western District of Wisconsin: Bar admission requires admission to a state or District of Columbia bar. A member of a state or District of Columbia bar may be permitted to appear pro hac vice.

In three districts without local-counsel requirements for pro hac vice appearance, eligibility for pro hac vice appearance is different from—but not necessarily wider or narrower than—eligibility for bar admission:

- Middle District of Alabama: Bar admission requires admission to a state bar. An attorney who is a member of a district court’s bar where the attorney lives or works may be granted permission to appear pro hac vice.
- Middle District of Florida: Bar admission requires admission to Florida’s bar. An attorney who is neither a Florida resident nor a member

of Florida's bar may seek pro hac vice appearance if the attorney is a member of another federal district court's bar.

- Northern District of Illinois: Bar admission requires admission to a state or District of Columbia bar. A member of a state or federal district-court bar may be permitted to appear pro hac vice.

Three districts allow any attorney to seek pro hac vice appearance:

- District of North Dakota: Bar admission requires admission to a federal, state, or District of Columbia bar.
- Eastern District of Texas: Bar admission requires admission to a federal or state bar. An attorney may be permitted to appear pro hac vice.
- Southern District of Texas: Bar admission requires admission to the Texas bar or the bar of another district court and the bar of another state or territory. An attorney may be permitted to appear pro hac vice.

Local Counsel Required

Fifty-six districts (60%) require local-counsel participation for pro hac vice appearances. In addition to being a member of the district court's bar, local counsel may be required to live or work in the district or be a member of the local state's bar.

For seven of the districts (7%), the local-counsel requirement is participation in the process of obtaining permission to appear pro hac vice and not participation in the litigation:¹²

Connecticut	Louisiana Eastern	Ohio Southern
District of Columbia	Massachusetts	
Florida Southern	New York Northern	

For thirty-seven of the districts (39%), attorneys appearing pro hac vice must associate local counsel, but local counsel does not have to participate in the permission process:

Alabama Northern	Kansas	North Carolina
Arkansas Eastern	Louisiana Middle	Eastern
Arkansas Western	Louisiana Western	North Carolina Middle
California Central	Maine	Northern Mariana
California Eastern	Maryland	Islands
California Northern	Mississippi Northern	Oklahoma Northern
Delaware	Mississippi Southern	Oregon
Georgia Northern	Missouri Western	Pennsylvania Eastern
Georgia Southern	Nevada	Pennsylvania Middle
Guam	New Jersey	Puerto Rico
Hawaii	New Mexico	South Dakota
Idaho		Virgin Islands

12. In the Southern District of Ohio, an attorney appearing pro hac vice may not serve as a trial attorney without additional permission.

Local-Counsel Requirements in Federal Courts

Washington Eastern	West Virginia	West Virginia
Washington Western	Northern	Southern

For twelve of the districts (13%), local counsel must both participate in the pro hac vice permission process and associate with the pro hac vice attorney:

Minnesota	Oklahoma Eastern	Virginia Eastern
Montana	Rhode Island	Virginia Western
New Hampshire	South Carolina	Wyoming
North Carolina	Utah	
Western	Vermont	

That means that just over half of the districts require pro hac vice attorneys to associate local counsel.

Local Counsel Possibly Required

The rules for sixteen districts (17%) state that association with local counsel may be required for some but not all attorneys appearing pro hac vice.

In four districts, association is or may be required in civil cases:

Georgia Middle	Iowa Southern
Iowa Northern	Tennessee Middle

In five districts, the requirement depends on where the attorney lives:

Alabama Southern	Indiana Northern	Nebraska
Illinois Southern	Indiana Southern	

In two districts, the requirement depends on the location of the attorney's office:

California Southern	New York Western
---------------------	------------------

In five other districts, it is a matter of judicial discretion:

Alaska	Oklahoma Western	Texas Western
Arizona	Texas Northern	