



Proposed Amendments to Local Rules

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LR 1.1 Proposed Amendments – Redline

LR 1.1 Scope of The Rules

- (a) **Title and Citation.** These ~~rules shall be known as~~ are the Local Rules of the United States District Court for the District of Minnesota. They may be cited as “LR ___” ~~or “D. Minn. LR ___”~~.
- (b) **Effective Date.** These rules ~~become~~ are effective ~~on~~ as of May 1, 2000.
- (c) **Scope of Rules.** ~~Except as otherwise provided or where the context so indicates, these rules shall apply in all~~ These rules shall apply in all ~~civil and criminal actions, but not actions in proceedings in civil and criminal actions, but not including~~ civil and criminal actions, but not including ~~bankruptcy court actions. Rules governing proceedings before Magistrate Judges are incorporated herein.~~ bankruptcy court actions. Rules governing proceedings before Magistrate Judges are incorporated herein.
- (d) **Relationship to Prior Rules; Actions Pending on Effective Date.** These rules supersede all previous rules promulgated by ~~the court this Court~~ the court ~~or any of its judges. Ordinarily, these rules~~ Judge of this Court. They shall govern all applicable proceedings brought in this Court after they take effect. They also shall apply to all proceedings ~~actions pending as of their effective date, at the time they take effect, except to the extent that in the opinion of the Court the application thereof would not be feasible or would work injustice, in which event the former~~ actions pending as of their effective date, at the time they take effect, except to the extent that in the opinion of the Court the application thereof would not be feasible or would work injustice, in which event the former ~~But if applying these rules to pending actions would be unjust or not feasible, the previously applicable~~ But if applying these rules to pending actions would be unjust or not feasible, the previously applicable ~~rules shall govern.~~ rules shall govern.
- (e) **Rule of Construction.** ~~1 U.S.C. §§ 1-5 shall, as far as applicable, govern the construction of these~~ These ~~rules must be construed in accordance with 1 U.S.C. §§ 1-5.~~ rules must be construed in accordance with 1 U.S.C. §§ 1-5.
- ~~(f) — **Computation of Time.** In computing any period of time prescribed or allowed by these rules, the provisions of Fed. R. Civ. P. 6(a) apply.~~

[Adopted effective February 1, 1991; amended November 1, 1996; amended December 1, 2009; amended January XX, 2011]

2011 Advisory Committee’s Note to LR 1.1

The language of LR 1.1 has been amended as part of the general restyling of the Local Rules to make them more easily understood and internally consistent. These changes are intended to be stylistic only.

Subsection (f) was deleted from the rule as redundant of Fed. R. Civ. P. 6.

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LR 1.1 Proposed Amendments – Final

LR 1.1 Scope of The Rules

(a) Title and Citation. These are the Local Rules of the United States District Court for the District of Minnesota. They may be cited as “LR__” or “D. Minn. LR __.”

(b) Effective Date. These rules are effective as of May 1, 2000.

(c) Scope of Rules. These rules apply in all civil and criminal actions, but not actions in bankruptcy court.

(d) Relationship to Prior Rules; Actions Pending on Effective Date. These rules supersede all previous rules promulgated by the court or any of its judges. Ordinarily, these rules apply to actions pending as of their effective date. But if applying these rules to pending actions would be unjust or not feasible, the previously applicable rules govern.

(e) Rule of Construction. These rules must be construed in accordance with 1 U.S.C. §§ 1-5.

[Adopted effective February 1, 1991; amended November 1, 1996; amended December 1, 2009; amended January XX, 2011]

2011 Advisory Committee’s Note to LR 1.1

The language of LR 1.1 has been amended as part of the general restyling of the Local Rules to make them more easily understood and internally consistent. These changes are intended to be stylistic only.

Subsection (f) was deleted from the rule as redundant of Fed. R. Civ. P. 6.

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LR 5.1 Proposed Amendments – Redline

LR 5.1 Electronic Case Filing

- (a) Pursuant to Fed. R. Civ. P. 5(e), eElectronic case filing is authorized in accordance with Fed. R. Civ. P. 5(d)(3). ~~in the District of Minnesota, and shall be adopted and implemented by Order of the Court. Electronic case filing shall be governed by t~~The standards and procedures governing electronic case filing are set forth in the civil and criminal most recently approved version of the “Electronic Case Filing Procedures” Guides (collectively, “ECF Guides”) For The District Of Minnesota, adopted most recently by ~~Order of the C~~court. The ECF Guides govern Electronic Case Filing Procedures shall apply to all civil and criminal actions, but not actions in bankruptcy court cases filed in this District. All documents shall be filed electronically, except as otherwise provided by (i) Local Rule, (ii) specific court order, or (iii) the Electronic Case Filing Procedures for the District of Minnesota. The most recent ECF Guides are ~~version of the Electronic Case Filing Procedures shall be available from the clerk. on the Court’s web site and from the Clerk of Court.~~
- (b) All documents must be filed electronically, except as otherwise provided by these rules, by court order, or by the ECF Guides.
- (c) The ECF Guides do not alter ~~Nothing in the Electronic Case Filing Procedures for the District of Minnesota alters~~ the rules about computing governing the computation of deadlines for filing and serving documents that are set forth at in Fed. R. Civ. P. 6(a) ~~and Local Rule 1.1(f).~~

[Adopted effective February 1, 1991; amended November 1, 1996; amended January 3, 2000; amended May 17, 2004 - formerly titled GENERAL FORMAT OF PAPERS PRESENTED FOR FILING; amended January XX, 2011]

2011 Advisory Committee’s Note to LR 5.1

The language of LR 5.1 has been amended and reorganized as part of the general restyling of the Local Rules to make them more easily understood and internally consistent. These changes are intended to be stylistic only.

The most recent ECF Guides are available on the court’s website.

LR 5.1 Proposed Amendments – Final

LR 5.1 Electronic Case Filing

- (a) Electronic case filing is authorized in accordance with Fed. R. Civ. P. 5(d)(3). The standards and procedures governing electronic case filing are set forth in the civil and criminal Electronic Case Filing Procedures Guides (collectively, "ECF Guides") adopted most recently by the court. The ECF Guides govern all civil and criminal actions, but not actions in bankruptcy court. The most recent ECF Guides are available from the clerk.
- (b) All documents must be filed electronically, except as otherwise provided by these rules, by court order, or by the ECF Guides.
- (c) The ECF Guides do not alter the rules about computing deadlines set forth in Fed. R. Civ. P. 6(a).

[Adopted effective February 1, 1991; amended November 1, 1996; amended January 3, 2000; amended May 17, 2004 - formerly titled GENERAL FORMAT OF PAPERS PRESENTED FOR FILING; amended January XX, 2011]

2011 Advisory Committee's Note to LR 5.1

The language of LR 5.1 has been amended and reorganized as part of the general restyling of the Local Rules to make them more easily understood and internally consistent. These changes are intended to be stylistic only.

The most recent ECF Guides are available on the court's website.

LR 5.2 Proposed Amendments – Redline

LR 5.2 General Format Of Documents To Be Filed – ~~Electronically or Otherwise~~

- (a) ~~Except as provided in LR 5.2(b), All documents submitted for filing, electronically or otherwise, shall~~ must be plainly typewritten, printed, or prepared by a clearly legible duplication process. Document text must be, and double-spaced, except for quoted material and footnotes, and pages must be numbered consecutively at the bottom. ~~All~~ Documents filed after the case-initiating document must ~~initial pleading shall~~ contain – on the front page and above the document’s title – the case number and the name ~~and/or~~ initials of the assigned District Judge and Magistrate Judge ~~assigned to the case. This information shall be placed on the front page above the title of the pleading. Each page shall be numbered consecutively at the bottom.~~
- (b) LR 5.2(a) ~~does~~ The first two sentences of this rule do not apply ~~to~~: (1) to exhibits ~~submitted for filing~~; and, (2) in removed actions, to documents filed in state court before ~~prior to removal from the state courts in removed actions.~~
- (c) ~~All~~ Documents ~~presented for filing shall~~ be filed by an attorney must include the attorney’s registration number ~~of counsel filing the document.~~

[Adopted effective January 3, 2000; amended May 17, 2004; amended January XX, 2011]

2011 Advisory Committee’s Note to LR 5.1

The language of LR 5.2 has been amended and reorganized as part of the general restyling of the Local Rules to make them more easily understood and internally consistent. These changes are intended to be stylistic only.

Subsection (c). Attorneys who are licensed in Minnesota must provide their Minnesota license number as their attorney registration number. Attorneys who are admitted pro hac vice and licensed in a state other than Minnesota, must provide the state of licensure and the license number as their attorney registration number.

LR 5.2 Proposed Amendments – Final

LR 5.2 General Format Of Documents To Be Filed

- (a) Except as provided in LR 5.2(b), all documents filed must be typewritten, printed, or prepared by a clearly legible duplication process. Document text must be

double-spaced, except for quoted material and footnotes, and pages must be numbered consecutively at the bottom. Documents filed after the case-initiating document must contain – on the front page and above the document’s title – the case number and the name or initials of the assigned district judge and magistrate judge.

(b) LR 5.2(a) does not apply: (1) to exhibits; and (2) in removed actions, to documents filed in state court before removal.

(c) Documents filed by an attorney must include the attorney’s registration number.

[Adopted effective January 3, 2000; amended May 17, 2004; amended January XX, 2011]

2011 Advisory Committee’s Note to LR 5.2

The language of LR 5.2 has been amended and reorganized as part of the general restyling of the Local Rules to make them more easily understood and internally consistent. These changes are intended to be stylistic only.

Subsection (c). Attorneys who are licensed in Minnesota must provide their Minnesota license number as their attorney registration number. Attorneys who are admitted pro hac vice and licensed in a state other than Minnesota, must provide the state of licensure and the license number as their attorney registration number.

LR 5.4 Proposed Amendments – Redline

LR 5.4 Service Of Documents Through The Court's Electronic Transmission Facilities

A party may serve a paper under Fed. R. Civ. P. 5(b)(2)(E) ~~The service requirements of Fed. R. Civ. P. 5(a) can be satisfied~~ by using the court's electronic transmission facilities in ~~the manner prescribed by~~ accordance with the court's most recently adopted ~~version of the Electronic Case Filing Procedures ECF Guides for the District of Minnesota.~~ If a document is served electronically, the notice of electronic filing generated by the court's electronic transmission facilities constitutes a certificate of service with respect to those persons to whom electronic notice of the filing is sent, and no separate certificate of service need be filed with respect to those persons.

[Adopted effective May 17, 2004; amended January XX, 2011]

2011 Advisory Committee's Note to LR 5.4

The language of LR 5.4 has been amended as part of the general restyling of the Local Rules to make them more easily understood and internally consistent. These changes are intended to be stylistic only.

Local Rule 5.2 is amended to no longer require the filing of a separate certificate of service if service was conducted electronically through the court's electronic transmission facilities (ECF). When service is conducted electronically, the notice of electronic filing (NEF) may serve as the certificate of service to comply with Fed. R. Civ. P. 5(d)(1).

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LR 5.4 Proposed Amendments – Final

LR 5.4 Service Of Documents Through The Court's Electronic Transmission Facilities

A party may serve a paper under Fed. R. Civ. P. 5(b)(2)(E) by using the court's electronic transmission facilities in accordance with the court's most recent ECF Guides. If a document is served electronically, the notice of electronic filing generated by the court's electronic transmission facilities constitutes a certificate of service with respect to those persons to whom electronic notice of the filing is sent, and no separate certificate of service need be filed with respect to those persons.

[Adopted effective May 17, 2004; amended January XX, 2011]

2011 Advisory Committee's Note to LR 5.4

The language of LR 5.4 has been amended as part of the general restyling of the Local Rules to make them more easily understood and internally consistent. These changes are intended to be stylistic only.

Local Rule 5.2 is amended to no longer require the filing of a separate certificate of service if service was conducted electronically through the court's electronic transmission facilities (ECF). When service is conducted electronically, the notice of electronic filing (NEF) may serve as the certificate of service to comply with Fed. R. Civ. P. 5(d)(1).

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LR 7.2 Proposed Amendments – Redline

LR 7.2 Procedures In Social Security Cases

(a) Filing an Answer.

(1) Within 60 days ~~after of the service upon~~ the United States ~~is served with of~~ a pleading under 42 U.S.C. § 405(g), the Commissioner of Social Security ~~shall deliver to the Clerk of Court~~ must file and serve an answer and a certified copy of the administrative record.

(2) If the Commissioner seeks an extension of time to answer, he or she must move for the extension before ~~A motion to extend the time in which to answer shall be brought prior to the expiration of~~ the end of the 60-day period set forth in LR 7.2(a)(1).

(b) Motions; –Time Limits.

(1) Within 60 days after the Commissioner of Social Security serves ~~of the filing and service of~~ the answer and administrative record, the plaintiff ~~must shall~~ file ~~with the Clerk of Court~~ and serve ~~on defendant~~ a summary-judgment motion ~~for summary judgment~~ and a supporting memorandum ~~of law in support~~. Within 45 days ~~from the date of service of plaintiff's~~ after the plaintiff serves its summary-judgment motion, ~~defendant the Commissioner must shall~~ file ~~with the Clerk of Court~~ and serve ~~on plaintiff~~ a summary-judgment motion ~~for summary judgment~~ and a supporting memorandum ~~of law in support~~. Within 14 days after the Commissioner serves its summary-judgment motion, the plaintiff may file and serve a ~~Plaintiff may submit~~ a reply memorandum. ~~The reply memorandum shall be filed with the Clerk of Court and served on defendant within 14 days from the date of service of defendant's motion.~~

(2) Unless the court orders otherwise, Aall motions ~~shall will~~ be decided without oral argument ~~unless otherwise ordered by the Court.~~

(3) If a magistrate judge issues a report and recommendation, a party may object to the report and recommendation in accordance with Fed. R. Civ. P. 72(b), LR 72.2(b), and ~~Pursuant to Fed.R.Civ.P. 72(b) and the provisions of~~ 28 U.S.C. § 636(b)(1)(B), ~~within 14 days after being served with a copy of a Magistrate Judge's report and recommendation, any party seeking to object to the same shall file with the Clerk of Court and serve on the opposing party written objections to the proposed findings and recommendations. Any party objecting to a Magistrate Judge's proposed findings and recommendation shall file a brief within 14 days after being served with a copy of the recommended disposition. A party and the opposing party~~ may respond to the objecting party's ~~brief within 14 days after being served. All briefs filed under this rule shall be limited to 10 pages~~ in accordance

with the same rules and laws. Objections and responses must not exceed the word limit set forth in LR 72.2(b).

(c) Review After Remand When Courts Retain Jurisdiction.

~~(1) If the Commissioner of Social Security's final decision upon remand is adverse to the plaintiff, the Commissioner must file and serve Within 60 days of the final decision of the Commissioner of Social Security upon remand, if the final decision upon remand is adverse to the plaintiff, the Commissioner shall file with the Clerk of Court and serve~~ a supplemental administrative record within 60 days after that final decision.

~~(2) If the plaintiff intends to seek review of the Commissioner's action following remand, w~~Within 60 days of the service of after the Commissioner serves the supplemental administrative record, the plaintiff may file and serve a summary-judgment on plaintiff, plaintiff shall file with the Clerk of Court and serve on defendant a motion for summary judgment and a supporting memorandum of law in support. Within 45 days after the ~~from the date of service of plaintiff's motion, defendant shall file with the Clerk of Court and serve on~~ plaintiff serves its summary-judgment a motion, the Commissioner must file and serve a for summary- judgment motion and a supporting memorandum ~~of law in support.~~

(d) Attorney's Fees under the Social Security Act.

~~(1) Petitions for fees under the Equal Access to Justice Act shall be filed within 30 days of final judgment as defined by 28 U.S.C. § 2412.~~

~~(2)~~ **(21)** Petitions for fees under the Social Security Act ~~shall~~ must be filed within 30 days after the ~~of notice to~~ plaintiff's attorney is notified of the Commissioner's of Social Security's award certificate.

~~(3) Petitions for attorney's fees under Internal Revenue Code 26 U.S.C. § 7430 shall be filed within 30 days of final judgment.~~

~~(4)~~ **(42)** Petitions for attorney's fees under the Social Security Act or any other authority must ~~shall~~ be itemized and must be filed and served on the Commissioner, shall be served on the defendant, and filed. Attorneys are directed to 20 C.F.R. § 404.1725 when preparing their petitions.

[Adopted effective November 1, 1996; amended January 3, 2000; amended May 17, 2004; amended October 18, 2007; amended September 24, 2009; amended December 1, 2009; amended January XX, 2011]

2011 Advisory Committee's Note to LR 7.2

The language of LR 5.4 has been amended and reorganized as part of the general restyling of the Local Rules to make them more easily understood and internally consistent. These changes are intended to be stylistic only.

LR 7.2(b) corrects an inadvertent inconsistency with the objections and responses length limitations set forth in LR 72.2(b).

The former provisions in LR 7.2(d) describing when motions for attorney's fees under certain laws may be filed are deleted as redundant.

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LR 7.2 Proposed Amendments – Final

LR 7.2 Procedures In Social Security Cases

(a) Filing an Answer.

(1) Within 60 days after the United States is served with a pleading under 42 U.S.C. § 405(g), the Commissioner of Social Security must file and serve an answer and a certified copy of the administrative record.

(2) If the Commissioner seeks an extension of time to answer, he or she must move for the extension before the end of the 60-day period set forth in LR 7.2(a)(1).

(b) Motions; Time Limits.

(1) Within 60 days after the Commissioner of Social Security serves the answer and administrative record, the plaintiff must file and serve a summary-judgment motion and a supporting memorandum. Within 45 days after the plaintiff serves its summary-judgment motion, the Commissioner must file and serve a summary-judgment motion and a supporting memorandum. Within 14 days after the Commissioner serves its summary-judgment motion, the plaintiff may file and serve a reply memorandum.

(2) Unless the court orders otherwise, all motions will be decided without oral argument.

(3) If a magistrate judge issues a report and recommendation, a party may object to the report and recommendation in accordance with Fed. R. Civ. P. 72(b), LR 72.2(b), and 28 U.S.C. § 636(b)(1)(B), and the opposing party may respond to the objecting party in accordance with the same rules and laws. Objections and responses must not exceed the word limit set forth in LR 72.2(b).

(c) Review After Remand When Courts Retain Jurisdiction.

(1) If the Commissioner of Social Security's final decision upon remand is adverse to the plaintiff, the Commissioner must file and serve a supplemental administrative record within 60 days after that final decision.

(2) Within 60 days after the Commissioner serves the supplemental administrative record, the plaintiff may file and serve a summary-judgment motion and a supporting memorandum. Within 45 days after the plaintiff serves its summary-judgment motion, the Commissioner must file and serve a summary-judgment motion and a supporting memorandum.

(d) Attorney's Fees under the Social Security Act.

(1) Petitions for fees under the Social Security Act must be filed within 30 days after the plaintiff's attorney is notified of the Commissioner of Social Security's award certificate.

(2) Petitions for attorney's fees under the Social Security Act or any other authority must be itemized and must be filed served on the Commissioner. Attorneys are directed to 20 C.F.R. § 404.1725 when preparing their petitions.

[Adopted effective November 1, 1996; amended January 3, 2000; amended May 17, 2004; amended October 18, 2007; amended September 24, 2009; amended December 1, 2009; amended January XX, 2011]

2011 Advisory Committee's Note to LR 7.2

The language of LR 5.4 has been amended and reorganized as part of the general restyling of the Local Rules to make them more easily understood and internally consistent. These changes are intended to be stylistic only.

LR 7.2(b) corrects an inadvertent inconsistency with the objections and responses length limitations set forth in LR 72.2(b).

The former provisions in LR 7.2(d) describing when motions for attorney's fees under certain laws may be filed are deleted as redundant.

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LR 24.1 Proposed Amendments – Redline

LR 24.1 Procedure For Notification Of Any Claim Of Constitutionality [Abrogated]

~~(a) In any action, suit, or proceeding in which the United States or any agency, officer, or employee thereof is not a party and in which the constitutionality of an Act of Congress affecting the public interest is drawn in question, or in any action, suit, or proceeding in which a state or any agency, officer, or employee thereof is not a party, and in which the constitutionality of any statute of that state affecting the public interest is drawn in question, the party raising the constitutional issue shall notify the Court of the existence of the question either by checking the appropriate box on the civil cover sheet or by stating on the pleading that alleges the unconstitutionality, immediately following the title of that pleading, "Claim of Unconstitutionality" or the equivalent.~~

~~(b) Failure to comply with this rule will not be grounds for waiving the constitutional issue or for waiving any other rights the party may have. Any notice provided under this rule, or lack of notice, will not serve as a substitute for, or as a waiver of, any pleading requirement set forth in the Federal Rules of Civil Procedure or in otherwise applicable statutes.~~

[Adopted effective February 1, 1991; [abrogated January XX, 2011](#)]

2011 Advisory Committee's Note to LR 24.1

Local Rule 24.1 is abrogated as redundant of Fed. R. Civ. P. 5.1. The rule number is reserved for possible future use.

LR 24.1 Proposed Amendments – Final

LR 24.1 Procedure For Notification Of Any Claim Of Constitutionality **[Abrogated]**

[Adopted effective February 1, 1991; abrogated January XX, 2011]

2011 Advisory Committee's Note to LR 24.1

Local Rule 24.1 is abrogated as redundant of Fed. R. Civ. P. 5.1. The rule number is reserved for possible future use.

LR 67.1 Proposed Amendments – Redline

LR 67.1 Money ~~Paid~~ Deposited Into the Court Registry

(a) Court Order Required. A party may deposit money into the court registry only by court order.

(b) Motion and Proposed Order; Memoranda.

(1) A party seeking to deposit money into the court registry under Fed. R. Civ. P. 67(a) must:

(A) file and serve a motion requesting an order permitting the deposit; and

(B) provide to the court and serve a proposed order that specifies the exact amount of money to be deposited.

(2) The proposed order must not be filed on the court's ECF system. Instead, the proposed order must be e-mailed to chambers in accordance with procedures set forth in the court's most recent civil ECF Guide.

(3) A party opposing a motion to deposit money into the court registry under Fed. R. Civ. P. 67(a) must, no later than 7 days after the motion is served, file and serve a memorandum that must not exceed 1,500 words if set in a proportional font, or 140 lines if set in a monospaced font.

(4) No later than 7 days after a memorandum opposing a motion to deposit money into the court registry is served, a party seeking to deposit money into the court registry may file and serve a reply memorandum that must not exceed 1,500 words if set in a proportional font, or 140 lines if set in a monospaced font.

(c) Interest on Deposits.

(1) The clerk will not deposit money posted as bond in an interest-bearing account.

(2) Unless the court orders otherwise, the clerk will deposit all other money in an interest-bearing account. ~~Unless otherwise ordered by the Court, all monies coming into the registry of this Court shall be deposited in an interest bearing account in a depository approved by the Treasurer of the United States, subject to withdrawal by checks drawn by the Clerk of Court pursuant to orders of the Court. The Clerk of Court shall deduct from the income earned on the investment a registry fee, as set by the Director of the Administrative Office of the United States Courts. The fee will be deducted when funds are~~

~~withdrawn and distributed. For further registry fee information, refer to the Guide to Judiciary Policy and Procedures Chapter VII, Financial Management, Part I, Registry Funds.~~

[Adopted effective February 1, 1991; amended October 29, 2003; [amended January XX, 2011](#)]

2011 Advisory Committee Note to LR 67.1

The filing requirements of LR 7.1, Civil Motion Practice, do not apply to motions to deposit money in the court registry. Parties who desire to deposit money into the court registry under Fed. R. Civ. P. 67(a) need only file a motion on the court's ECF system requesting the court to enter an order to deposit money into the court registry and e-mail the presiding judge a proposed order on that motion. Refer to the civil ECF Guide for information on providing the court with proposed orders.

Please note that the court requires the order to deposit money into the court registry to identify the exact amount that will be deposited. If the amount to be deposited changes between when the proposed order is filed and the order is to be entered — because of accrued interest, for example — the moving party must provide the court an amended proposed order identifying the exact amount to be deposited.

LR 67.1 Proposed Amendments – Final

LR 67.1 Money Deposited into the Court Registry

(a) Court Order Required. A party may deposit money into the court registry only by court order.

(b) Motion and Proposed Order; Memoranda.

(1) A party seeking to deposit money into the court registry under Fed. R. Civ. P. 67(a) must:

(A) file and serve a motion requesting an order permitting the deposit; and

(B) provide to the court and serve a proposed order that specifies the exact amount of money to be deposited.

(2) The proposed order must not be filed on the court's ECF system. Instead, the proposed order must be e-mailed to chambers in accordance with procedures set forth in the court's most recent civil ECF Guide.

- (3) A party opposing a motion to deposit money into the court registry under Fed. R. Civ. P. 67(a) must, no later than 7 days after the motion is served, file and serve a memorandum that must not exceed 1,500 words if set in a proportional font, or 140 lines if set in a monospaced font.
- (4) No later than 7 days after a memorandum opposing a motion to deposit money into the court registry is served, a party seeking to deposit money into the court registry may file and serve a reply memorandum that must not exceed 1,500 words if set in a proportional font, or 140 lines if set in a monospaced font.

(c) Interest on Deposits.

- (1) The clerk will not deposit money posted as bond in an interest-bearing account.
- (2) Unless the court orders otherwise, the clerk will deposit all other money in an interest-bearing account.

[Adopted effective February 1, 1991; amended October 29, 2003; amended January XX, 2011]

2011 Advisory Committee Note to LR 67.1

The filing requirements of LR 7.1, Civil Motion Practice, do not apply to motions to deposit money in the court registry. Parties who desire to deposit money into the court registry under Fed. R. Civ. P. 67(a) need only file a motion on the court's ECF system requesting the court to enter an order to deposit money into the court registry and e-mail the presiding judge a proposed order on that motion. Refer to the civil ECF Guide for information on providing the court with proposed orders.

Please note that the court requires the order to deposit money into the court registry to identify the exact amount that will be deposited. If the amount to be deposited changes between when the proposed order is filed and the order is to be entered — because of accrued interest, for example — the moving party must provide the court an amended proposed order identifying the exact amount to be deposited.

LR 67.2 Proposed Amendments – Redline

LR 67.32 Withdrawal of Money from the Court Registry ~~a Deposit Pursuant to Fed. R. Civ. P. 67~~

(a) Court order required. A party may withdraw money from the court registry only by court order.

(b) Payee Information Form, Motion, and Proposed Order; Memoranda.

~~Any person seeking withdrawal of money that was deposited in the Court pursuant to Fed. R. Civ. P. 67 and which was subsequently deposited into an interest bearing account or instrument as required by Fed. R. Civ. P. 67, shall provide, on a separate paper attached to the motion seeking withdrawal of funds, the social security number or tax identification number of the ultimate recipient of the funds. This separate paper shall be forwarded by the Court directly to the institution holding the money.~~

(1) A party seeking to withdraw money from the court registry must:

(A) file in paper form a Withdrawal Payee Information form;

(B) file and serve a motion requesting an order permitting the withdrawal and specifying whether the moving party is seeking withdrawal before the expiration of the 14-day automatic stay imposed under Fed. R. Civ. P. 62(a);

(C) serve and provide to the court a proposed order that specifies:

(i) the name of each payee;

(ii) the amount of money to be disbursed to each payee; and

(iii) the percentage of accrued interest to be disbursed to each payee, if applicable.

(2) The proposed order must not be filed on the court's ECF system. Instead, the proposed order must be e-mailed to chambers in accordance with procedures set forth in the court's most recent civil ECF Guide.

(3) A party opposing a motion to withdraw money from the court registry must, no later than 7 days after the motion is served, file and serve a memorandum that must not exceed 1,500 words if set in a proportional font, or 140 lines if set in a monospaced font.

(4) No later than 7 days after a memorandum opposing a motion to deposit money into the court registry is served, a party seeking to withdraw money

from the court registry may file and serve a reply memorandum that must not exceed 1,500 words if set in a proportional font, or 140 lines if set in a monospaced font.

(c) **Registry Fee.** When money that was deposited in an interest-bearing account is withdrawn, the clerk will deduct a registry fee from the interest income earned on that money. The registry fee will be the fee established by the Administrative Office of the United States Courts.

(d) **Timing of Disbursements.** Unless the court orders otherwise, the clerk will not disburse any money from the court registry until 14 days after entry of an order granting a motion to withdraw money from the court registry.

[Adopted effective February 1, 1991; amended January XX, 2011].

2011 Advisory Committee's Note to LR 67.2

The filing requirements of LR 7.1(a)-(b), Civil Motion Practice, do not apply to motions to withdraw money from the court registry. Parties who desire to withdraw money from the court registry need only: (1) conventionally file the Withdrawal Payee Information form; (2) file a motion on the court's ECF system requesting the court to enter an order to withdraw money from the court registry; and (3) e-mail the presiding judge a proposed order. Refer to the civil ECF Guide for information on providing the court with proposed orders.

The Withdrawal Payee Information form is available from the clerk and electronically on the court's website at www.mnd.uscourts.gov. The social security number information collected by the clerk on the form is provided to the depository institution pursuant to I.R.S. Ruling 76-50. This information is used for administrative purposes only and will be kept confidential. The "Withdrawal Payee Information" form will not be filed on the court's ECF system.

Please note that even if the court orders money to be withdrawn before the expiration of the 14-day stay period, administrative delays may occur in the disbursing of funds. Questions about money deposited into the court registry should be directed to the clerk office's finance department at 612-664-5000.

LR 67.2 Proposed Amendments – Final

LR 67.2 Withdrawal of Money from the Court Registry

(a) Court order required. A party may withdraw money from the court registry only by court order.

(b) Payee Information Form, Motion, and Proposed Order; Memoranda.

(1) A party seeking to withdraw money from the court registry must:

- (A) file in paper form a Withdrawal Payee Information form;
- (B) file and serve a motion requesting an order permitting the withdrawal and specifying whether the moving party is seeking withdrawal before the expiration of the 14-day automatic stay imposed under Fed. R. Civ. P. 62(a);
- (C) serve and provide to the court a proposed order that specifies:
 - (i) the name of each payee;
 - (ii) the amount of money to be disbursed to each payee; and
 - (iii) the percentage of accrued interest to be disbursed to each payee, if applicable.

(2) The proposed order must not be filed on the court's ECF system. Instead, the proposed order must be e-mailed to chambers in accordance with procedures set forth in the court's most recent civil ECF Guide.

(3) A party opposing a motion to withdraw money from the court registry must, no later than 7 days after the motion is served, file and serve a memorandum that must not exceed 1,500 words if set in a proportional font, or 140 lines if set in a monospaced font.

(4) No later than 7 days after a memorandum opposing a motion to deposit money into the court registry is served, a party seeking to withdraw money from the court registry may file and serve a reply memorandum that must not exceed 1,500 words if set in a proportional font, or 140 lines if set in a monospaced font.

(c) Registry Fee. When money that was deposited in an interest-bearing account is withdrawn, the clerk will deduct a registry fee from the interest income earned on that money. The registry fee will be the fee established by the Administrative Office of the United States Courts.

(d) Timing of Disbursements. Unless the court orders otherwise, the clerk will not disburse any money from the court registry until 14 days after entry of an order granting a motion to withdraw money from the court registry.

[Adopted effective February 1, 1991; amended January XX, 2011].

2011 Advisory Committee's Note to LR 67.2

The filing requirements of LR 7.1(a)-(b), Civil Motion Practice, do not apply to motions to withdraw money from the court registry. Parties who desire to withdraw money from the court registry need only: (1) conventionally file the Withdrawal Payee Information form; (2) file a motion on the court's ECF system requesting the court to enter an order to withdraw money from the court registry; and (3) e-mail the presiding judge a proposed order. Refer to the civil ECF Guide for information on providing the court with proposed orders.

The Withdrawal Payee Information form is available from the clerk and electronically on the court's website at www.mnd.uscourts.gov. The social security number information collected by the clerk on the form is provided to the depository institution pursuant to I.R.S. Ruling 76-50. This information is used for administrative purposes only and will be kept confidential. The "Withdrawal Payee Information" form will not be filed on the court's ECF system.

Please note that even if the court orders money to be withdrawn before the expiration of the 14-day stay period, administrative delays may occur in the disbursing of funds. Questions about money deposited into the court registry should be directed to the clerk office's finance department at 612-664-5000.



UNITED STATES DISTRICT COURT
District of Minnesota

Withdrawal Payee Information
Attn: Finance Department

CONFIDENTIAL DOCUMENT

Do not file this form on the court's electronic case filing system.

Under Local Rule 67.2(b), a party seeking to withdraw funds from the court registry must file in paper form a completed copy of this form with the clerk before any funds will be disbursed.

Case Number:

Case Title:

Moving Party:

Full Name of Payee	Address of Payee (No P.O. Boxes)	Social Security Number or Employer Identification Number of Payee

Note: The information collected on this form is provided to the depository institution pursuant to I.R.S. Ruling 76-50. This information is used for administrative purposes only and will be kept confidential.

Date: _____

Attorney or Unrepresented Party

LR 67.3 Proposed Amendments – Redline

LR 67.3 Bonds and Sureties.

- (a) General Requirements. Every bond must be executed by the principal obligor and, if applicable, one or more sureties qualified as provided in this rule.
- (b) Not Qualified as Sureties. Unless the court orders otherwise, the following persons may not serve as sureties on any bond:
- (1) an employee of the United States District Court, District of Minnesota;
 - (2) an employee of the United States Marshals Service for the District of Minnesota; and
 - (3) a member of the bar of the United States District Court, District of Minnesota, or any such member’s agent.
- (c) Corporate Sureties.
- (1) A corporate surety must be qualified to write bonds under 31 U.S.C. §§ 9301-9309 and approved by the Secretary of the Treasury of the United States.
 - (2) The representative of the corporate surety that signs the bond must attach to the bond a power of attorney that establishes the representative’s authority to bind the corporate surety.
- (d) Real-Property Bonds.
- (1) A person may serve as a surety on a real-property bond only by court order. A person seeking permission to serve as a surety on a real-property bond must:
 - (A) offer as security real property located in the State of Minnesota of an unencumbered value equal to or greater than the stated amount of the bond;
 - (B) be competent to convey the real property; and

- (C) submit an affidavit and supporting documents including:
- (i) a legal description of the real property;
 - (ii) a complete list of all encumbrances and liens on the real property;
 - (iii) a current appraisal of the real property by a qualified appraiser;
 - (iv) a waiver of inchoate rights;
 - (v) a certification that the real property is not exempt from execution; and
 - (vi) proof of payment of property taxes.

(2) Within 14 days after the court approves the real-property bond, the surety must file with the court a copy of a notice of encumbrance filed by the surety with the county recorder or registrar of titles that identifies the bond as an encumbrance on the real property.

(3) A real-property bond will be released only by court order.

- (e) Cost Bonds.** The court may, on motion or on its own, order a party to file a bond or other security for costs in an amount, and subject to conditions, specified by the court.
- (f) Cash Bonds.** Deposit of cash bonds is governed by LR 67.1. Withdrawal of cash bonds is governed by LR 67.2.
- (g) Personal-Recognizance Bond.** On a personal-recognizance bond, the obligor promises to comply with all conditions imposed by the court. An obligor that fails to comply with a condition or fails to appear will be subject to penalties as authorized by statute.
- (h) Objections.** Any party may object to the issuance of a bond.

[Adopted effective January XX, 2011].

[2011 Advisory Committee's Note to LR 67.3](#)

[To confirm that a corporate surety is qualified to write a bond parties may consult the list of federally approved sureties and reinsuring companies at the website of the United States Department of Treasury.](#)

LR 67.3 Proposed Amendments – Final

LR 67.3 Bonds and Sureties.

- (a) General Requirements.** Every bond must be executed by the principal obligor and, if applicable, one or more sureties qualified as provided in this rule.
- (b) Not Qualified as Sureties.** Unless the court orders otherwise, the following persons may not serve as sureties on any bond:
 - (1)** an employee of the United States District Court, District of Minnesota;
 - (2)** an employee of the United States Marshals Service for the District of Minnesota; and
 - (3)** a member of the bar of the United States District Court, District of Minnesota, or any such member's agent.
- (c) Corporate Sureties.**
 - (1)** A corporate surety must be qualified to write bonds under 31 U.S.C. §§ 9301-9309 and approved by the Secretary of the Treasury of the United States.
 - (2)** The representative of the corporate surety that signs the bond must attach to the bond a power of attorney that establishes the representative's authority to bind the corporate surety.
- (d) Real-Property Bonds.**
 - (1)** A person may serve as a surety on a real-property bond only by court order. A person seeking permission to serve as a surety on a real-property bond must:

- (A) offer as security real property located in the State of Minnesota of an unencumbered value equal to or greater than the stated amount of the bond;
- (B) be competent to convey the real property; and
- (C) submit an affidavit and supporting documents including:
 - (i) a legal description of the real property;
 - (ii) a complete list of all encumbrances and liens on the real property;
 - (iii) a current appraisal of the real property by a qualified appraiser;
 - (iv) a waiver of inchoate rights;
 - (v) a certification that the real property is not exempt from execution; and
 - (vi) proof of payment of property taxes.

(2) Within 14 days after the court approves the real-property bond, the surety must file with the court a copy of a notice of encumbrance filed by the surety with the county recorder or registrar of titles that identifies the bond as an encumbrance on the real property.

(3) A real-property bond will be released only by court order.

- (e) **Cost Bonds.** The court may, on motion or on its own, order a party to file a bond or other security for costs in an amount, and subject to conditions, specified by the court.
- (f) **Cash Bonds.** Deposit of cash bonds is governed by LR 67.1. Withdrawal of cash bonds is governed by LR 67.2.
- (g) **Personal-Recognizance Bond.** On a personal-recognizance bond, the obligor promises to comply with all conditions imposed by the court. An obligor that fails to comply with a condition or fails to appear will be subject to penalties as authorized by statute.

(h) Objections. Any party may object to the issuance of a bond.

[Adopted effective January XX, 2011].

2011 Advisory Committee's Note to LR 67.3

To confirm that a corporate surety is qualified to write a bond parties may consult the list of federally approved sureties and reinsuring companies at the website of the United States Department of Treasury.

LR 83.5 Proposed Amendments – Redline

LR 83.5 Bar Admission

(a) ~~Roll of Attorneys.~~ Members and Nonmembers.

(1) The court's bar ~~of this Court~~ consists of those attorneys admitted to practice before ~~this the~~ Ccourt ~~who have taken the oath prescribed by the rules and have paid to the Clerk such fees as the District Court or the Judicial Conference may prescribe from time to time in accordance with LR 83.5(b) and (c) and who pay the clerk all admission fees the court prescribes.~~ A member of the court's bar must promptly notify the clerk, in writing, of any change in the member's name, mailing address, law-firm affiliation, telephone number, or e-mail address.

(2) A person who is not a member of the court's bar may not ~~No person, unless duly admitted to practice in this Court, shall be permitted to~~ appear ~~and~~ or participate in ~~the a~~ trial ~~or hearing of any action or the hearing of any motion~~ except as follows:

- (A) ~~in on~~ his or her own behalf, if the person is a party who may represent himself or herself;
- (B) ~~or by special permission of the Court or as~~ permitted by LR 83.5(d) or (e); or
- (C) by special permission of the court ~~provided in subdivisions (c), (d), or (e) of this rule.~~

~~Attorneys admitted to the bar of the United States District Court must promptly notify the Clerk of Court in writing of any change in their name, mailing address, law firm affiliation, and telephone number.~~

(b) **Eligibility.** ~~An a~~ attorneys who ~~has~~ have been admitted to practice before the Supreme Court of Minnesota ~~is this state~~ are eligible for admission to the court's bar ~~of this Court.~~

(c) **Procedure for Admission.**

(1) Petition. ~~An~~ Each applicant for admission to the court's bar ~~of this Court~~ shall must file with the Cclerk ~~of this Court~~ a ~~written~~ petition ~~setting forth~~ that includes:

- (A) the applicant's residence and office addresses;

(B), a list of all Ccourts before in which the applicant attorney has been admitted to practice; i

(C) a description of the applicant's legal training and legal experience at the bar; i and

(D) a certification that the applicant has read and is familiar with: i

(i) the Federal Rules of Civil Procedure; i

(ii) the Federal Rules of Criminal Procedure; i

(iii) the Federal Rules of Evidence; i and

(iv) the court's Local Rules of this Court.

(2) Fee and Supporting Documents. The petition shall must be accompanied by: i

(A) payment of the admission fee established by the court; and

(B) the certificates of from two members of the court's bar of this Court stating: i

(i) where and when they were admitted to practice before the court; in this Court;

(ii) how long and under what circumstances they have known the petitioner; i and

(iii) what they know of petitioner's character and legal experience at the bar.

(3) Motion. A member of the court's bar must move for the applicant's admission. The court will entertain a motion for the applicant's admission only after the clerk has examined the applicant's petition, has found that it complies with this rule, and has ~~The Clerk shall examine the petition and certificate, and, if in compliance with this rule, the petition for admission shall be presented~~ the petition to a Judge of this Court. ~~When a petition is presented, one of the members of the bar of this Court shall move the admission of the petitioner.~~

(4) Oath. If the court grants a motion for an applicant's admission, the applicant must take an oath ~~If admitted, the petitioner shall~~ in open Ccourt: i

~~(A) take an oath~~ to support the Constitution and laws of the United States;[;]

~~(B) to discharge faithfully the duties of a lawyer;~~[;]

~~(C) to behave uprightly and according to law and the recognized standards of ethics of the profession;~~[;] and

~~(D) to comply with the rules of professional conduct as adopted by this the Court. The petitioner shall pay to the Clerk such fee as the District Court or the Judicial Conference may prescribe from time to time.~~

(d) Nonresident Attorneys. Any attorney who does not represent the United States or one of its officers or agencies, who residing outside of ~~this state~~ Minnesota, and ~~admitted to practice before and then in good standing in another United States District Court, but~~ who is not admitted to practice before in the Supreme Court of Minnesota ~~this state,~~ may, ~~upon oral or written motion of a member of the bar of this Court,~~ be permitted ~~by this Court~~ to appear ~~and participate as an attorney in the trial of any action or the hearing on any motion, petition or other proceeding then pending~~ before this the Court pro hac vice only as follows:

(1) The nonresident attorney must ~~, but only if the attorney~~ associates with an active member of the court's bar, in good standing, who must:

(A) ~~_in good standing of the bar of this Court who shall~~ participate in the preparation and ~~trial~~ presentation of the case;

(B) ~~or presentation of the matter involved and on whom~~ accept service of all papers ~~may be made;~~ and

(C) ~~The attorney with whom a non-member of the bar associates shall~~ be a Minnesota resident, ~~unless the Court,~~ upon motion, orders otherwise. ~~Approves an association with a non-resident. Motions for pro hac vice admission must be accompanied by a signed affidavit by the member in good standing of the bar of this Court and the attorney to be admitted pro hac vice on the Motion for Admission Pro Hac Vice form supplied by the Clerk of this Court and payment of the pro hac vice admission fee as may be set from time to time by the Court.~~

(2) A member of the court's bar must move for the nonresident attorney's admission pro hac vice. The motion must:

(A) be accompanied by payment of the admission fee established by the court;

(B) be made on the form supplied by the clerk for admission pro hac vice of attorneys other than attorneys for the United States; and, as required by the form,

(C) include:

- (i) an affidavit signed by the member of the court's bar who will be associating with the nonresident attorney; and
- (ii) an affidavit signed by the nonresident attorney.

(e) Government Attorneys. ~~An attorneys admitted to practice in a United States District Court, but not qualified under this rule to practice in the District of Minnesota, may, nevertheless, if they are who~~ representsing the United States of America or any of its officers or agencies agency and who is not a member of the court's bar must move for admission on the form supplied by the clerk for the admission pro hac vice of attorneys for the United States. Such an attorney may be permitted to appear pro hac vice only as follows:

(1) An attorney admitted to practice in a federal court of appeals or a federal district court other than this court may, after filing the required form, represent the United States or any of its officers or agencies in thereof, practice before this Court in any action or proceeding in this Court in which the United States or any officer or agency thereof is a party.

(2) Any other attorney may represent the United States or any of its officers or agencies in this court only if the attorney both files the required form and associates with an attorney from the United States Attorney's Office for the District of Minnesota. The associating attorney from the United States Attorney's Office for the District of Minnesota must:

- (A)** participate in the preparation and presentation of the case; and
- (B)** accept service on behalf of the United States of all papers.

[Adopted effective February 1, 1991; amended December 5th, 2008; amended January XX, 2011]

2011 Advisory Committee's Note to LR 83.5

The language of LR 83.5 has been amended and reorganized as part of the general restyling of the Local Rules to make them more easily understood and internally consistent. These changes are intended to be stylistic only.

Subsection (a). Attorneys may make any changes to their name, mailing address, law-firm affiliation, telephone number, and email address by updating this information in the court's ECF system.

Subsection (e). Subsection (e) was changed to provide for the pro hac vice admission for attorneys representing the United States who are not admitted to practice in a United States District Court.

LR 83.5 Proposed Amendments – Final

LR 83.5 Bar Admission

(a) Members and Nonmembers.

- (1) The court's bar consists of those attorneys admitted to practice before the court in accordance with LR 83.5(b) and (c) and who pay the clerk all admission fees the court prescribes. A member of the court's bar must promptly notify the clerk, in writing, of any change in the member's name, mailing address, law-firm affiliation, telephone number, or e-mail address.
- (2) A person who is not a member of the court's bar may not appear or participate in a trial or hearing except as follows:
 - (A) on his or her own behalf, if the person is a party who may represent himself or herself;
 - (B) as permitted by LR 83.5(d) or (e); or
 - (C) by special permission of the court.

(b) **Eligibility.** An attorney who has been admitted to practice before the Supreme Court of Minnesota is eligible for admission to the court's bar.

(c) Procedure for Admission.

- (1) *Petition.* An applicant for admission to the court's bar must file with the clerk a petition that includes:
 - (A) the applicant's residence and office addresses;
 - (B) a list of all courts before which the applicant has been admitted to practice;

(C) a description of the applicant's legal training and legal experience; and

(D) a certification that the applicant has read and is familiar with:

(i) the Federal Rules of Civil Procedure;

(ii) the Federal Rules of Criminal Procedure;

(iii) the Federal Rules of Evidence; and

(iv) the court's Local Rules.

(2) Fee and Supporting Documents. The petition must be accompanied by:

(A) payment of the admission fee established by the court; and

(B) certificates from two members of the court's bar stating:

(i) where and when they were admitted to practice before the court;

(ii) how long and under what circumstances they have known the petitioner; and

(iii) what they know of petitioner's character and legal experience.

(3) Motion. A member of the court's bar must move for the applicant's admission. The court will entertain a motion for the applicant's admission only after the clerk has examined the applicant's petition, has found that it complies with this rule, and has presented the petition to a judge.

(4) Oath. If the court grants a motion for an applicant's admission, the applicant must take an oath in open court:

(A) to support the Constitution and laws of the United States;

(B) to discharge faithfully the duties of a lawyer;

(C) to behave uprightly and according to law and the recognized standards of ethics of the profession; and

(D) to comply with the rules of professional conduct as adopted by this court.

(d) Nonresident Attorneys. An attorney who does not represent the United States or one of its officers or agencies, who resides outside of Minnesota, and who is not admitted to practice before the Supreme Court of Minnesota may to appear before the court pro hac vice only as follows:

(1) The nonresident attorney must associate with an active member of the court's bar, in good standing, who must:

- (A)** participate in the preparation and presentation of the case;
- (B)** accept service of all papers; and
- (C)** be a Minnesota resident unless the court, upon motion, orders otherwise.

(2) A member of the court's bar must move for the nonresident attorney's admission pro hac vice. The motion must:

- (A)** be accompanied by payment of the admission fee established by the court;
- (B)** be made on the form supplied by the clerk for admission pro hac vice of attorneys other than attorneys for the United States; and, as required by the form,
- (C)** include:
 - (i)** an affidavit signed by the member of the court's bar who will be associating with the nonresident attorney; and
 - (ii)** an affidavit signed by the nonresident attorney.

(e) Government Attorneys. An attorney who represents the United States or any of its officers or agencies and who is not a member of the court's bar must move for admission on the form supplied by the clerk for the admission pro hac vice of attorneys for the United States. Such an attorney may be permitted to appear pro hac vice only as follows:

(1) An attorney admitted to practice in a federal court of appeals or a federal district court other than this court may, after filing the required form, represent the United States or any of its officers or agencies in this court.

(2) Any other attorney may represent the United States or any its officers or agencies in this court only if the attorney both files the required form and associates with an attorney from the United States Attorney's Office for the

District of Minnesota. The associating attorney from the United States Attorney's Office for the District of Minnesota must:

- (A) participate in the preparation and presentation of the case; and
- (B) accept service on behalf of the United States of all papers.

[Adopted effective February 1, 1991; amended December 5th, 2008; amended January XX, 2011]

2011 Advisory Committee's Note to LR 83.5

The language of LR 83.5 has been amended and reorganized as part of the general restyling of the Local Rules to make them more easily understood and internally consistent. These changes are intended to be stylistic only.

Subsection (e) was changed to provide for the pro hac vice admission for attorneys representing the government who are not admitted to practice in a United States District Court.



UNITED STATES DISTRICT COURT
District of Minnesota

**Motion for Admission Pro Hac Vice
of U.S. Government Attorneys**
(Filing Fee Waived)

Case Number:	
Case Title:	

Instructions

Under LR 83.5(e), an attorney who represents the United States or any of its officers or agencies and who is not a member of the court’s bar may appear pro hac vice in this court in one of two ways: (1) by being a member in good standing of the bar of a federal court of appeals or a member of the bar of a different federal district court; or (2) by associating with an attorney from the United States Attorney’s Office for the District of Minnesota.

An attorney who chooses to associate with a local AUSA must, before filing this form, contact the Civil Chief of the United States Attorney’s Office for the District of Minnesota at (612) 664-5600 to obtain local counsel.

The attorney moving for admission pro hac vice must complete section A. The moving attorney’s supervisor must complete section B.

A. Affidavit of Movant

Movant’s name:	
Movant’s state license/ bar identification number:	
Party represented:	
Government agency employing movant:	

Check and complete either section 1 or section 2 below before signing:



1. Certification of membership in other federal court's bar

- I certify that I am not a member of this court's bar, but I am currently an active member in good standing of the bar of the following federal court of appeals or other federal district court:

Federal court:	
----------------	--

2. Certification of association with local AUSA

- I certify that I am associating with the following attorney from the United States Attorney's Office for the District of Minnesota who will participate in the preparation and presentation of the case and who will accept service on behalf of the United States of all papers.

Associating attorney's name:	
------------------------------	--

I further certify that:

- I understand that the United States District Court for the District of Minnesota is an electronic court;
- I consent to receiving service under Fed. R. Civ. P. 77(d) by electronic means; and
- I understand that such electronic service will be in lieu of service by mail unless the court learns that the electronic service failed, in which case the court will effect service by mail within 24 hours.

Date:		Signature:	
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B. Certification of Moving Attorney's Supervisor

I, _____, hereby certify that the movant identified above is employed as an attorney by the government agency identified above.

Date:		Signature:	
		Title:	
		Government agency:	

LR 83.7 Proposed Amendments – Redline

LR 83.7 Withdrawal Of Counsel

An attorney may withdraw from a case in which he or she has appeared only as follows:

(a) — ~~In General:~~ **By Notice of Withdrawal.** A party's attorney may withdraw from a case by filing and serving a notice of withdrawal, effective upon filing, if:

(1) multiple attorneys have appeared on behalf of the party; and

(2) at least one of those attorneys will still be the party's counsel of record after the attorney seeking to withdraw does so. ~~An attorney whose appearance is noted in a cause on file in this Court may be permitted to withdraw from representation as counsel of record only by order of Court, or as otherwise provided herein.~~

(b) ~~Withdrawal with Substitution:~~ **By Notice of Withdrawal and Substitution.** A party's attorney may withdraw from a case by filing and serving a notice of withdrawal and substitution, effective upon filing, if:

(1) the notice ~~Leave of court is not required where a Notice of Withdrawal is accompanied by a Substitution of Counsel, provided that said substitution takes place 90 or more days in advance of trial for civil matters, or 30 or more days in advance of trial for criminal cases, provided the substitution contains~~ includes:

(A) a statement ~~certificate~~ by substituted counsel that serves as substituted counsel's notice of appearance and affirms that he or she represents the party; and

(B) the names, addresses, and signatures of the withdrawing attorney and substituted counsel;

(2) the withdrawal and ~~provided that the~~ substitution ~~shall~~ will not delay the trial or other progress of the case; and

(3) the notice is filed and served:

(A) in a civil case, at least 90 days before trial; or

(B) in a criminal case, at least 30 days before trial. ~~The Notice of Withdrawal and Substitution shall set forth the name and address of the substituted and withdrawing counsel. Withdrawal under this section shall be effective upon filing a Notice of Withdrawal and Substitution with the Clerk of Court. The Notice shall be~~

~~served on all counsel of record and the Judge to whom the case is assigned simultaneously with the District Court filing.~~

~~(c) **Withdrawal without Substitution: By Motion.** An attorney who seeks to withdraw otherwise than under LR 83.7(a) or (b) must move to withdraw and must show good cause. Withdrawal without substitution may be granted only by a motion made before the Court, for good cause shown. Notice of the motion shall be provided to the client, and the motion shall be scheduled in accordance with LR 7.1. The attorney must notify his or her client of the motion.~~

[Adopted effective February 1, 1991; amended January XX, 2011]

2011 Advisory Committee's Notes

The language of LR 83.5 has been amended and reorganized as part of the general restyling of the Local Rules to make them more easily understood and internally consistent. These changes are intended to be stylistic only.

Subsection (a) was changed to clarify that it is not necessary to file a motion to withdraw if an attorney's withdrawal will not result in a party losing legal representation.

LR 83.7 Proposed Amendments – Final

LR 83.7 Withdrawal Of Counsel

An attorney may withdraw from a case in which he or she has appeared only as follows:

- (a) By Notice of Withdrawal.** A party's attorney may withdraw from a case by filing and serving a notice of withdrawal, effective upon filing, if:
 - (1)** multiple attorneys have appeared on behalf of the party; and
 - (2)** at least one of those attorneys will still be the party's counsel of record after the attorney seeking to withdraw does so.

- (b) By Notice of Withdrawal and Substitution.** A party's attorney may withdraw from a case by filing and serving a notice of withdrawal and substitution, effective upon filing, if:
 - (1)** the notice includes:
 - (A)** a statement by substituted counsel that serves as substituted counsel's notice of appearance and affirms that he or she represents the party; and

