



United States District Court
DISTRICT OF MINNESOTA

LR 83.5 BAR ADMISSION

(a) Members and Nonmembers.

(1) This 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 this 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 this 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);
- (C) as permitted by Fed. R. Civ. P. 45(f); or
- (D) 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 this court's bar.

(c) Procedure for Admission.

(1) *Petition.* An applicant for admission to this 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 this court's bar stating:
 - (i) where and when the attorney was admitted to practice before the court;
 - (ii) how long and under what circumstances the attorney has known the petitioner; and
 - (iii) the attorney's knowledge of petitioner's character and legal experience.

(3) *Motion.* A member of this 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 be permitted to appear before this court pro hac vice only as follows:

(1) The nonresident attorney must be a member in good standing of the bar of a federal district court other than this court.

(2) An active member in good standing of this court's bar must appear in the case and 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

(C) include, as required by the form:

(i) an affidavit signed by the member of this court's bar who is moving for the admission pro hac vice of the nonresident attorney; and

(ii) an affidavit signed by the nonresident attorney.

(3) Counsel of record for a party on whose behalf a nonresident attorney has been admitted pro hac vice must include an active member in good standing of this court's bar throughout the pendency of the case. However, unless otherwise ordered by the court, that member need only participate in the preparation and presentation of the case to the extent directed by the client.

(e) Government Attorneys. An attorney who represents the United States or any of its officers or agencies and who is not a member of this 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 before this court pro hac vice only as follows:

(1) An attorney who is an active member in good standing of the bar of 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 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. Unless otherwise ordered by the court, the associating attorney from the United States Attorney's Office for the District of Minnesota need only participate in the preparation and

presentation of the case to the extent directed by the associating attorney's supervisor.

[Adopted effective February 1, 1991; amended December 5th, 2008; amended January 31, 2011; amended May 9, 2011; amended May 14, 2014, amended August 1, 2023]

2023 Advisory Committee's Notes to LR 83.5

Subsection (d) has been amended to clarify the responsibilities of a member of this court's bar who moves for the admission pro hac vice of nonresident counsel. Subsection (d) previously required the member of this court's bar to "participate in the preparation and presentation of the case." The amended rule provides that although counsel of record must include an active member in good standing of this court's bar throughout the pendency of the case, the role of that attorney will be as directed by the client unless the court, in its discretion, requires greater participation by a member of this court's bar in a particular case. In thus amending the rule, the court does not intend to discount the valuable role that members of this court's bar can play in assuring that the case is conducted in compliance with the local rules and the high standards of professionalism and civility expected in this District. However, the court prefers to leave to the client the allocation of responsibilities among counsel unless the presiding judge in a particular case orders that a member of this court's bar must participate in that case to a greater extent. Because the rule as amended requires only a limited role for a member of this court's bar in a case in which counsel has been admitted pro hac vice, there should be no basis for pro hac vice counsel to file a motion seeking leave of court to proceed with the case without including a member of this court's bar as counsel of record.

If the member of this court's bar who moves for the admission of pro hac vice counsel subsequently wishes to withdraw, the attorney must comply with LR 83.7. That rule has been amended contemporaneously with this rule to provide that such counsel may withdraw only where another active member in good standing of this court's bar has already appeared and will remain as counsel of record for the party or enters an appearance by notice of withdrawal and substitution, or where the court has granted a motion to withdraw pursuant to LR 83.7(c). In the latter case, the order granting the motion will typically set a deadline by which new counsel who is an active member in good standing of this court's bar must enter an appearance on behalf of that party.

The amendment to subsection (d) also removes the requirement that, absent leave of court, a member of this court's bar who moves for the admission pro hac vice of a nonresident attorney must be a Minnesota resident. The amended rule allows any active member in good standing of this court's bar to so move. However, in a case in which the court orders greater participation by a member of this court's bar, nothing in the rule precludes the court from imposing the additional requirement that such member must be one who lives in and/or regularly practices in this District.

Subsection (e) has been amended to be consistent with the amendments to subsection (d) in those cases in which pro hac vice counsel representing the government associates with an attorney from the United States Attorney's Office for the District of Minnesota.

2014 Advisory Committee's Notes to LR 83.5

Subsection (a)(2) was amended to comply with the 2013 amendments to Fed. R. Civ. P. 45.

2011 Advisory Committee's Note to LR 83.5

The language of LR 83.5 has been amended in accordance with the restyling process described in the 2012 Advisory Committee's Preface on Stylistic Amendments.

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.