Admissions and Discipline of Attorneys in Federal District Courts: A Study and Proposed Rules

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ADMISSIONS AND DISCIPLINE OF ATTORNEYS IN FEDERAL DISTRICT COURTS: A STUDY AND PROPOSED RULES†

by Burton C. Agata*

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† This article is based on a report prepared for and submitted to the Federal Judicial Center in 1973 that was revised in 1974. Its purpose is to provide a basis for consideration of the need for uniformity of admission and discipline rules in the federal courts. The report to the Federal Judicial Center was to “contain a summary and analysis of the background against which decisions can be made as to whether there should be changes in the existing procedures and practices in the federal system, including summary and analyses of existing laws, rules, practices and procedures and a review of relevant literature and proposals and a statement of arguments for and against various alternatives.” The content and views set forth in the article are those of the author and not those of the Federal Judicial Center. The author wishes to acknowledge the helpful contribution of Mr. John Mahon in writing the report and Mr. Jeffrey Englander in putting this report in a form suitable for publication.

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I. INTRODUCTION

Sporadic, perhaps, is the most apt description of the attention paid by the federal judicial system to the regulation of attorneys practicing in federal courts. This has been true since the beginning of the dual system of state and federal courts. With little if any precedent for dealing with the coexistence of two independent sets of courts within the same territory, it was convenient, natural, and perhaps sensible that the local character of the bar would be the dominant factor in dealing with the bar in the federal courts.\(^1\) During the early years, except for some lawyers, usually those of great repute, and who could be characterized as comprising the federal or, in some cases, the Supreme Court bar,\(^2\) few lawyers were engaged in litigation in courts outside their own localities. Hence, historically, there was no great

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1. The following from 2 A. CHROUST, THE RISE OF THE LEGAL PROFESSION IN AMERICA 226-27 (1965), is worth quoting at length as evidence of how far from or near we are to the beginning:

   The only instance where there was no, and could not be any, precedents for the regulations of the legal profession and the practice of law was the newly created Supreme Court of the United States and the other federal courts. By a rule of court of 1790, which remained in force until 1801, any counselor or attorney who had practiced at least three years before the Supreme Court of his home state could be admitted to practice in the Supreme Court of the United States, provided his “private and professional character shall appear to be fair.” In 1801, also by a rule of court, all counselors and attorneys wishing to practice before the Supreme Court of the United States were required to “take either an oath, or, in proper cases, an affirmation, of the tenor prescribed by the rules of this court.” Subsequently, the Chief Justice informed the Attorney General and the bar “that this court considers the practice of the king's bench, and of chancery, in England, as affording outlines for the practice in this court.” In the beginning any lawyer appearing before the Supreme Court was required to state whether he intended to practice as an attorney or counselor. But on August 12, 1801, it was ordered “[t]hat counsellors may be admitted as attorneys in this court, on taking the usual oath.” In 1812 a further order provided “[t]hat only two counsellors be permitted to argue for each party, plaintiff and defendant, in a cause.”

   The First United States Circuit Court of Appeals, by a special rule which was not observed by the other Circuit Courts, established four degrees of practitioners, namely: serjeant, barrister, counselor, and attorney. An attorney was required either to have graduated from a college and studied law in the office of an attorney or counselor for at least three years or, if not a college graduate, to have read law in the office of an attorney or counselor for at least four years and have practiced in a state court for at least one year. He was eligible for promotion to the rank of counselor after two years of practice in a Circuit Court. A counselor could be raised to the rank of barrister after six years of practice. The degree of serjeant was conferred upon a barrister of exceptional merit after ten years of practice. (footnotes omitted).

In addition, a pro states rights view must also have resulted in a heavy reliance on state bar admissions.

2. See 1 C. WARREN, HISTORY OF THE HARVARD LAW SCHOOL 223-230 (1908).
concern among the bar and judiciary as to the procedures for admission and discipline that were in vogue in "foreign" jurisdictions. In fact, even with respect to the processes of litigation (except for equity and admiralty), local federal courts, until one third of this century was history, were required to conform substantially to local state rules of procedure.3

Currently, there is an interest in federal court bar admissions and disciplinary problems that is attributable to the convergence of several factors.4 First, the character of commerce has made state lines often irrelevant to the objects of a vital economy; second, the interstate movement of persons and the growth of federal constitutional rights has increased the likelihood of contact by the ordinary man with the federal courts; third, judges and leaders of the bar have become concerned with the caliber of trial practice generally and in the federal courts, in particular. Further, the increased contact of the general public with the bar and the sheer growth of the size of the bar has prompted the bar and others to address the issues involved in enforcing professional discipline generally; this is evidenced by the influential Clark Committee Report.5 Most recently, American Bar Association resolutions have called for the establishment of more uniform admission requirements in the federal courts and a strengthened judicially created and controlled disciplinary system in the federal courts.6

This report is conceived with the need (or lack thereof) for more uniform admission requirements and disciplinary processes in the federal courts. Basically, it surveys the background and literature and considers the issues and proposals relating to bar admissions and discipline in the federal courts. It also contains a

6. See section III(B)(vi) infra.
Study Draft of Rules Governing Admissions and Discipline in Federal District Courts (Appendix A). The Study Draft proposals are designed to assure that there are rules explicitly governing the material issues considered in the report. At the same time, the Study Draft would leave to the local courts sufficient flexibility to allow local expression, thus minimizing the upset resulting from the adoption of the generally applicable rules. In addition, this study contains an analysis of all the local court rules (Appendix B) and the results of a survey questionnaire submitted to all judges in the federal system (Appendix C).

II. AUTHORITY TO REGULATE ATTORNEYS GENERALLY

28 U.S.C. § 1654, provides:

In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.

28 U.S.C. § 2071, provides:

The Supreme Court and all courts established by Act of Congress may from time to time prescribe rules for the conduct of their business. Such rules shall be consistent with Acts of Congress and rules of practice and procedure prescribed by the Supreme Court.

Congress has not elected to prescribe uniform rules of admission, but has instead left to the individual courts the power to deal with this subject. Under § 1654, each federal district court has the power to deal with admissions. A question could be raised as to whether the Supreme Court by rule may prescribe admission requirements applicable to all the federal courts. It appears that this question has been resolved in favor of such power by virtue of the Court's adoption of Rule 46 of the Rules of Appellate Procedure, which prescribes basic admission and disciplinary requirements for all the courts of appeals. In addition, a little used provision of Title 28 could provide the basis for courts of appeals to establish circuit-wide rules for district courts to govern discipline and admissions of attorneys.

7. Comment, 67 COLUM. L. REV., supra note 4, at 733-35.
8. 28 U.S.C. § 332 (1970). Section 332 provides for a judicial council in each circuit and further provides in subdivision (d) that:

Each judicial council shall make all necessary orders for the effective and expeditious administration of the business of the courts within its circuit. The district judges shall promptly carry into effect all orders of the judicial council.
It has also been suggested that under Article III of the Constitution, the Supreme Court could establish a United States Bar. Further, *Sperry v. Florida* supports a view that the supremacy clause of the Constitution would authorize the creation of a United States Bar for the federal courts which would override any attempts by the states to limit the practice of attorneys in federal courts. *Spanos v. Skouras Theaters, Inc.* suggests that the privileges and immunities clause of the Constitution assures a citizen the right to pursue a federally created right in a federal court by seeking the advice of an attorney, despite the fact that the attorney may not have been admitted to the bar in the state where the advice is sought and given. In addition, a constitutional right to retain out-of-state counsel in federal courts has been recognized as part of the right-to-counsel in criminal cases, and as a necessary incident to the protection and assertion of civil rights. Further, *Theard v. United States* recognized the inherent power and responsibility of the federal judicial system to regulate attorneys in their relations with the federal courts, even where the federal disposition would be directly in conflict with the state's. *Theard* dealt with disciplinary problems, but the rationale surely is applicable to admissions policy as well.

III. Admissions

With regard to admissions, this report primarily is concerned with the question of whether there is a need for more uniform

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For a view that this section does not provide such authority, see Weinstein, *An Argument Against Federal Admission Rules (Part II)*, 172 N.Y.L.J. 109, Dec. 6, 1974, at 1, col. 3, 3, col. 2.


10. 373 U.S. 379 (1963). In *Sperry,* petitioner, a non-lawyer, pursuant to federal statute, was authorized to practice before the United States Patent Office. The Florida Bar attempted to enjoin performance of petitioner's duties within the State of Florida, contending that such duties constituted an unauthorized practice of law. The Court, while recognizing the state's substantial interest in regulating the practice of law within its borders, held that Congress had not exceeded the bounds of what is “necessary and proper” for the operation of the patent system established under the Constitution.

11. 364 F.2d 168 (2d Cir.) (en banc), rev'd on rehearing, 364 F.2d 161, cert. denied, 385 U.S. 987 (1966). For a discussion of *Spanos,* see section III(c)(ii) infra. See also *Bhd. of R.R. Trainmen v. Virginia ex rel. Virginia State Bar,* 377 U.S. 1 (1964). There are also some cases based on the first and fourteenth amendments which are outside the scope of this report. See, e.g., Annot., 11 L. Ed.2d 1116, 1150 § 18.5 (1964).


requirements for admission to the bars of federal district courts. In pursuing an answer to this question, several issues surface:

1. Is there receptivity for more uniform admission requirements among the bench and bar?
2. What objectives should admission requirements serve and are there any objectives unique to federal courts?
3. What should be the vehicle or vehicles for implementing admission requirements?

A. Current Status of Rules for Admission to U.S. District Courts

The current source of rules governing admissions in federal district courts is local court rules, practices, and customs. The usual source is a local rule, published and filed in accordance with Rule 83 of the Federal Rules of Civil Procedure, but some courts have published no rules.\(^{15}\)

It has been customary in reports such as this to set forth a “count” by districts of how many courts require admission to specified bars and other conditions of admissions.\(^{16}\) This report deviates from custom. The numbers themselves are not helpful in deciding the merits of a proposal, inasmuch as there are a significant number of district courts in almost every category. Appendix B analyzes each district court rule and, if deemed significant, the counting game can be played with information contained in the analysis. While numbers may not be helpful, awareness of the varied content of the rules is essential.

(i) Regular admissions

The rules governing eligibility for admission to the bar of federal district courts require or accept compliance with one or more of the following conditions in a multiplicity of combinations:

1. Prior admission to the bar of a state.

Some rules limit eligibility to attorneys who are members of the bar of a state (or states) specified in the rules; often the only

\(^{15}\) See, e.g., Appendix B infra, S.C., E.D. & W.D.; Va., W.D.; W.Va., S.D. and others.

state specified is the one in which the federal district is located.

2. Prior admission to a United States Court.

Eligibility under this qualification may extend to attorneys admitted in any district court or may be limited to those admitted to a district court within a specified state or circuit, or extend to those admitted to the bar of a specified Court of Appeals or the United States Supreme Court. In some instances, a condition of reciprocity is imposed.

3. Some require the applicant to be resident or maintain an office, or both, within the district or the state, or in some instances, a neighboring state, and some require designation of local counsel.

4. One provides for an examination of those not admitted to the bar of the state in which the court is located and others permit some kind of inquiry on learning, but it does not appear that the power is exercised frequently.

5. Some provide for minimum practice requirements (usually admission to another bar for a period of time).

6. Some rules require non-resident attorneys who are members of the district court bar to designate local counsel.

Admission procedures vary from what appears to be pro forma applications to those which establish and utilize a process for referring applications for character inquiry. Admission may be on the basis of written petition, application or motion or oral motion, with or without some supporting data (usually in the form of affidavits from other attorneys vouching for the applicant, or certificates issued by the state bar). Many require admission fees, and some allocate the fees to designated funds, usually a library fund.

(ii) Pro hac vice admissions.

Some rules of district courts explicitly provide for pro hac vice appearances. While other district courts’ rules do not, these courts nevertheless undoubtedly permit such appearances. Some do not permit an attorney who is eligible for general admission to appear pro hac vice. The rules differ with respect to requirements for designation of local counsel as a condition for permitting pro hac vice appearances. They range from an absolute requirement that local counsel be designated and actively participate to those which give the court discretion to require appointment of local counsel, sometimes on motion of an opposing party. Special admission or pro hac vice privileges are granted by some rules to attorneys when representing the United States govern-
ment. At least one district has a special rule requiring designation of local counsel in civil rights cases; others, which otherwise require designation of local counsel, do not require it in criminal cases.

The pattern of rules for admission to the federal district courts, either general admission or pro hac vice, has been aptly described and criticized as “a curious checkerboard.” While disparity alone, no matter how wide, is not a sufficient reason for change, the fact of such wide diversity should encourage rather than deter a search for a rationalizing approach.  

B. Receptivity of Bench and Bar

The wide diversity of rules governing admission to the bars of federal district courts is not a contemporary development. It has existed from the time such courts were established. Starting some time in the 1930’s, there were several attempts to study or deal with the problems raised by this wide diversity, but little change resulted. Major barriers were the attitudes of the bench and bar based upon a number of factors:

(1) an underlying belief that there is no problem;
(2) the difficulty of dealing with what has been perceived as unique local interests;
(3) concern for the power of a judge or judges to control their own courts.

Consequently, the Judicial Conference has opposed any movement towards uniformity, whether by judicial rule or congressional enactment. One resultant thesis of this study is that even if the attitudes of Judicial Conference Committees remain unchanged, the attitudes of others, including much of the federal bench and bar, have changed. It is another postulate that need for some significant change is currently more apparent and compelling than just fifteen years ago.

(i) Report of the Committee on Local District Court Rules, 1938-40

In 1938, after the adoption of the Federal Rules of Civil Procedure, the Judicial Conference of the United States established the Committee on Local District Rules to determine the impact

18. Cf. the conclusions of the 1940 and 1947 Judicial Conference Committee Reports in the text accompanying notes 19-25, supra.
of the new Rules of Civil Procedure on federal court local rules and "to make recommendations to secure the greatest practicable degree of uniformity throughout the country."\textsuperscript{19} In 1940,\textsuperscript{20} after submitting an interim report in 1939 which contained "tentative" rules, a final report was rendered. The final report dealt with \textit{all} subjects which properly could be the subject of local rules, and was not limited to provisions concerning admission and discipline. Responding to its charge, the 1940 Report of the Committee found no need, at that time, for additional rules of nationwide application. It stated:\textsuperscript{21}

Because of the varying conditions that exist in the different districts, the Committee finds that absolute uniformity in the local rules of the district courts throughout the country is impracticable and inadvisable.

The Committee cited the great variations in rules relating to admission of attorneys which obtained throughout the federal judicial system as exemplifying those factors which "led [the Committee] to the conviction that complete uniformity in the details of practice regarding . . . [the various subjects of local rules] was neither feasible nor desirable."\textsuperscript{22}

The Committee Report continued:\textsuperscript{23}

This is illustrated by the requirements in the various districts for the admission of attorneys to practice, which is dealt with by rule in almost every Federal court. In this respect considerations of local policy and conditions play a controlling part. Courts in urban communities and in districts close to the boundaries of large cities feel that they must protect themselves from inexperienced, incompetent, and unfit practitioners. On the other hand, in rural districts where the volume of Federal litigation is not so great and the judges are personally acquainted with or have easily accessible sources of personal knowledge of most attorneys who apply for permission to practice, it is found unnecessary to impose the strict requirements of admission that obtain in the larger centers of population. In a number of districts the judges feel that there should be no distinction between the requirements for admission to practice in the Federal Courts and in the highest court of the state. In

\begin{thebibliography}{9}
\bibitem{21} Report to the Judicial Conference of the Committee on Local District Court Rules 1 (1940) (mimeo).
\bibitem{22} \textit{Id.} at 5.
\bibitem{23} \textit{Id.} at 5-6.
\end{thebibliography}
other districts it is thought that the Federal courts should maintain separate standards of admission with separate examinations respecting not only the legal education of applicants but also their ethical standards.

The Committee, nevertheless, submitted a draft of what may be termed "model" rules on a number of subjects, including admissions and discipline, for consideration by the federal courts. Several courts previously had adopted a similar version of these rules continued in the 1939 interim report.

(ii) Judicial Conference Committee to Consider the Advisability of Regulating Admission to the Bar of the Federal Courts by Uniform Rules, 1944-1947 (McAllister Committee)

In September, 1944, the McAllister Committee (named after its chairman, Circuit Judge Thomas F. McAllister) was assigned the task of considering uniform rules of admission to the bar of the federal courts. Note that the Committee was concerned with admissions and not discipline. The Committee surveyed the existing local court rules and discovered "wide diversity, both as to substance and procedure." In 1947, it reported its conclusion "that it is inadvisable to regulate admission to the bar of the federal courts by uniform rules at this time." The Judicial Conference concurred.

In addition to analysis of the rules, the Committee in 1945 and 1947 surveyed by written questionnaires various components of the profession. The 1945 survey drew 131 replies out of the more than 300 inquiries made by the Committee. Eighty-three were from federal judges, with 29 in favor of a uniform rule, 16 opposed and 38 non-committal. Selected active practitioners disclosed "no crystallized views" and "few bar associations" had considered the issue. Annual Circuit conferences produced no additional expression of views.

The 1947 questionnaire, sent to 461 persons, brought 151

24. Rule 1 of the 1940 Committee draft of local rules, dealing with "Attorneys," is on file in the office of the Hofstra Law Review.
25. REPORT TO THE JUDICIAL CONFERENCE, supra note 21, at 4 n.3.
27.1. Id. at 11.
30. Id. at 5.
replies and the following responses on the issue of a uniform admissions rule:\textsuperscript{31}

<table>
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<th>Questionnaires</th>
<th>Total Replies</th>
<th>Favor Uniform Rule</th>
<th>Favor % in**</th>
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<tr>
<td>Judges</td>
<td>257</td>
<td>76</td>
<td>33</td>
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<tr>
<td>Bar Associations</td>
<td>69</td>
<td>27</td>
<td>18</td>
</tr>
<tr>
<td>Law School Deans</td>
<td>104</td>
<td>36</td>
<td>28</td>
</tr>
<tr>
<td>Rule Advisory Committee Members</td>
<td>29</td>
<td>12</td>
<td>7</td>
</tr>
<tr>
<td><strong>459</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* This total is less than 461, but these figures were obtained from the Committee Report.

** % of those replying.

The McAllister Committee relied on seven points in recommending against the adoption of uniform admission requirements:

1. The existence of diverse local conditions.\textsuperscript{32}

2. A perception of little, if any, initiative from the population queried in favor of a uniform rule. The Committee noted that those who favored a uniform rule were responding to an inquiry rather than generating a demand on their own initiative.\textsuperscript{33}

3. Favorable responses were not based on any specific proposed rule. Of course, none was presented.\textsuperscript{34}

4. Those who responded favorably (a) might change their views if a specific rule were before them or (b) might not press their view if made aware of the considered contrary opinions of the majority of federal judges who responded and of a number of persons in the other categories.\textsuperscript{35}

The reasoning is not compelling. Speculating on grounds at least as firm as the Committee’s, one might conclude that the minority might have changed their views if they were aware of the majority views which, on the available evidence, should also be deemed “considered.” Further, if the failure to consider a specific rule should be deemed a negative factor with respect to those in favor of a uniform rule, it is to some degree also a factor in assessing the views of those who were opposed to such a rule.

5. Despite noting that “there has been a fairly representa-
tive expression of opinion on the subject" from the various groups to whom questionnaires were sent, the Committee went on to emphasize that only 33 out of 257 federal judges were in favor. The Committee report asserted that this "indicate[s] that the judges who did not reply to the inquiry of the Committee are not interested in any proposals to establish uniform rules for admission to practice in federal courts; and it may, perhaps, be reasonably assumed they do not favor any change from the situation now prevailing." Of course, this was 33 out of the 76 who replied, and the Committee had previously stated it considered the replies to be "representative." The report's assumption that the views of those who did not reply would probably have opposed a uniform rule was sheer, unsupported hypothesis.

6. Even minimum requirements would be difficult to establish because of the wide diversity of existing rules among the districts. This would appear to beg the question because the issue was, and remains, in the light of existing diversity, should there be a move towards uniformity?

7. The Committee concluded:

The Committee has found no evidence of instances of injustice or undue hardship to lawyers, clients, or the public, surrounding the requirements of admission to practice in federal courts. This, and all of the foregoing, weighs in the conclusions here submitted. But the pervading consideration in arriving at our recommendations is that there neither is, nor has been, any demand or request on the part of the bench or bar for uniform rules for admission to practice in federal courts and that all of the views on the subject herein set forth on the part of judges, bar associations, and others, have been expressed only as a result of the solicitation of the Committee.

Because of the foregoing circumstances, and because of the impossibility of formulating satisfactory uniform regulations for admission to practice, as well as the strong opposition disclosed to the principle of adopting such rules—

The Committee reports that in its opinion it is inadvisable to regulate admission to the bar of the federal courts by uniform rules.

36. Id. at 7.
37. Id. at 9-10.
38. Id. at 10-11.
(iii) Congressional Proposals and Judicial Conference Opposition

There were several congressional bills in the 1940's which either would have delegated power to the Supreme Court to create uniform rules of admission, or by legislation would have made admission to the highest court of any state or admission to any other federal district court the uniform basis for eligibility for admission to the bar of a federal district court. These bills did not pass.

Beginning in 1955, several Congressional bills were introduced which "would provide that with respect to a member of the bar of the United States Supreme Court the sole requirement for admission to practice before a court of appeals or district court of the United States should be the filing of an application to practice with his statement that he is a member in good standing of that bar." These bills were repeatedly disapproved by the Judicial Conference based on the McAllister Report and the repeated assertion that "the proposal would appear to deprive the lower courts of all control of the admission to their bar of lawyers who had previously been admitted to the bar of the Supreme Court."

(iv) 1972 Survey of Federal District Court Judges

In 1972, as part of the study underlying this report, a survey was made of all federal judges. Appendix C, infra, reports the results of this survey questionnaire. Two hundred ninety-two judges responded and revealed a high degree of receptivity to changes in rules governing admissions based on suggestions rang-

39. See Comment, 67 COLUM. L. REV., supra note 4, at 738 n.49.
44. 1956 REPORT, U.S. JUDICIAL CONFERENCE 42.
ing from a rule setting minimum standards for admission to all federal district courts, to making admission to one district court tantamount to admission to all federal district courts. In fact, only 65 preferred no change at all, and of those 65, 4 would accept a rule with minimum standards or a uniform rule. Two hundred twenty-six of the 292 had no objection to uniform admission requirements for all federal courts, but 175 would object to admission to practice in one federal district conferring the absolute right to practice in all federal courts. However, many of those who objected to either uniform admissions or practice in one federal district conferring the absolute right to practice in all federal courts would withdraw or lessen their objections if the power to discipline attorneys were strengthened or assured effectiveness. The net result was that only 87 responding judges would maintain their objections if disciplinary powers were strengthened. Of these 87, some would favor a model rule and only 65, as noted previously, baldly preferred no change.

The details of the responses with their various combinations and responses are contained in Appendix C and need not be elaborated here. They strongly support the notion that, whatever may have been earlier attitudes, the federal judiciary currently is receptive to changes in the current approaches to admissions based solely on the individual inclinations of each district court. Note that the least objection in question 6 was to uniform admission requirements and the greatest support in question 7 was for a uniform rule. Implicit in these results is the idea that if suitable admission requirements could be devised which would prevent a district court from being imposed upon by looser requirements in another court, and if sufficient power to discipline attorneys were at hand, the major concerns of federal judges would be met.

(u) The Committee on Court Administration of the Judicial Conference, 1973 Report

This Committee reported:

[T]here is at present no great disparity in the requirements for admission to practice in the several district courts, either for permanent admission or by way of pro hac vice admission, nor is there general dissatisfaction with the present prac-

46. See question 7a in Appendix C infra.
47. See question 6 in Appendix C infra.
tice and procedure and, accordingly, the Committee recom-

mended against the promulgation of any uniform rule for admis-

sion to the bar of the courts of the United States.

This conclusion was reached despite the wide disparity in rules
described in III-A, above, the results of the aforementioned 1972
survey and the ABA resolution described below.

(vi) ABA Resolution

In 1972, the American Bar Association adopted the following
resolution on the recommendation of its Special Committee on
National Coordination of Disciplinary Enforcement:

Be It Resolved, That the American Bar Association urges
the promulgation by the Judicial Conference of the United
States of a uniform system for admission of attorneys to the
federal courts and agencies and that disciplinary control of the
practice of attorneys in federal courts and agencies be adminis-
tered by an appropriate agency as a function of the federal judi-

ciary.

Be It Further Resolved, That the President of the Associa-
tion or his designee is authorized to appear before judicial and
legislative bodies of the United States to present the views of the
Association.

The Committee, emphasizing that its major concern was the dis-

ciplinary function, stated that:

No substantive changes in the requirements for admission
to practice in federal courts are contemplated. We intend only
that the lawyer who has a state license and who seeks a license
granted by a federal court based upon his admission to the bar
of a state shall carry with it the privilege of practicing before
federal courts throughout the country. It is our view that the
primary control over admission and discipline of members of the
bar generally is vested in the highest courts of the states. The
establishment of a uniform system for federal courts does not
impair the power or responsibility of the states over admission
and expulsion of members of their respective bars. [emphasis
supplied].

(vii) Conclusions Concerning Receptivity

Whatever may have been the atmosphere found by the

49. ABA, SUMMARY OF ACTION, HOUSE OF DELEGATES, Midyear Meeting 26 (1972).
50. REPORT OF THE SPECIAL COMMITTEE ON NATIONAL COORDINATION OF DISCIPLINARY
Hofstra Law Review, Vol. 3, Iss. 2 [1975], Art. 1

McAllister Report, and despite the conclusion of the 1973 Court Administration Committee of the Judicial Conference, currently both the bar and the bench have expressed interest in revitalizing admission practices in the federal courts. The major concerns appear to be related to discipline rather than admission, provided, of course, admission standards are maintained or improved.

C. Some Proposals

In 1967, while on the Court of Appeals for the District of Columbia, and almost annually since he became Chief Justice, Chief Justice Burger has expressed concern over the caliber of the bar trying cases in federal courts.51 He has also been concerned with the character and the image of the bar because of uneven standards and the wide dispersal of control over admissions and discipline:52

The licensing and admission power over lawyers is vested in each of the fifty state jurisdictions, ninety three federal districts and eleven circuits, and this has led to a hodgepodge of standards for admission and regulations that are desperately in need of careful reexamination. Much that is being used is archaic and inadequate and must be discarded. This dispersal of authority over lawyers among fifty states and numerous federal courts has prevented meaningful regulation of professional conduct. More stringent discipline is needed to protect the public from the small minority of lawyers who have exploited uninformed laymen and abused the trust implicit in the franchise to engage in practice.

(i) A United States Bar

United States Circuit Court Judge M. R. Wilkey suggests that Chief Justice Burger’s concerns can be met by establishing a United States Bar.53 He contends that the Supreme Court, exercising Article III power, could establish a system which ultimately should provide that admission to a newly created United States Bar “qualifies the attorney without more to practice in all United States Courts.”54 A United States Bar could also be estab-

52. Burger, supra note 5, at 857.
54. Wilkey, supra note 9, at 366-57. Judge Wilkey might exclude admission to the bar of the Supreme Court of the United States from this general license. Id. at 367.
lished by legislation which would override state limitations on the right to practice law with respect to federal matters, on the authority of *Sperry v. Florida* and, perhaps, *Spanos v. Skouras Theaters, Inc.* Judge Wilkey's proposal embraces a number of elements in addition to a single admission to a United States Bar:

(a) He would establish uniform criteria for admissions:
   (i) These would admit all current members of a federal bar;
   (ii) For those not members of a federal bar, but who are members of a state bar, admissions would be on the basis of actual court experience, and
   (iii) For all others, admission would be on the basis of admission to a state bar and a special examination which would cover appropriate federal law subjects.

(b) The proposal would permit complementary local rules, such as requiring special proficiency in some unique aspect of local law (e.g., Spanish or French Civil law heritage) or one requiring local counsel to be designated in appropriate cases. Character determinations most likely would rely on state bar admission inquiries, but there would be provision made for independent federal court investigation when required. Disbarment or other discipline would be implemented with nationwide effect according to criteria applicable uniformly throughout the nation.

The United States Bar proposal, whatever its intrinsic merits or faults, provides a dimension which arguably has been lacking in prior and current approaches to admissions (and discipline) in the federal courts. It introduces the perspective of a national judicial system that has its own power and is responsible for its own house (the entire house, not one room at a time), and provides leadership as well for other judicial systems. In addition, it is one avenue to recognizing that there are rights and interests so national in scope that the opportunity to pursue them and the

57. *Id.* note 9, at 358.
58. *Id.*
59. *Id.* at 357.
60. *Id.* at 357.
61. *Id.* at 359. Independent investigations would be required when a state's criteria do not meet the federal standards.
62. *Id.*
manner in which they are pursued in the federal courts should be subject to a more national and integrated approach than now prevails.

(ii) Proposals Consequent upon Spanos v. Skouras Theaters, Inc.

Spanos v. Skouras Theaters, Inc.\(^{63}\) was a controversial decision (albeit involving a potentially common fact pattern) in which subordination to state limitations of an attorney's authority to advise a client on federal matters was found to be both inconsistent with the realities of the commercial world and, perhaps, unconstitutional. In Spanos, a California attorney who was an expert in anti-trust matters was employed by a party to an anti-trust suit pending in the District Court for the Southern District of New York. The California attorney, who never appeared in the federal action, came to New York, where he acted as a consultant to the New York attorney, and also counselled the client. The California counsel was discharged and in a suit for his fee, his former client asserted as a defense that the attorney was in violation of the New York statute which forbade the unauthorized practice of law.

Ultimately, the Second Circuit disallowed the defense on several grounds.\(^{64}\) One ground was a recognition of a right of a citizen under the privileges and immunities clause to retain counsel to pursue a federally created right. The court also relied on the principle in Sperry v. Florida\(^ {65}\) that would deny the state the power to compel a litigant who seeks to enforce a federal right to retain an attorney admitted in the state or to go outside the geographic limits of the state to obtain advice. Thus, New York could not compel the client to bring all of the papers to the attorney in California by barring the attorney from coming to New York to read the papers and to consult with his client. In the course of its opinion, the court also pointed out the interstate character of the client's operations and noted that the attorney was an expert who, on application, would have been admitted pro hac vice in the district court had he applied. Spanos is significant for two reasons:

(1) the substantive issue with which it deals, \textit{i.e.}, the


\(^{64}\) As a consequence, the precise scope of Spanos' authority is uncertain.

\(^{65}\) 373 U.S. 379 (1963).
effect of state limitations on the power of out-of-state attorneys to advise on federal matters; and
(2) consideration of the issue in (1) highlighted the dependence of federal courts on state regulation of attorneys and thereby prompted consideration of the role of the federal judicial system in regulating attorneys so as to accommodate some of the unique aspects and requirements of the federal system. 66

Spanos kicked off a debate and spawned a number of proposals relating to the practice of out-of-state attorneys in federal courts. 67 The germ of one proposal is found in the dissent in Spanos which noted that the case "would seem to mean that an attorney admitted to practice in any state has an unrestricted license to practice . . . and give advice on federal law in all other . . . states." 68 The dissent appeared to suggest that in order to properly honor the state law and to assure some degree of control over attorneys who advised on federal matters, the court should consider adopting rules authorizing general admission for such out-of-state attorneys, who, under current rules, would be permitted to appear pro hac vice. This has been criticized 69 as creating a class of attorneys whose non-court conduct would, as a practical matter, be subject to little, if any, control, either by the state in which the attorney is rendering advice (because he is not a member of the bar) or by the federal court (which most likely will rely for discipline on the state where the attorney is admitted). On this view, Spanos and Sperry present the possibility that an attorney not admitted in a state could maintain an office in that state solely for the practice of federal law. He need not even be admitted to the bar of the federal court for the district in question. Judge Friendly, in Spanos, denied that this was the impact of the decision. 70 He also noted that the decision did not deal with cases presenting state law issues such as those which will arise in diversity cases. 71 Nevertheless, the possibility remains that this

66. See section III(D), (E), infra.
67. See notes 72, 74 infra.
71. Id.
can be the impact of the *Spanos* and *Sperry* rationales. One commentator,\(^\text{72}\) critical of the *Spanos* reasoning but approving of its result, suggested that to the extent that the right to counsel in vindicating federal rights can be based on the due process clause, the right could be limited to advice relating to litigation and not extend to general legal advice. Another commentator discussed the possibility of requiring that certification by one district court would be sufficient to permit an attorney to practice in any district court.\(^\text{73}\) This approach, however, presents no solution for the problem of the nonlitigating attorney who gives advice only. The same commentator expressed concern over leaving qualifications wholly to the “foreign” state and the disadvantage of relying on the home state for disciplinary processes.

In addition to Judge Wilkey’s United States Bar proposal and the universal certification idea, several additional variations were considered in the literature.\(^\text{74}\) All were subject to the same deficiencies and criticism: reliance on “foreign” jurisdictions for admission standards and concern with the difficulty of exercising disciplinary control over the out-of-state attorneys. These objections would have some merit if the current situation with respect to federal court control over qualifications for admissions and discipline reflected a concern for the federal court’s special interest in these matters. However, the fact is that the situation under current rules is no better than the deficiencies feared to be inherent in the proposals.

Some of the restrictions on admissions to the federal bar generally or *pro hac vice* bear little relationship to control of quality or discipline. Thus, where reciprocity is a condition of admission, neither quality control nor discipline are served. Further, some of the admissions restrictions are solely geographic in nature, such as those that limit admissions to attorneys admitted

\(^{72}\) Comment, 67 COLUM. L. REV., *supra* note 4, at 745 et seq.

\(^{73}\) Note, 36 GEO. WASH. L. REV., *supra* note 4, at 209-11.

\(^{74}\) Among these proposals, some of which are considered in the text, are: The United States Bar proposal by Judge Wilkey, *supra* note 9, and text accompanying notes 53-62 *supra*. The proposals considered in Comment, 36 GEO. WASH. L. REV., *supra* note 4, include general admission of all non-resident attorneys as a federal alternative to state regulation, a resident federal court certification approach and an approach similar to a United States bar but regulating advisory practice as well as court-related activity. Note, *Attorneys: Interstate and Federal Practice*, 80 HARV. L. REV. 1711 (1967), considers the possibility of permitting interstate practice by use of a national bar examination and the problems of policing ethics of non-resident attorneys. Note, 41 N.Y.U.L. REV., *infra* note 79, at 1242-43, considers federal court certification of an attorney to consult on matters in a state where he is not a member of the bar.
in a district court in the same circuit or in a neighboring district. This is not to say that concern with quality control or competency should be abandoned. What it does suggest is that restrictions on admission should bear some relationship to announced goals and that such goals should bear some relationship to the function of a federal court. Accepting the assumption that professional competency and control of the conduct of the attorney which bears on his professional character are valid goals of any rules, current rules and proposals for change should be evaluated with those goals in mind.

(iii) United States Government Attorneys

In resolving the problem of the need for ease of access to the federal courts by all competent attorneys, consideration of the problems relating to attorneys representing the United States government is instructive. 28 U.S.C. § 515, in effect, provides that the Attorney General or an attorney specially appointed by him and directed to do so may represent the United States in any legal proceeding in any court. It should be noted that this provision deals only with attorneys acting under the authority of the Attorney General and is not applicable to other attorneys who represent the government. In the absence of a special local court rule, attorneys representing the government who are not under the aegis of section 515 must comply with the local court rule requirements applicable to all other attorneys seeking to participate in matters pending in such court. Many district courts have created specific exceptions for all attorneys representing the United States or its agencies. 75

Where such an exception has not been adopted, there have been some difficulties. Designation of local counsel, such as the United States Attorney, may be difficult in cases where the United States Attorney (or the Department of Justice) disagrees with an independent agency's position. Similarly, requirements that would result in an agency with few attorneys having to be represented by attorneys who are members of a state bar in which the district is located may impose financial burdens on individual attorneys or the government agency. Litigation may be impeded because the diversity of the rules can result in unanticipated barriers to participation by a particular attorney. 76

75. See Appendix B infra, under column headed: Special Rule on Admission of Government Attorneys.
76. An example of such an “unanticipated barrier” is detailed in correspondence
One solution to the problem would be the enactment of legislation which would expand section 515 to cover all attorneys representing the United States or its agencies, whether or not they are acting under the authority of the Attorney General. In the absence of legislation, a uniform rule along the line of many local court rules could be adopted. Study Draft Rule 4(b) (Appendix A, infra) is one form such a rule could take. Adoption of a rule by the Supreme Court is preferable to legislation so that a precedent of legislative action designed to meet a problem that is inherently and traditionally within the judicial power to solve may be avoided.

Presumably, one purpose of section 515 is to recognize the interest of the United States in ease of access to the federal courts without being subject to essentially local restrictions. The current recognition of this interest by many districts and the apparent advisability of its recognition in all United States Courts raises the question: why does the federal government have an interest in easy access to the federal courts by counsel of its own choosing that is different than that of a private litigant? Why, indeed, when the private litigant may be involved in a proceeding in which the government is a party represented by counsel who did not satisfy the same requirements as private counsel. Further, like the federal government, a private party may have nationwide or regional interests regularly subject to litigation in federal courts throughout the country. In a practical sense, such a party has an interest in access to the federal courts which, in significant measure, is analogous to the government's interest. Inasmuch as the federal government's interest is presently recognized by some

between one government agency and a circuit court, a copy of which is on file in the office of the Hofstra Law Review. A trial attorney with the General Counsel's office of a major federal independent regulatory commission attempted to file a "motion to dismiss" in the United States District Court for the District of Maryland. The court clerk returned the papers, citing a local court rule which required "that all papers be signed by an attorney admitted to this court who resides in and maintains an office within this district and whose office address and telephone number are noted therein." Usually, the United States Attorney for the district would join in the motion, thereby satisfying the rule. In this instance, he refused to do so because the Department of Justice took a neutral position on the Commission's position. Thus without a lawyer admitted to the court who resided and maintained an office in the district, the Commission would be unable to comply with the court rules.

In this case, according to the correspondence, the court ultimately directed the clerk to permit the commission to file the papers if the attorney was admitted to the federal bar in Maryland. However, this solved only this case. The problem for an agency authorized to handle its own suits in court and which may have only fourteen or fifteen attorneys is obvious.
local district court rules, an argument could be made that the
similar interest of a private party should also be recognized. Fur-
ther, to the extent that lack of uniformity or special requirements
are burdensome to the government, they are at least as burden-
some to the private litigant. Thus, if further relief to the govern-
ment is warranted, it strongly militates in favor of similar relief
to the private litigant.

D. Admission Standards

Either explicitly or implicitly, based on the foregoing as-
sumptions, there has been some consideration of establishing na-
tionwide standards that will be nationally enforced.77 The ensuing
discussion deals with this idea and concludes: (1) there can be
nationwide standards; (2) these standards can pay appropriate
attention to local needs and values; and (3) the first steps can be
taken without undue disruption of current practice.

It has been suggested that if there were imposed upon a
federal district court the obligation to accept for membership in
its bar an attorney who has been admitted in another jurisdiction,
this may undermine efforts at quality control in the second jurisdic-
tion.78 There would be some merit to this concern if significant
differences between state bar requirements could be identified,
but with the increased level of requirements for accreditation for
law schools and education requirements for admission to state
bars and the spread of the multistate bar examination, this objec-
tion would be difficult to support. Further, even if some authority
attempted to identify the low quality states, there might not be
general agreement on the selection.

A more compelling reason for concern than weak state admis-
sion requirements is weaknesses in some aspects of legal educa-
tion generally, and the varying quality of individual lawyers
based on experience or native ability or both which bear on their
capacity to adequately perform in federal courts. Thus, it would
appear that if there are characteristics which a lawyer should
possess for admission to the federal bar, the federal courts should
address them directly.

Lawyers perform two services denied others: giving legal ad-
vice and conducting litigation. Dealing with each aspect presents

77. See note 74 supra.
78. E.g., Comment, 36 Geo. Wash. L. Rev., supra note 4, at 211.
difficult problems for federal courts and the temptation is great not to address them. However, some things can be done.

(i) Legal Advice

First, the federal courts can require that before lawyers are admitted to practice in federal courts, generally or pro hac vice, there should be some evidence of competency in federal law. This could be accomplished by an examination administered by the federal courts or by the states. The states could be induced to include federal law questions in their examinations if a federal rule were adopted that would excuse from the federal examination those attorneys who have passed a state examination which satisfies the federal requirement. In all probability, federally administered examinations would become unnecessary. To the extent that an examination measures competence to advise or deal with federal questions this could be a partial solution for the problem of identifying who may be an advice-giving attorney. It would also bear on the competence of the attorney who litigates. While the merits of this conclusion are debatable, it is wholly consistent with our current approach of permitting individuals who pass bar examinations to hold themselves out as attorneys on state law questions.

A second step could be a requirement that an attorney be admitted to a federal bar before he could hold himself out to advise on federal law questions. This is unsatisfactory because of the almost impossible administrative difficulties. It would be difficult to determine when such advice is given by the unauthorized, particularly because many matters dealt with by an attorney have unanticipated federal problems. In addition, the complete lawyer should be competent to advise on (or at least recognize) a federal law problem. To the extent that inducement of the states to examine on federal matters is successful, the federal courts probably need go no further in this regard.

(ii) Litigating in the Federal Courts

The second aspect of the lawyer's role, that of litigant, is presently dealt with by federal rules, but generally with little regard to the attorney's competence as a litigator. General admission to the federal court bar solely based on membership of the

state bar assumes a competency belied by the facts. In addition, the substance and variety of rules dealing with pro hac vice admissions suggests that competency is not even the issue that the rules address.

In addition to the geographic and reciprocity requirements referred to earlier, consider the rule in the Southern District of New York which grants admission to attorneys admitted to the bar of New York State only after a minimum of one year admission in the state bar. The same rule, however, makes members of certain other selected state bars eligible for admission without the one year requirement provided there is a reciprocal rule in the federal district courts of the districts located in those other states. If one year is significant, it should be significant for the other state bars as well. In addition there appears to be no reason to limit the rule to those selected states, except as a recognition of some common natural economic area. This does not lead to the conclusion that the one year limitation be eliminated; it does suggest that if the one year condition has some bearing on competence, then that condition or its equivalent should be imposed across the board.

Starting with the assumption that admission to the bar of a federal court is for the purpose of permitting an attorney to litigate in that court, admission standards should relate to that activity. It has been argued that this could create a disparity between eligibility to litigate in federal and state courts within the same territory. This is a truism and not an argument. First, perhaps the states should deal with the problem of competency to try a case by taking measures within their respective systems. If they do not, it does not follow that the federal judicial system should not do so for the federal courts. Second, the unique aspect of admission to a federal court bar is the authority to try cases. Perhaps state systems should distinguish between lawyers who are permitted to appear in courts and those not authorized to do so. Third, at times, there may be some justification for distinguishing between state and federal court litigation. Jurisdictional amounts and the nature of the issues often present more complex litigation issues in federal courts. The federal system does not

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81. S.D.N.Y. (Gen'l) R.3(a). The one year requirement was eliminated by S.D.N.Y. order dated June 4, 1973, but the principles discussed in the text still should be considered.
82. Crotty, supra note 4, at 39.
have the complex of lower courts characteristic of most state systems in which a fledgling lawyer can try his wings. Fourth, if there is merit to being concerned with trial competency as an element in admission standards or how a bar should be structured, the federal system could provide leadership in this regard on a national scale.\textsuperscript{83}

What are the possible approaches the federal courts can take on relating admissions to trial competency? The examination suggested earlier at least can test for knowledge of written rules and other aspects of federal jurisprudence. Other possible conditions, varying in stringency, bear serious consideration. The mere passage of time at least may be a measure of experience. Thus, a two or three year practice requirement could be imposed. This, however, may not be sufficient if the experience does not include litigation. To meet this concern, a time period plus some evidence of litigation experience could be required. If the time period is deemed unduly burdensome or not sufficiently related to the object to be accomplished, categories or grades of attorneys could be established. These categories or grades would permit new attorneys to participate in litigation for some period of time early in their careers provided they were associated with more experienced attorneys. This approach can be adapted from the solicitor-barrister structure, or from our own origins.\textsuperscript{84}

If the primary purpose of establishing standards along these lines is to nurture competence in the trial bar and to preserve or enhance the dignity of the courts, it would be desirable to induce the law schools to establish suitable programs in trial practice. An almost surefire inducement to establishing such programs would

\textsuperscript{83}. There is not universal agreement that admission to the bar of a federal court presents unique problems. For example, the Hon. Jack B. Weinstein, Eastern District of New York, opposed proposed circuit-wide rules for admission in all district courts in the Second Circuit which would require some evidence of participation in or observation of federal proceedings as well as some course requirements. In his article, Weinstein, \textit{An Argument Against Federal Admissions Rules (Part I)}, 172 N.Y.L.J. 108, Dec. 5, 1974, at 1, cols. 4, 5, he stated his disagreement with the following premises:

(1) The quality of representation in the federal courts is poor;
(2) deficiencies that exist are caused by lack of training and experience;
(3) law schools need be forced into giving more training in litigation related cases;
(4) federal practice and trials in the federal courts require more skill than state trials; and
(5) the federal courts should restrict their caseload and those who appear before them to the elite . . . .

\textsuperscript{84}. See note 1 \textit{supra}.
be to permit the completion of a suitable law school program to satisfy all or part of the experience or competency requirements proposed above. Such programs, of varying quality and success, currently are being pursued in a number of law schools. Essentially they should involve litigation experience under the close supervision of experienced members of the trial bar combined with the monitoring, supervision and substantive input of the law school.\footnote{A number of districts now have rules which permit student practice; see, e.g., N.D. Ohio R. 2(h), Appearance and Practice by Law Students (eff. Dec. 1, 1972); D. Neb. R. 5(l), Clinical Legal Education (eff. Oct. 19, 1973); D. Neb. R. 5(m), Clinical Legal Education Under Supervision of Practicing Attorney (eff. Nov. 17, 1973). \textit{See also} Remarks of Judge Warren E. Burger, \textit{supra} note 4, at 13, wherein the then Judge of the Court of Appeals set forth the essentials of a pilot program:}

Any pilot program must begin in a setting which has the essential raw materials such as the following: (1) A fairly large metropolitan area where you have, first a good law school faculty, and second a good trial bar. (2) The trial bar and the law school faculty must possess the imagination and flexibility to try something new and the professional dedication to carry it out. (3) A joint committee of faculty, trial lawyers and perhaps judges would supervise the program. (4) A sound method of selection of lawyers and assignment of students would be needed. (5) Standards would be needed to make sure the student was exposed to creative trial preparation and observation and to prevent his exploitation as an "office boy." (6) An agreed method of credits must be developed to translate the work of the student into form for evaluation. (7) With the limited number of truly professional trial lawyers available, each one would need to take three students at a time from September to February and three from February to July.\footnote{This suggestion is derived from discussions relating to a Committee on Qualifications formed in the Second Circuit. The proposal should not be attributed to the Committee or to Robert Lipschur, Esq., the Circuit Executive, but if there is merit to the thought, the author wishes to acknowledge its source.}

Still another approach would place a responsibility of ongoing monitoring on federal judges to assure that the initial admission of the lawyer whose competence to try a case falls short of the desired standard is not an irrevocable or unmodifiable judgment. Thus, consideration should be given to empowering the court (acting through a committee, if need be) to require a lawyer whose competence in some or all areas of trial practice is demonstrably lacking, to take a training course to remedy his deficiencies. The course could be sponsored and conducted by the bar, a law school, a non-profit continuing legal education entity or the court.\footnote{In addition, revocation of the privilege to practice in the federal court for incompetency should be available. There are serious difficulties with respect to the foregoing proposals, and they should be recognized even if their solution is}
outside the scope of this report. First, competency in trial practice is difficult to define. It may be that one knows it when he sees it. However, this is a slender reed on which to base disbarment or suspension from the federal bar or to embarrass a lawyer by requiring that he take courses. On the other hand, there are instances where such deficiencies as inability to lay a foundation for the introduction of evidence or lack of preparation is so apparent, that most observers will recognize the deficiencies. In any event, if admission to a bar is intended to represent to the public a degree of professional proficiency, then it is incumbent on the bar and the courts to develop some standards and enforcement mechanisms in this regard.

Second, there is a danger of unfair use of admission, suspension and disbarment procedures where a key factor in the decision is at least in part the subjective element of whether an attorney is competent to try a case. The dangers of abuse and harassment are real and will be alleged even in situations where they are not justified. Hence, if admission is based on special competence to try a case and if competence is continually monitored, the court and the bar must be assured of broad-based acceptance of its decisions. The mechanism for this goal will require that those with acknowledged competence and reputations for fairness make the decisions and that all elements of the bar have access to the decision making process.

Third, it is unlikely that any admission standards which include a trial competency requirement will be adopted that does not have a "grandfather" clause preserving the membership of those currently members of the bar. If there really is a current problem with respect to trial practice, the deficiencies are with many of those lawyers whose membership would be preserved by such a "grandfather" clause. The "grandfather" clause probably is unavoidable, but its inclusion should not mean abandonment of efforts to improve the situation. Rather, it means that there must be a deep commitment to the ongoing monitoring functions. 87

Fourth, stringent or restrictive standards of admission to the federal court bar may influence some attorneys to avoid instituting suits in federal courts. The scope of this problem, if there be one, would be difficult to assess and its solution would have to rest with equally vigorous state concern for the competence of the

87. See note 86 supra and accompanying text.
bar in its courts and the effectiveness of the training and education of lawyers to try cases.

Fifth, the creation of a trial bar is part of the general problem of recognizing specialization and may not be feasible in the federal courts until the issues relating to specialization and certification are resolved.

E. Pro Hac Vice Admissions and Designations of Local Attorney

Measures taken in accordance with the foregoing principles and proposals put the question of whether admissions should be general or pro hac vice in its proper perspective. The form of admission would be recognized for what it is—a license to practice in federal courts so as not to be in violation of state laws. General admission to the bar of a particular court could be essentially an administrative tool which assigns basic responsibility for discipline and testing to a particular court, but with the responsibility exercised according to agreed upon nationwide standards related to the goals of all federal courts. The pro hac vice admission could be pro forma for properly qualified attorneys.

This approach need not and should not preclude a court in an appropriate case from requiring designation of local counsel for specific purposes where the orderly administration of a case requires such a designation. Local counsel may be required, whether admission is general or pro hac vice. (See Study Draft Rule 5, Appendix A infra). However, in view of the national purposes and function of the federal judicial system, such designations should not constitute an undue financial or other burden on

88. Spanos v. Skouras Theatres, Inc., 364 F.2d 168 (2d Cir.) (en banc), rev'd on rehearing, 364 F.2d 161, cert. denied, 385 U.S. 987 (1966), impelled consideration by several writers of the significance of general versus pro hac vice admissions. Generally, it was concluded that the reason for general admission is to avoid the need for pro hac vice admission each time an attorney appears in the federal courts, and that the whole idea of admission to the bar of a federal court, particularly pro hac vice admission, is to avoid the limitations that state law may place on the practice of law within the state. From this vantage point, the thrust of consideration should be, if there is a federal interest in assuring the right to practice in a federal court, based on factors different than those involved in state bar admissions, how should this federal interest be implemented?

the litigant who seeks redress or must defend himself in a federal court.\(^8\)

Although there is significantly greater support among federal judges for uniformity of admission rules than has heretofore been expressed or that might have been anticipated,\(^9\) the foregoing does not lead inevitably to identical requirements for admission to all federal courts. Rather, it presents the need to seriously consider devising standards of admission which are related to the function of the federal courts and the elimination of barriers to litigants who have business before the court when such barriers are unrelated to attorney competency or the efficient administration of a case. In some sense, there is inherent in the idea a degree of uniformity. In some instances, uniformity of substance; in others, uniformity to assure that all material matters are covered by rule. The goal, however, is not uniformity but effective federal courts.

IV. DISCIPLINE OF ATTORNEYS

A. Generally

Any proposal should recognize that control over admission standards is related to enforcement of disciplinary standards. In fact, even if admission standards are not changed, discipline enforcement should nevertheless be improved. It is significant that in the survey of federal judges contained in Appendix C, infra, where there is objection to changing admission requirements in the direction of uniformity, many judges who gave reasons for their objections cited a concern with discipline enforcement if out-of-state attorneys were permitted greater freedom to practice in all federal district courts. It is equally significant that a substantial number of judges who objected to either or both of the suggestions that there be uniform admission requirements or that admission in one federal district court give an attorney an absolute right to appear in any district court, indicated their objections would be reduced if adequate provision was made for the

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89. For example, one current rule states:

\[\ldots\] The court encourages \ldots out-of-state attorneys to associate a member of the bar in this court in all cases, but will not require such association where the amount in controversy or the importance of the case does not appear to justify double employment of counsel.\ldots

W.D.N.C.R. 1B.

See also the rules noted in Appendix B infra which make special provision for criminal cases, \textit{e.g.}, Maryland, Iowa and South Dakota.

90. See analysis of questions 6 \& 7, Appendix C infra.
enforcement of discipline. Hence, satisfactory discipline enforcement appears to be the key to acceptance of reform generally.

It is difficult to quantify the disciplinary problems in the federal court system. However, the quality of the problem can be assessed and requires some attention. The felt necessity for the federal courts to deal with its disciplinary problems is reflected in a recently adopted American Bar Association resolution which calls on the federal courts to effectively address the problem, and in a bill introduced in 1972 by Senator Buckley of New York which establishes a statutory format for discipline of attorneys in federal courts. This concern with discipline of attorneys in federal courts is part of a broader concern—a recognition that the bar generally has failed to "clean its own house." In 1970, the detailed and thoughtful report of a Special American Bar Association Committee that was chaired by the untiring Justice Tom C. Clark and adopted by the American Bar Association, identified a series of problems which must be addressed in the establishment and evaluation of any disciplinary system. The impact of this report is beginning to be felt in the state systems, but little impact is apparent in the federal system. One outstanding consequence of this report was the adoption of its recommendation that there be established a "National Discipline Data Bank to which every court and administrative agency should report all formal

91. Id.
92. ABA, SUMMARY OF ACTION, HOUSE OF DELEGATES, Midyear Meeting 8-9 (1972), adopting the REPORT OF THE SPECIAL COMMITTEE ON NATIONAL COORDINATION OF DISCIPLINARY ENFORCEMENT (1971) (mimeo) (a copy of which is on file in the office of the Hofstra Law Review):

   Whereas, The American Bar Association has heretofore approved a resolution recommending the formulation by the Judicial Conference of the United States of a uniform system for admission of attorneys to the federal courts and agencies and urging that disciplinary control of the practice of attorneys in federal courts and agencies be administered by an appropriate agency as a function of the federal judiciary;

   Be It Resolved, That discipline of the legal profession is the responsibility of the judicial branch of government and the American Bar Association is opposed to the adoption of disciplinary rules by the legislative branch of government; and

   Further Resolved, That the President of the Association or his designee is authorized to appear before judicial and legislative bodies of the United States in support of this resolution.

See also notes 49-50 supra and accompanying text.
94. Hereinafter referred to as the Clark Report.
95. See note 5 supra.
discipline imposed against attorneys for dissemination to every
disciplinary agency within the United States.\textsuperscript{96} In addition,
model disciplinary rules have been prepared by the American Bar
Association to implement the Clark Report recommendations.\textsuperscript{97}
The impetus of the report has caused some of the states to study
their disciplinary systems. It is against this immediate contempor-
yary background that the discipline in the federal judicial system
must be examined.

\textbf{B. Current Rules Relating to Discipline}\textsuperscript{98}

Current local district court rules relating to discipline vary
at least as much as rules governing admissions. Some districts
have no rules with respect to discipline (and this includes some
districts which do have a rule on admissions). Some rules state
that the inherent power of the court to discipline in addition to
such specific rules as may be adopted, remains unimpaired. Some
of the rules are extensive and cover the details of procedure and
grounds for discipline; others only deal with the consequences in
the federal court of having been disciplined in another court and,
in some instances, the only other court mentioned is the state in
which the district is located; some explicitly provide that the
same discipline imposed by the other court be imposed in the
district court; some refer to an ABA formulation (Ethics or Code
of Professional Responsibility) or a state ethics code or to both.
The most characteristic rule requires that an attorney disciplined
in a state court by disbarment or suspension show cause why he
should not be disciplined by the federal district court. A large
number of districts provide that unauthorized practice is a con-
tempt. In some instances, an attorney admitted \textit{pro hac vice} who
is disciplined by the federal district court is automatically pre-
cluded from further appearances in that court. Several rules pro-
vide for the contingency of reinstatement, but most do not. Per-
haps the most significant omission in the great majority of rules

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{96} ABA, \textit{Report of the Special Committee on Evaluation of Disciplinary
Enforcement}, \textit{supra} note 5, at 158. The National Discipline Data Bank, located in Chi-
cago, was established in May, 1968 by the Board of Governors of the American Bar
Association. Its reports on individual attorneys, obtained from reporting jurisdictions, is
distributed to those jurisdictions annually and supplemented on a quarterly basis. Letter
and enclosures from John M. Donohue, Esq., to the author, Aug. 21, 1973, on file in the
office of the \textit{Hofstra Law Review}.
\item \textsuperscript{97} The model disciplinary rules are on file in the office of the \textit{Hofstra Law Review}.
\item \textsuperscript{98} For analysis of rules relating to discipline, see \textit{Appendix B infra}.
\end{itemize}
\end{footnotesize}
is the failure to provide for notification to other bars that an attorney was disciplined or convicted of a crime. Some provide for only limited notification of other bars such as the state in which the federal court is located; a few rules require the attorney to notify the federal court when he has been disciplined by another court.

As previously noted, the survey of federal judges revealed a greater interest in enforcement of discipline than with developing admission standards. It is also noteworthy that the judges who reported did not report that large numbers of attorneys were subjected to discipline by the federal courts on grounds independent of the results of a prior state disciplinary proceeding. Another characteristic revealed by the survey but which cannot be quantified is what appears to be an unawareness on the part of many judges of just how disciplinary proceedings are instituted and conducted in their own courts. In part, this is due to the infrequency of the event, but it is also due to the absence of published procedures. The Southern District of New York reports a problem which may also exist in other districts; a lack of funds to prosecute disciplinary charges.98.1 To the extent that this is true in the Southern District or any other district, the number of disciplinary actions reported loses its significance. In addition, the lack of utilizing a means of receiving and transmitting information concerning convictions and disciplinary proceedings must certainly mean reduced effectiveness in the screening of applicants for admission, general or pro hac vice, and in some instances, an attorney disbarred or suspended in one court continues to practice in another court without the second court's knowledge of the disbarment or suspension.

C. Specific Issues and Available Options

Two main issues present themselves in considering whether or not reform of federal court rules relating to discipline should receive serious consideration: First, is there a federal court interest in this subject matter that is so distinguishable from the state interest that federal reform should not rely on or at least await individual state action? Second, if there is a separate federal court interest, what measures should be considered and, ultimately, adopted?

Although the American bar is traditionally based on local organization and is locally regulated, the federal judicial system

is clearly a system independent of the states with its own powers and obligations. In Theard v. United States, the Supreme Court stated: 99

While a lawyer is admitted into a federal court by way of a state court, he is not automatically sent out of the federal court by the same route. The two judicial systems of courts, the state judicatures and the federal judiciary, have autonomous control over the conduct of their officers, among whom, in the present context, lawyers are included.

On the other hand, on the authority of Selling v. Radford, 100 the fact that a state has disciplined an attorney is entitled to great weight in determining whether the federal court shall impose its own discipline. The federal court, however, must make a judgment by its own standards and its judgment, in some cases, not only may be different, but must be different, than the state's. 101

In summary, total reliance on a state's disciplinary judgments is not permissible, and the federal courts require a disciplinary structure to deal with misconduct violative of federal court standards which are not dealt with by a state system. Further, a demonstration of federal judicial concern can serve as a point of leadership and example in response to the current professional and lay concern with professional standards.

The report supporting the American Bar Association resolution referred to above 102 constructively addresses the problems presented by the foregoing description. Its recommendations are based on the Clark Report 103 and ABA Modified Model Rules 104 designed to implement the Clark Report.

There are four main categories of recommendations:
1. Control of discipline enforcement should remain in the hands of the judiciary and the Judicial Conference should act with dispatch to avoid the need for legislative involvement; 105
2. The disciplinary rules in the ABA Code of Professional

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100. 243 U.S. 46 (1917).
102. See text accompanying note 92 supra.
103. See note 5 supra.
104. A copy of the ABA Modified Rules is on file in the office of the Hofstra Law Review.
105. REPORT OF THE SPECIAL COMMITTEE ON NATIONAL COORDINATION OF DISCIPLINARY ENFORCEMENT (1971) (mimeo); see note 92 supra and accompanying text.
Responsibility should be adopted with whatever deletions or additions the Conference deems advisable;\textsuperscript{106}

3. Rules for disciplinary enforcement should be adopted which incorporate the recommendations of the Clark Report. The Report stated:\textsuperscript{107}

The disciplinary structures of the federal courts, as well as the states, must provide more centralization, greater power and swifter action. Among the recommendations of the Clark Report that we consider essential to achieve these objectives are:

Initiation of investigations without awaiting specific complaints;
Centrally located permanent record of every complaint and its processing;
Informal admonitory procedures for minor misconduct;
Procedures for accepting resignation from an attorney under investigation;
A court rule for dealing with attorneys incapacitated by reason of mental illness, senility, or addiction to drugs or intoxicants;
Suspension pending appeal from conviction of a serious crime;
That conviction of crime is conclusive evidence of guilt for purposes of disciplinary proceedings based upon the conviction;
Rules for protecting clients where an attorney is disciplined, disappears, or dies while under investigation;
Rules preventing disbarred attorneys from obtaining easy or rapid reinstatement; and

4. A disciplinary enforcement agency should be established with responsibility for investigating and prosecuting professional misconduct relating to the practice of law before the federal courts and agencies.\textsuperscript{108}

The climate is good for the adoption of some of these proposals.\textsuperscript{109} The 1972 survey\textsuperscript{110} reveals that an overwhelming majority

\textsuperscript{107} Id.
\textsuperscript{108} Id.
\textsuperscript{109} REPORT OF COMMITTEE ON JUDICIAL ADMINISTRATION, 1973 REPORT, U.S. JUDICIAL CONFERENCE 43-44:
With respect to discipline, . . . there is no uniformity of practice. A survey among the district courts shows that only three avail themselves of the services of the United States Attorneys in their districts to investigate unethical conduct or other conduct unbecoming a member of the bar who is subject to disciplinary action. In a majority of instances state bar grievance committees and procedures are utilized. In other instances, special committees of the bar are appointed. These committees normally lack adequate funding or personnel to make proper inquiry. The Conference, therefore, on recommendation of the Committee ap-
of judges believe that establishment of a central information bureau would significantly improve disciplinary procedures, and a smaller majority believe disciplinary procedures would be improved if investigations were performed by a central judicial agency. An overwhelming majority would reject imposition of disciplinary sanctions by a central judicial agency, but only a slight majority would reject hearings and factual determinations by such an agency.\textsuperscript{111}

The two most pressing needs with regard to discipline are coordination of information and the need to establish regular procedures. These needs can be met immediately. The National Discipline Data Bank, established as a direct consequence of the Clark Committee Report, is currently functioning, anxious and able to receive and transmit information concerning attorneys who have been disciplined.\textsuperscript{112} It is unclear how many federal courts presently cooperate with the Data Bank, but a 1971 letter to the Federal Judicial Center states that two federal courts of appeals, the Court of Claims and federal district courts in seven states submitted information to the Data Bank.\textsuperscript{113} The Clark Committee Report set forth several instances which demonstrate the need for coordination of information. A state bar counsel described the following:\textsuperscript{114}

There is one thing that has come to my attention very recently. We have a reinstatement hearing set for a man next week who was disbarred and had been given permission to apply for

\begin{footnotesize}
\begin{enumerate}
\item See \textit{APPENDIX C infra.}
\item See analysis of question 9, \textit{APPENDIX C infra.}
\item See note 96 \textit{supra.}
\item Letter from Fred Beck, Esq., Counsel to the ABA Special Committee on National Coordination of Disciplinary Enforcement to the Federal Judicial Center, Dec. 2, 1971, on file in the office of the \textit{Hofstra Law Review}. District courts in North Carolina, Maryland, Maine, Missouri, Massachusetts, Pennsylvania and Tennessee submitted information to the data bank. The letter did not state which district court where there is more than one in a state.
\item ABA, \textit{REPORT OF THE SPECIAL COMMITTEE ON EVALUATION OF DISCIPLINARY ENFORCEMENT}, \textit{supra} note 5, at 156.
\end{enumerate}
\end{footnotesize}
reinstatement. He was disbarred in 1960, and he has been disbarred in the federal courts of this area, including the Tenth Circuit, but in his application for reinstatement he makes much of the fact that he is still a member of the bar of the Supreme Court of the United States and of the District of Columbia.

Now, I respectfully submit that we need something at the national level to get this business coordinated in some way. It is really absurd.

The Clark Committee Report cites additional instances where a person disbarred in a state court remained "fully eligible to walk across the street into the federal courthouse and there command the respect reserved for one entitled to the status of attorney." The deficiency is one of lack or failure of communications. This can now be remedied by requiring cooperation with the National Discipline Data Bank which collects information, stores it and distributes annual reports containing the information. These annual reports are supplemented quarterly. At the present time, the reporting form requests only a statement of the discipline imposed and the attachment of a court order or opinion. The Bank reports that only about 20% are accompanied by opinions, but most have the court order. To the extent circumstances of discipline are required, it could be obtained by writing to the jurisdiction involved. The National Discipline Data Bank appears to be an ideal solution to the problem because if all cooperate, it is as complete as one could reasonably expect, and the cost to the federal court would be nil (only the cost of filling out a form when an attorney is disciplined).

The remaining facets of enforcing discipline can be solved for the most part by precisely designating responsibility. Thus, rules should provide for the agency that screens complaints and initiates and conducts hearings. The mode of conducting proceedings should also be established. Certainly, the needs of the several district courts will differ as will the costs, but whether the incidence of resort to disciplinary proceedings is frequent or infrequent, the procedure should be neither haphazard nor ad hoc. To the extent that costs become a factor, the pooling or centralization of resources should be considered or existing facilities utilized. In some instances, the United States Attorney with or without additional funding could act as counsel in the grievance procedure. Another possibility is the designation of statewide, cir-

115. Id. at 156 et seq.
circuit or multi-district agencies. These agencies could be newly created entities or existing ones, such as bar committees. The ultimate could be the creation of a disciplinary agency under the aegis of the Administrative Office of United States Courts. This agency could establish hearing committees on a regional basis. In this manner, the disciplinary processes of the entire federal system could be coordinated.

V. THE STUDY DRAFT RULES (APPENDIX A)

The Study Draft Rules (SDR) are in a form designed for adoption by the Supreme Court. This route is suggested in order to assure that there are published rules which are applicable in every district court on the subjects of admissions and discipline. However, with respect to almost every matter there are options for the local court and, in many instances, the options provided are substantially the same as the current rule in a district. Essentially, the SDR provide a baseline for admissions, general and pro hac vice, disciplinary proceedings, and some means of coordinating each of these processes. It should also be noted that the Study Draft Rules can serve as a model for adoption by each local court.

A. Basic Assumptions Underlying the Study Draft Rules.

The conclusions and assumptions underlying the Study Draft Rules are based upon the materials considered in the foregoing text.

1. Rules governing admissions and enforcement of discipline in the federal district courts should be in writing, published and be explicit on eligibility for and conditions of admission to the bar and pro hac vice admissions and grounds and procedure for enforcing discipline. They also should be readily available. This proposition, an important incidence of the Rule of Law and due process, should require no further demonstration.

2. The federal judicial system should assume an independent position and, if necessary, one of leadership with respect to admission standards and the enforcement of discipline.

3. Admission standards should bear some reasonable relation to the duties of an attorney in the federal courts and any special function of the federal courts. The primary goals are to assure that competent attorneys participate in litigation and to provide qualified attorneys and their clients with federal interests easy access to the federal courts.

4. Rules generally applicable throughout the federal court
system should govern most situations. This can be accomplished by uniform rules subject to such modification by local court rules as are consistent with the principles set forth herein.

5. Conditions which are essentially parochial and designed to protect the economic interests of the local bar have no proper place in rules governing the federal courts.

6. There are circumstances where local conditions justify maintaining differences among the several district courts. These circumstances may be related to the necessities of a particular case as where local counsel may be required or where general objectives concerning admissions or discipline can be accomplished by different methods suited to local conditions.

7. There is adequate authority in the Supreme Court to promulgate rules consistent with these principles and the judicial system should assume the responsibility for needed reforms.

8. Fortunately, for the most part, the objectives which have the greatest support are the most pressing and action to achieve these objectives should not be delayed. Among these objectives are coordination of information to aid discipline and admissions processes and the requirement that rules be explicit on major issues. Further, there is support for the establishment of admission requirements that are more in tune with the function of the federal judicial system, provided that disciplinary procedures are strengthened.

B. Features of the Study Draft Rules

The most significant features of the Study Draft Rules are:

(i) Admissions.

(a) Rule 1 is the usual clause in current rules. It does present the question of retaining those who do not satisfy trial competence requirements. The rules do not cover monitoring trial competence. This is a problem outside the scope of this report and a study should be undertaken.

(b) Eligibility.

Attorneys who are members of the bar of the state in which the district court is located are eligible for admission to the bar of the federal district court (SDR 2(a)). Local court rules may provide for the admission of all members of specified other bars (SDR 2(b) (i)-(ix)). Note that this requires all persons in the category to be eligible.
(c) **Other Conditions, Generally.**

In addition to prior membership in another bar, the rules require that the applicant be of "good professional character" (SDR 3(a)), and permits local court rules to impose other conditions that are specified in SDR 3(d). Application must be in writing (possibly on forms devised by the Administrative Office) with a view to coordinating information on all attorneys admitted to practice in the United States courts.

(d) **Character Inquiries.**

SDR 3(c) provides a minimum scope of inquiry which must be undertaken. Generally, this involves inquiry to other courts and disciplinary agencies. Note that the rule envisions the possibility that a central file will be maintained in the Administrative Office. In addition, the entire procedure may be expedited by not requiring inquiry to disciplinary agencies which report to a central data bank; instead, inquiry may be made to such bank. In addition, the court may use the character inquiry report of any other court with respect to the applicant for the period covered by such report, provided such other investigation is in compliance with the federal rules. Hence, the state report could be used in most instances. Consideration should be given to including inquiry to the FBI or other police agencies. Note that SDR 3(d)(i) permits a local court rule to require vouching for the applicant's character by other attorneys and giving notice of the pendency of an application to other authorities for their reaction. This is in addition to and not in lieu of the character investigation required by the preceding rule.

(e) **Conditions Other than Character.**

By local court rule, a district court would be permitted to collect fees on a one-time or continuing basis. This could be the source of funds for such things as character investigations, disciplinary proceedings, and libraries (SDR 3(d) (iii)). The district court may also require an examination (SDR 3(d)(ii)) and a period of prior practice (SDR 3(d)(v)). SDR 3(d)(vi) would permit establishing standards of trial competence for admission purposes. Note that the rules do not provide for local residence or office as a condition of admission. However, SDR 5 does give authority to a district court to require designation of local counsel for the purposes set forth therein. In addition, there is no provision for "special admissions" to the bar as currently exists in a few rules (see "Special Admissions" column in Appendix B) nor...
for the patent attorney exception found in the New Jersey Rules. The former should not be permitted; the latter could be permitted consistent with the underlying principles of the SDR.

(f) Certificate of Admission and Denial of Admission.

The certificate of admission is intended to be in a form which may be used to identify the attorney in the federal court in which he is admitted and in other federal courts. It contemplates keeping central records on the attorney to be available throughout his career in the federal courts (SDR 3(e), (f), (h)). An attorney denied admission may demand and receive a hearing (SDR 3(g)).

(ii) Pro hac vice and Other Appearances.

SDR 4 provides rules for appearances by non-members of a federal district court bar. With a view toward implementing some of the suggestions discussed earlier in this report, a member of a district court is automatically permitted to appear pro hac vice in any district court without any additional formalities other than presenting his card or certificate (SDR 4(a)). However, like all other persons under SDR 4, he may be required to make representations concerning pending or terminated disciplinary proceedings (SDR 4(e)). A similar rule would cover United States government attorneys (SDR 4(6)). Alternative rules (SDR 4(c)) are presented for admission of non-members of district court bars. Authority for law student practice by local court rule is contained in SDR 4(d). Attorneys without local offices may be required to designate local counsel for service of papers and where a particular case requires it, for other purposes as well (SDR 6). Pro se appearances are subject entirely to local court rules (SDR 7).

(iii) Discipline.

(a) Jurisdiction and Sanctions.

SDR 8 recognizes the court’s authority to discipline attorneys, sets forth some specific sanctions and contains a general authority clause. Consideration should be given to specifically setting forth the types of sanctions contained in the ABA Modified Model Rule IV.\(^\text{116}\)

\(^{116}\) ABA Modified Model Disciplinary Rule IV reads as follows:

*Types of Discipline*

Misconduct shall be grounds for:

1. Disbarment; or
2. Suspension for a period not exceeding five years; or
3. Public censure by the court; or
(b) **Grounds and Procedure.**

As under many current rules, unauthorized practice is subject to contempt (SDR 9). A criminal statute is not necessary, because with respect to the federal courts, unauthorized practice essentially is court-oriented. State criminal statutes are sufficient for other cases. SDR 9 sets forth the grounds for disciplining attorneys. It is adapted from the well-considered Report to the Administrative Board of the Judicial Conference of the State of New York by the New York State Committee on Disciplinary Enforcement (1972) (Proposed Uniform Rules 1002, 10012). The statement in the rules is self-explanatory.

It should be noted that none of the grounds result in automatic disbarment or suspension as a final sanction. Each federal district court may make its own determination as to the sanction to be imposed (SDR 12(e)); however, suspension pending determination is authorized in some cases (SDR 12(d)). This does not permit relitigation of previously litigated factual issues because of the limitations imposed by SDR 12(g), (h). Consideration should be given to automatic disbarment on conviction of certain felonies. Undoubtedly, this will be the practice, but by requiring each court to make its own determination, exceptions for unanticipated situations can be permitted.

(c) **District Disciplinary Committee and its Proceedings.**

SDR 11 contemplates the designation of one or more standing District Disciplinary Committees which may serve one or more districts depending on local conditions. There is wide choice as to who may constitute such a committee. In addition, the designation of a chief counsel and a staff, where necessary, is also required. The leeway provided by this rule would permit the adoption or retention of almost any current approach to the issue. The significant point is that responsibility is explicitly assigned. SDR 12 contains the procedure for disciplinary action, including the initiation and screening of complaints, notice of charges, hearing procedures, etc. Note that where judges constitute the District Disciplinary Committee they sit as a court and some of the intermediate reporting and recommendation requirements

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(4) Private reprimand by the Grievance Committee or a hearing panel; or
(5) Informal admonition by Bar Counsel.

A copy of the ABA Modified Disciplinary Rules is on file in the office of the Hofstra Law Review.
are not imposed. The judges may make such order as they deem appropriate.

(d) Notice of Action.

SDR 14 can be covered briefly, but is very important. It provides for the reporting of disciplinary actions and convictions. It is derived from S. 3647, the bill introduced by Senator Buckley. SDR 16 deals with notice to client and other attorneys in pending matters.

(e) Resignation and Incompetency.

SDR 14 and 15 deal with resignation of attorneys who are being investigated and attorneys removed from the rolls because of mental incompetency or drug or alcoholic addictions.

(f) Reinstatement.

SDR 17 deals with reinstatement. It has been suggested that an attorney must wait a set period before applying. It would appear if this is desirable in a particular case, it should be part of the order imposing the original sanction.

APPENDIX A

STUDY DRAFT

OF

RULES RELATING TO ADMISSION AND DISCIPLINE

OF ATTORNEYS IN UNITED STATES DISTRICT COURTS


The bar of a United States District Court shall consist of those persons heretofore admitted to practice in such court and those who may hereafter be admitted in accordance with these rules. A person may appear and participate in a matter pending in a district court only if he is a member of the bar of such court or is otherwise authorized to do so under these rules.

Rule 2. Eligibility.

(a) Any attorney who is a member in good standing of the bar of the state or district [or territory, commonwealth or possession] in which a district court is located or who qualifies under (b) of this rule is eligible for membership in the bar of such district court and shall be admitted to membership if he complies with these rules and the applicable local court rules, if any, adopted pursuant hereto.

(b) A district court, by local court rule, may designate as sufficient to meet eligibility for membership in its bar, membership in the bar of one or more of the following categories:

(i) any state or the District of Columbia;
(ii) any territory, commonwealth or possession of the United States;
(iii) any United States District Court;
(iv) any Court of Appeals of the United States;
(v) the Court of Appeals in which the district court is located;
(vi) the Supreme Court of the United States;
(vii) another United States District Court located in the same state in which the admitting district court is located;
(viii) another United States District Court located in the same circuit in which the admitting district court is located;
(ix) any state of an attorney who is a full-time teacher of law in a law school accredited by the American Bar Association.


(a) An attorney shall not be admitted to membership in the bar of a district court unless he has filed a verified or affirmed application in writing and is of good professional character.

(b) An application for membership shall be made on a form provided by the [clerk of the] [District Court Executive] or such persons as may be designated by the district court by local court rules. The district court may require the applicant to furnish such additional information as it deems appropriate.

(c) The district court shall cause to be made an investigation of the applicant's professional character. Such investigation shall be conducted by the [Clerk of the Court] [District Court Executive] or such persons as may be designated by the district court by local court rules. The district court may establish a standing or ad hoc committee or committees of attorneys on character [fitness and discipline] to conduct such investigation. As a minimum, the investigation shall include inquiries of disciplinary agencies of the bar of the state in which the district court is located and all bars in which the applicant holds membership, the United States Attorney for the district

http://scholarlycommons.law.hofstra.edu/hlr/vol3/iss2/1
in which the court is located and the United States Attorney for any district where the applicant is a member of the district court bar or which is located in a state where the applicant is a member of the state bar, the National Disciplinary Data Bank and, if and when records with respect to admission and discipline of attorneys are maintained therein, the Administrative Office of United States Courts. When the action of a disciplinary agency is regularly reported to a central data file or data bank the inquiry may be directed to such file or bank in lieu of the disciplinary agency. The report on character and fitness conducted by another court of the United States or a state court or bar which complies with these rules may be used in satisfaction of the requirements of this provision for the period covered by such report.

(d) In addition to the foregoing inquiry concerning character, a district court, by local court rule may provide:

(i) for such further inquiry and testimony by affidavit or otherwise concerning the applicant's character and for giving notice of the pendency of the application to public and professional agencies and officials and allowing a reasonable time for objections to be received;

(ii) that applicants be examined in writing or orally on their learning in the law as it relates to the Constitution of the United States, Title 28 of the United States Code, the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure;

(iii) that the applicant pay a reasonable fee or fees at the time the application is filed or thereafter as a condition of admission or continued membership;

(iv) that the applicant by appropriate oath or affirmation declare his support of the United States Constitution and acknowledge his professional responsibilities and ethical obligations as an attorney.

[(v) that prior to admission the applicant need have been actively engaged in practice for a designated period of time which shall not exceed ___ years.]

[(vi) that the applicant provide satisfactory evidence of competence by [either having taken approved courses or by] practical experience in the trial of cases [or both], provided, however, that assistance in the preparation and presentation of ___ cases shall be deemed sufficient evidence for this purpose.]

(e) Upon proof that the applicant satisfies the requirements for eligibility for membership in the district court bar and that he is of good professional character and upon satisfaction of all other duly imposed requirements for admission, the applicant shall be admitted to the bar of the district court at such time and place as the court shall by rule provide.

(f) Upon admission to membership in the bar, the applicant shall be issued a certificate certifying he has been admitted to the district court bar and containing such additional identification of the attorney (in the form of a number or otherwise), as may from time to time be prescribed to facilitate the maintenance and retrieval of complete and uniform information filed or stored with the Administrative Office of the United States Courts, the National Disciplinary Data Bank or similar agencies. Each attorney heretofore admitted to the bar of a district court shall be issued, without charge, a certificate prescribed by this section, or in a form suitable for attachment to his current certificate of admission, such additional identification. If a new certificate is issued, the attorney shall surrender his old certificate or provide an affidavit of loss.

(g) An applicant shall not be denied admission unless he is advised of the grounds for denial and provided an opportunity for an adequate hearing.
before the district court which shall decide whether to grant or deny the
application. The Chief Judge of the district court may designate district
court judges to hold such hearings.

(h) The clerk of the Court shall cause a copy of each application filed
with the court, the reports obtained from disciplinary agencies and a state-
ment of the disposition of the application, to be sent to the Administrative
Office of United States Courts.

Rule 4. Special and Pro Haec Vice Admission or Appearance

(a) An attorney admitted in a district court shall be permitted to ap-
pear and participate in any matter pending in any district court without
formal admission, upon presenting his certificate of admission or appropriate
evidence of his admission.

(b) An attorney, when representing the United States government, or
any agency thereof, may, without applying for admission to the bar of a dis-
trict court, appear and participate in any matter pending in a district court
in which he represents the United States or such agency, provided such
attorney is a member of the bar of a state or a United States court.

(c) An attorney who is a member of the bar of any state shall be
 permitted to appear and participate in any matter pending in a district court,
but a district court, by local court rule, may provide that the good profes-
sional character of such attorney be attested to by an attorney or attorneys
admitted to the bar of the district court or known to the judge before whom
the attorney seeks to appear.

(c) The local court rules of a district court may provide that an at-
torney not a member of the bar of such court and not included in (a) and
(b) of this rule may appear in particular cases subject to such conditions as
the rule may provide to assure the good character of such attorney and the
orderly administration of the pending matter. Such rules shall in no manner
limit the right of a defendant in a criminal case pending in such court, to
employ and be represented by counsel of his own selection, provided such
counsel is a member in good standing of the bar of a state of the United
States or of the bar of a United States court.

(c) (d) A district court, by local court rules, may provide for partici-
aption by law students in matters pending in such court, under such terms and
conditions as the court may deem appropriate.

(d) (e) The court may require of any attorney appearing before it under
this rule, oral or written representations concerning the status of past or
pending disciplinary proceedings, if any, in which the attorney is the respon-
dent. If it appears that the attorney is presently disbarred or suspended
from practice or under any disciplinary sanction in any court [or if a
disciplinary proceeding is pending in another court], the district court may
refuse to permit his appearance in such case.

Rule 5. Change of Address.

An attorney shall advise the clerk of a district court in which he has
been admitted of any change of office or residence address.

Rule 6. Attorney without an Office in District.

On application of a party or on the district court's own motion, the
court may order an attorney who does not maintain an office in the district
in which a case is pending where service can be made on him by delivery in
the manner provided by Rule 5(b), Federal Rules of Civil Procedure, to
designate a member of the bar of such district court who does maintain such
an office to receive service of all pleadings and other papers in his behalf
[and when the particular matter requires it, in the absence of non-resident
counsel and in the interest of the orderly administration of justice, that such
local counsel or any other designated by the party be authorized to act for the party in the action, including trial and pre-trial conferences.] The court shall take into account the relation of the nature and importance of the case to the costs involved in designating local counsel before issuing an order under this rule.

Rule 7. Pro se Appearances.

A district court may by local court rule govern the conditions under which parties may appear pro se and establish such limitations as it deems appropriate.

Rule 8. Jurisdiction of Court to Discipline.

A district court shall have jurisdiction to discipline members of its bar, attorneys who appear in particular cases before it and persons who appear as attorneys without proper authority, by contempt, disbarment, suspension from practice or such other measures as may be appropriate. The jurisdiction referred to herein is not to be deemed a limitation on the jurisdiction of any other court to impose disciplinary measures nor is the exercise of such jurisdiction by one court to be deemed a limitation on the jurisdiction of any other court.


Any person who, without authority, exercises the privileges of an attorney entitled to practice before or appear in a case in a district court, or who pretends to do so, is guilty of contempt of court and subjects himself to appropriate punishment therefor. If such person is an attorney he is also subject to such other or additional disciplinary measures as may be appropriate under the circumstances.


The following are grounds for disbarring or suspending an attorney or for taking such other disciplinary action as the court may deem proper:

(i) conviction of an attorney of any crime involving moral turpitude, any felony, or any crime where a necessary element of its definition involves interference with the administration of justice, criminal contempt of court, false swearing, misrepresentation, fraud, wilful failure to file income tax returns, deceit, bribery, extortion, misappropriation, theft or an attempt or a conspiracy to commit, or solicitation of another to commit, any of the foregoing crimes;

(ii) when an attorney is guilty of conduct unbecoming a member of the bar of such court, whether or not the attorney is a member of such bar. Such conduct shall include but is not limited to violations of the Disciplinary Rules of the Code of Professional Responsibility on or after (date) or such rules which governed the conduct of attorneys in such jurisdiction at the time he engaged in such conduct.

Rule 11. Appointment of District Disciplinary Committee.

(a) Each district court shall establish a District Disciplinary Committee which shall consist of persons from any or all of the following categories:

(i) members of the district court bar served by such committee;

(ii) an existing committee on grievances or discipline of a state or local bar association;

(iii) judges of the district court, served by such committee;

(iv) members of the bar of the state in which the district court or courts are located;

(v) a committee established for that purpose under the auspices of the Administrative Office of United States Courts.

The same committee may be appointed to serve more than one district and more than one committee may be appointed in a district. A committee
shall not consist of less than three persons, except that when appropriate, one or more judges may constitute a committee.

(b) The court shall appoint a chief counsel to such committee and such additional assistant counsel and staff as it deems necessary, provided, however, that

(i) The United States Attorney may be designated as Chief Counsel when the committee consists of a judge or judges of the court and

(ii) the court may delegate the making of such appointments to a bar association when its committee on grievances or discipline has been designated as the District Disciplinary Committee.


(a) Whenever it shall come to the attention of any [United States] [district] court that an attorney may have been convicted as defined in Rule 9 (i) or may have been guilty of unbecoming conduct as defined in Rule 9 (ii), the court shall:

(i) in writing, so inform all bars of which the attorney is known to the court to be a member, and

(ii) if the attorney is a member of the bar of a district court [or if not a member and disciplinary action by such court may appear warranted], refer the matter to the chief counsel of the District Disciplinary Committee.

(b) If the counsel to whom the matter is referred believes the attorney has been convicted, or is guilty of unbecoming conduct, as defined in Rule 9 (i) and (ii), he shall proceed against such attorney by a petition setting forth the charges against him. The petition shall be served upon the attorney personally or by mail addressed to him at his last known office address and shall advise him that he must within thirty days after service of the petition show cause why he should not be disciplined. The chief counsel shall file the petition with the court or so advise the chief judge or his designee, if he has determined that no proceeding should be commenced. The attorney may file a [verified] response to such petition setting forth matters in defense and also may demand a hearing on the charges.

(c) Hearings on the charges shall be before the District Disciplinary Committee which shall have authority to issue subpoenas for the appearance of witnesses and the production of evidence, to apply for a court order to compel testimony under oath or affirmation for refusal to comply with a subpoena or to testify, to apply for contempt citations against a person who refuses to comply with such order and to render such reports and to take such action as is set forth in these rules. When the District Disciplinary Committee consists of judges of the district court, the committee shall be deemed to be sitting as a court.

(d) If a hearing is demanded, it shall be held no sooner than ______ days and, unless there is good cause, no later than ______ days after the petition is served, unless the petitioner and the attorney consent to another date to be fixed for the hearing. An attorney may be temporarily suspended pending determination of the proceedings [when the attorney has been convicted as defined in Rule 9 (i), whether or not an appeal is pending, or has been disbarred or suspended by another court, or,] for good cause if the hearing is to be held later than ______ days after the petition is served.

(e) The District Disciplinary Committee shall render a report to the court based upon the entire record before the committee, including the hearing, if any, and shall recommend such disciplinary action, if any, which the committee deems appropriate. Upon receipt of the report and recommendation, the court shall by order, take such action as it deems appropriate.
(f) When the District Disciplinary Committee consists entirely of judges:

(i) the hearing may be held by a master who shall report his findings and recommendations to the committee;

(ii) the committee shall by order, take such action as it deems appropriate, based upon the record and its hearing or, when a master has been appointed, based upon the report and recommendation of the master.

(g) A certificate of the conviction of an attorney for any crime shall be conclusive evidence of his guilt of that crime in any disciplinary proceeding instituted against him and based on the conviction, and the attorney may not offer evidence inconsistent with the essential elements of the crime for which he was convicted as determined by the statute defining the crime except such evidence as was not available at the time of the conviction or in any proceeding challenging the conviction.

(h) When an attorney who is a member of the bar of a district court has been disciplined in another jurisdiction, the record of proceedings upon which such disciplinary action was based shall be admissible in evidence in any disciplinary proceeding instituted in such district court and, together with any other evidence the court receives, may be the basis for imposing discipline on such attorney unless the court finds:

(i) that the procedure in the other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or

(ii) that there was such an infirmity of proof establishing the misconduct as to give rise to the clear conviction that the court in which the record is in evidence could not, consistent with its duties, accept as final the finding of the court in the other jurisdiction as to the attorney's misconduct; or

(iii) that the imposition of discipline by such court would be unjust.

Rule 13. Resignation of Attorney Under Investigation or Subject to Disciplinary Proceedings.

An attorney who is under investigation or the subject of disciplinary proceedings may resign from the bar of a district court prior to a final order in such proceeding, provided he does so in writing in which he acknowledges:

(i) his resignation is voluntary;

(ii) that he is aware of the implications of submitting his resignation;

(iii) that he is aware that an investigation or disciplinary proceeding is pending and that he is guilty of unbecoming conduct or that he has been convicted and sets forth the nature of the unbecoming conduct or the conviction.


(a) The district court shall cause the Administrative Office of the United States Courts to be notified of the institution of a disciplinary proceeding and the disposition thereof and the names of attorneys who resign while under investigation or the subject of disciplinary proceedings. In a case in which an attorney is ordered disbarred or suspended or resigns, the Director of said Administrative Office shall enter such information in the file maintained for said attorney and shall notify each of the other United States Courts of the action taken or the resignation.

(b) Whenever it appears that an attorney at law admitted to practice in the court of any State, territory, Commonwealth, possession or the District of Columbia is convicted of any crime, or is disbarred or suspended, in a
United States district court, or has resigned from such court, the clerk of such court shall transmit to the National Disciplinary Data Bank and to the court or courts of the State, territory, Commonwealth or possession where the attorney was admitted to practice a certified copy of the judgment of conviction or order of disbarment or suspension, or resignation and a statement of his last known office and residence addresses.

**Rule 15. Incompetent or Incapacitated Attorneys.**

It may be desirable to include a rule dealing with incompetent or incapacitated attorneys by virtue of mental illness or addiction to drugs or intoxicants. If a rule is adopted, Rules 15 and 16 should be changed to reflect this possibility. For a model, see Rule XV ABA Modified Model Disciplinary Rules.

**Rule 16. Advice to Clients and Other Attorneys.**

An attorney who has been disbarred, suspended or resigned, shall be required by an order of the court appropriate to the circumstances of the case to advise clients he represents in matters pending in the court and in such other matters as the court may deem appropriate and the other attorneys in such matters, that he has been disbarred or suspended or that he resigned. He shall advise the client to obtain a substitute attorney and if none is obtained before his disbarment, suspension or resignation is effective to move pro se for leave to withdraw from a pending case.

**Rule 17. Reinstatement.**

Upon motion based upon such showing as the court may require, a district court may reinstate an attorney who has been disbarred, suspended or has resigned.

**Rule 18. Expenses.**

The expenses of implementing these rules by the district court shall be a charge on___________________________.

**Rule 19. Effective Date.**

These rules shall take effect on___________________________.

[If these rules are not adopted as part of the Federal Rules of Civil Procedure, a provision similar to Rule 83 (Rules by District Courts) should be added.].
APPENDIX B

ANALYSIS OF RULES OF FEDERAL DISTRICT COURTS

This analysis consists of tables examining Eligibility, Admission Procedure, and Discipline, set up according to Circuit. In each circuit, each of the District Court's relevant rules are analyzed. The italicized numbers refer to the rule of the District; the other numbers (N—) refer to the Notes to the Appendix. There is a special Note on the District of Columbia. Except for the Eastern and Southern Districts of New York, the data is given as of May 1973. The source: LOCAL COURT RULES (Callaghan & Co. 1964) (revised to April, 1973).
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<tr>
<th>District</th>
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<th>Other</th>
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<tbody>
<tr>
<td>Maine</td>
<td>Domicile or 3(b)</td>
<td>Yes 3(b)</td>
<td>Yes (State Bar) 3(b)</td>
<td>Yes 3(b)</td>
<td>---</td>
<td>Yes N.51 (or state of Maine), 52 or 56 power to revoke on good cause w/o hearing. 3(d)(2)</td>
<td>Not then disbarred or suspended in any court; good professional character. 3(b)</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>---</td>
<td>(See last Column)</td>
<td>Yes 5(a)</td>
<td>or Yes 5(a)</td>
<td>---</td>
<td>Yes N.51, 54 6(a)</td>
<td>Practice or full time teaching in Massachusetts 5(a)</td>
</tr>
<tr>
<td>N. Hampshire</td>
<td>---</td>
<td>---</td>
<td>Yes 4(a)</td>
<td>---</td>
<td>---</td>
<td>Yes N. 51, 54 5(a)</td>
<td>---</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>---</td>
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<td>---</td>
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<td>---</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>---</td>
<td>Engaged in practice in R.I. 3(a)</td>
<td>Yes 3(a)</td>
<td>or Yes 3(a)</td>
<td>---</td>
<td>Yes N. 54, if in good standing in all jurisdictions where admitted and no disciplinary actions pending 5(a)</td>
<td>---</td>
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### SECOND CIRCUIT

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<tr>
<th>District</th>
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<th>Special Rule on Admission of Government Attorneys</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Connecticut</td>
<td>— —</td>
<td>No - but N.20 applies 2(a)</td>
<td>Yes or 2(a)</td>
<td>Any district court in 1st or 2d cir. 2(a)</td>
<td>— —</td>
<td>No.</td>
<td>Good professional character 2(a)</td>
</tr>
<tr>
<td>New York S.D.</td>
<td>— —</td>
<td>Same 4(a)</td>
<td>Yes, 3(a)</td>
<td>Yes, (Conn., N.J., or Vt.) but Atty. must also belong to that state bar and Dist. Ct. must accept members of this bar 3(a)</td>
<td>— —</td>
<td>No.</td>
<td>Member of bar of Eastern Dist. admitted w/o formal application 3(b)</td>
</tr>
<tr>
<td>New York E.D.</td>
<td>— —</td>
<td>Same 4(a)</td>
<td>Yes</td>
<td>Same</td>
<td>— —</td>
<td>No.</td>
<td>Member of bar of Southern Dist. admitted w/o formal application. 3(b)</td>
</tr>
<tr>
<td>District</td>
<td>Residence in District</td>
<td>Office in District</td>
<td>Admission to Highest Court in State</td>
<td>Admission to other U.S.D.C. (any D.C. unless excl.)</td>
<td>Admission to Highest Court of Another State</td>
<td>Special Rule on Admission of Government Attorneys</td>
<td>Other</td>
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</tr>
<tr>
<td>New York N.D.</td>
<td>— —</td>
<td>Same 3</td>
<td>Yes 2(a) or Yes, (Western, Southern or Eastern) on filing of certificate of good standing. 2(a)(1) Members of other U.S.D.C. who also are members of state bar where office is located on motion of member 2(a)(2)</td>
<td>— —</td>
<td>No.</td>
<td>— —</td>
<td></td>
</tr>
<tr>
<td>New York W.D.</td>
<td>— —</td>
<td>Same 3</td>
<td>Yes 2(a) or Yes - same 2(b),(c)</td>
<td>— —</td>
<td>No.</td>
<td>— —</td>
<td></td>
</tr>
<tr>
<td>Vermont</td>
<td>— —</td>
<td>— —</td>
<td>Yes 1(a) or Yes if 1st or 2nd Circuit and is in good standing 1(a)</td>
<td>— —</td>
<td>Yes. Any Assistant U.S. Attorney. 4</td>
<td>— —</td>
<td></td>
</tr>
</tbody>
</table>

**THIRD CIRCUIT**

| Delaware      | — —                   | — —                | Yes 4B | — — | — — | No. | — — |

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[Vol. 3, 1975, Art. 1]
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<th>Other</th>
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<tbody>
<tr>
<td>New Jersey</td>
<td>See N.20</td>
<td>See N. 20</td>
<td>Yes 4B</td>
<td>— —</td>
<td>— —</td>
<td>Yes. N.51, 54, 57</td>
<td>Patent Attys. who meet listed requirements may be admitted for that practice only. 4E</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>— —</td>
<td>Office in state required. 9(a)</td>
<td>Yes 9(a)</td>
<td>— —</td>
<td>— —</td>
<td>No.</td>
<td></td>
</tr>
<tr>
<td>Pennsylvania*</td>
<td>— —</td>
<td>Yes 1</td>
<td>Yes 201.01</td>
<td>or 3d Cir. Ct. of Appeals or U.S. Supreme Court 201.01</td>
<td>— —</td>
<td>No.</td>
<td></td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>Yes</td>
<td>1(b)</td>
<td>If none - then must have local assoc. for such admission 1(b), (c),(e). N. 11, 12, 13, 14 Local Assoc. must enter written appearance in all civil or criminal proceedings 1(b)</td>
<td>Yes or Yes 1(c)</td>
<td>— —</td>
<td>None, except certain government attorneys excluded from criminal cases. 1(b)</td>
<td></td>
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<tr>
<td>Virgin Islands</td>
<td>— —</td>
<td>— —</td>
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## FOURTH CIRCUIT

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<th>Special Rule on Admission of Government Attorneys</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maryland</td>
<td>No requirement, but if not then except in Pro Se, criminal cases and creditors meetings Rule 3 requires local associate N. 11, 12, 13, 14, 15</td>
<td></td>
<td>Yes 2 or Yes 2 or Yes 2</td>
<td></td>
<td></td>
<td>No.</td>
<td>Must be U.S. citizen. Good private and professional character. 2</td>
</tr>
<tr>
<td>N. Carolina E.D.</td>
<td>Yes (State) and Yes (State) 1B</td>
<td>Yes 1B</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>Yes. Attorneys representing gov't. agencies exempt from local counsel req'mt. 1e</td>
</tr>
<tr>
<td>N. Carolina M.D.</td>
<td>Yes (State) 2(b)(1)</td>
<td>---</td>
<td>Yes 2(b)(1)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>Same as E.D. 2(d)(1)(3)</td>
</tr>
<tr>
<td>N. Carolina W.D.</td>
<td>---</td>
<td>---</td>
<td>Yes (State bar admittance) 1A</td>
<td>Members in good standing of N. Car., M. D. or the E.D. may practice w/o fee or oath and on appearance will be deemed a member of the bar 1A</td>
<td>---</td>
<td>---</td>
<td>No.</td>
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<tr>
<td>District</td>
<td>Office in District</td>
<td>Residence in District</td>
<td>Admission to Highest Court in State</td>
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</tr>
<tr>
<td>Virginia E.D.</td>
<td>Virginia W.D.</td>
<td>Virginia S.D.</td>
<td>No Rules</td>
<td>No Rules</td>
<td>No Rules</td>
<td>1.05(b)</td>
<td></td>
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<tr>
<td>W. Virginia W.D.</td>
<td>W. Virginia N.D.</td>
<td>Yes</td>
<td>Attorney admitted in W.D. upon filing certificate of admission. 9.1(b)</td>
<td>Yes</td>
<td>In lieu of other local counsel, U.S. Atty. may be designated. 1.06(d)</td>
<td></td>
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<tr>
<td>FIFTH CIRCUIT</td>
<td>Only rule is an order on hospital records</td>
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<tbody>
<tr>
<td>Canal Zone</td>
<td>—</td>
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<tr>
<td>Florida M.D.</td>
<td>—</td>
<td>—</td>
<td>Yes $3(B)$</td>
<td>Members of bar of D.C. for Northern and Southern Districts in good standing shall be admitted upon evidence of standing and taking oath $3(C)$</td>
<td>—</td>
<td>Yes. They may appear without filing for permission. $3(D)(a)$</td>
<td>—</td>
</tr>
<tr>
<td>Florida N.D.</td>
<td>—</td>
<td>—</td>
<td>Yes $3(B)$</td>
<td>Same (Middle and Southern Districts) $3(C)$</td>
<td>—</td>
<td>Same as Fla. M.D. $3(D)(a)$</td>
<td>—</td>
</tr>
<tr>
<td>Florida S.D.</td>
<td>—</td>
<td>—</td>
<td>Yes $16B$</td>
<td>Same (Northern and Middle District) $16C(5)$</td>
<td>—</td>
<td>Same as Fla. M.D. $16D(3)$</td>
<td>—</td>
</tr>
<tr>
<td>Georgia M.D.</td>
<td>—</td>
<td>—</td>
<td>Only rule is an order on motions and briefs</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Georgia N.D.</td>
<td>—</td>
<td>—</td>
<td>Yes $1(b)$</td>
<td>—</td>
<td>—</td>
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<tr>
<td>Georgia S.D.</td>
<td>—</td>
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<tr>
<td>Louisiana E.D.</td>
<td>Yes (State) or 1B</td>
<td>Yes 1B</td>
<td></td>
<td></td>
<td></td>
<td>No.</td>
<td>Law Student Practice Rule</td>
</tr>
<tr>
<td>Louisiana W.D.</td>
<td>No* (State) 2(d)</td>
<td>— —</td>
<td>Yes 2(a)</td>
<td></td>
<td></td>
<td>No.</td>
<td>— —</td>
</tr>
<tr>
<td>Louisiana M.D.</td>
<td>Yes (State) 1B</td>
<td>Yes 1B</td>
<td></td>
<td>Those previously admitted to U.S. D.C. for E.D. or W.D. 1A</td>
<td></td>
<td>No.</td>
<td>Law Student Practice Rule</td>
</tr>
<tr>
<td>Texas W.D.</td>
<td>If not both residence and office, then must appoint local resident attorney of W. District of Texas for service. 4</td>
<td>State bar, one year 2(a) or Yes, for one year 2(a)</td>
<td>or Yes, for one year 2(a)</td>
<td></td>
<td></td>
<td>No.</td>
<td>— —</td>
</tr>
<tr>
<td>Texas E.D.</td>
<td>No rules**</td>
<td>— —</td>
<td></td>
<td></td>
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<td>— —</td>
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</tbody>
</table>

* A 1973 amendment retains this requirement, but the second paragraph of Rule 2, appears to contemplate processing both resident and non-resident applicants.

** There may be a rule on disbarment, see infra.
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<th>Admission to other U.S.D.C. (any D.C. unless excl.)</th>
<th>Admission to Highest Court of Another State</th>
<th>Special Rule on Admission of Government Attorneys</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas S.D.</td>
<td>Yes or Yes or Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>1B</td>
<td>---</td>
<td>No.</td>
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</tr>
<tr>
<td>Mississippi N.D.</td>
<td>No rules</td>
<td></td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>No, N.58</td>
<td></td>
</tr>
<tr>
<td>Mississippi S.D.</td>
<td>No rules</td>
<td></td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>No, N.58</td>
<td></td>
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<tr>
<td>Kentucky E.D.</td>
<td>No rules</td>
<td></td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>No, N.58</td>
<td></td>
</tr>
<tr>
<td>Kentucky W.D.</td>
<td>Non-Resident of State must designate local resident member for service</td>
<td>---</td>
<td>Good standing in Kentucky qualifies</td>
<td>4(a)</td>
<td>---</td>
<td>No, N.58</td>
<td></td>
</tr>
</tbody>
</table>

\[
\textit{SIXTH CIRCUIT}
\]
<table>
<thead>
<tr>
<th>District</th>
<th>Residence in District</th>
<th>Office in District</th>
<th>Admission to Highest Court in State</th>
<th>Admission to other U.S.D.C. (any D.C. unless excl.)</th>
<th>Admission to Highest Court of Another State</th>
<th>Special Rule on Admission of Government Attorneys</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michigan E.D.</td>
<td>Residence and Office in state required. N.20</td>
<td>V(a)</td>
<td>Same Michigan State Bar V(a)</td>
<td>—</td>
<td>—</td>
<td>Yes N.51, 57 resident attorney or local U.S. Attorney designated for service V(d)</td>
<td>NOTE: Local office required at time of admission, but some members may not have a local office (for both Mich. E.D. &amp; W.D.)</td>
</tr>
<tr>
<td>Michigan W.D.</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Ohio N.D.</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>Only rule appears to be waiver of $13 fee for attorney representing U.S. but no problem in special appearance 2(e)</td>
<td>1. good character 2(b) 2. Law student Rule 2(h)</td>
</tr>
<tr>
<td>Ohio S.D.</td>
<td>Yes 6(b) or Yes 6(b)</td>
<td>Yes 6(b)</td>
<td>Yes 6(b)</td>
<td>—</td>
<td>—</td>
<td>No</td>
<td>—</td>
</tr>
<tr>
<td>District</td>
<td>Residence in District</td>
<td>Office in District</td>
<td>Admission to Highest Court in State</td>
<td>Admission to other U.S.D.C. (any D.C. unless excl.)</td>
<td>Admission to Highest Court of Another State</td>
<td>Special Rule on Admission of Government Attorneys</td>
<td>Other</td>
</tr>
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</tr>
<tr>
<td>Tennessee E.D.</td>
<td>— —</td>
<td>— —</td>
<td>Yes 1(a)</td>
<td>Attorneys admitted to U.S.D.C. of district of residence or former residence (means district where he practiced two years before admission to D.C. of that district). May be admitted in lieu of admitting procedure if they are admitted in Sup. Ct. of Tenn. and their moral character is certified by standing comm. on admissions 1(a)</td>
<td>No</td>
<td>Good private and prof. character and qualified as per state educational requirements. 1</td>
<td></td>
</tr>
<tr>
<td>Tennessee M.D.</td>
<td>(No rules, except an order relating to trial briefs in Civil Rights cases)</td>
<td>— —</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Tennessee W.D.</td>
<td>— —</td>
<td>— —</td>
<td>Yes 1(a)</td>
<td>Court of applicant's residence 1(a)</td>
<td>No</td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Illinois E.D.</td>
<td>Yes 1(a)</td>
<td>— —</td>
<td>Yes 1(a)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>Yes N.51, but resident member must be designated for service. 1(f)</td>
</tr>
</tbody>
</table>

**SEVENTH CIRCUIT**
<table>
<thead>
<tr>
<th>District</th>
<th>Residence in District</th>
<th>Office in District</th>
<th>Admission to Highest Court in State</th>
<th>Admission to other U.S.D.C. (any D.C. unless excl.)</th>
<th>Admission to Highest Court of Another State</th>
<th>Special Rule on Admission of Government Attorneys</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illinois N.D.</td>
<td>— —</td>
<td>— —</td>
<td>Yes or 6(a)</td>
<td>— —</td>
<td>— —</td>
<td>No</td>
<td>— —</td>
</tr>
<tr>
<td>Illinois S.D.</td>
<td>Residing or maintaining an office in State of Illinois or in municipality in Iowa or Missouri immediately adjoining this district</td>
<td>1(a)</td>
<td>— —</td>
<td>If resident or have office in municipality in Iowa or Mo. adjacent to District and admitted to Supreme Ct. of that state.</td>
<td>1(a)</td>
<td>1(a)</td>
<td>— —</td>
</tr>
<tr>
<td>Indiana N.D.</td>
<td>— —</td>
<td>— —</td>
<td>— —</td>
<td>Yes 1(b)</td>
<td>Yes 1(d)</td>
<td>1. U.S. Sup. Ct. 2. Good professional character 1(b)</td>
<td>— —</td>
</tr>
<tr>
<td>Indiana S.D.</td>
<td>— —</td>
<td>— —</td>
<td>— —</td>
<td>Yes 1(b)</td>
<td>Yes 1(d)</td>
<td>1. U.S. Sup. Ct. 2. Good professional character 1(b)</td>
<td>— —</td>
</tr>
<tr>
<td>District</td>
<td>Residence in District</td>
<td>Office in District</td>
<td>Admission to Highest Court in State</td>
<td>Admission to other U.S.D.C. (any D.C. unless excl.)</td>
<td>Admission to Highest Court of Another State</td>
<td>Special Rule on Admission of Government Attorneys</td>
<td>Other</td>
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</tr>
<tr>
<td>Wisconsin E.D.</td>
<td>Yes (state) 1(a)</td>
<td>— —</td>
<td>Yes 1(a)</td>
<td>Non-resident member who is admitted to and in good standing in Supreme Ct. of State of Residence may be admitted on written motion of member in good standing 1(c)</td>
<td>No</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wisconsin W.D.</td>
<td>Yes (state) 1(a)</td>
<td>— —</td>
<td>Yes — same 1(a)</td>
<td>Same as E.D. 1(e)</td>
<td>No</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**EIGHTH CIRCUIT**

| Arkansas E.D. or W.D. | — —* | — — | If so, need not take exam. on law 1(b) | If admitted to either E.D. or W.D., may be admitted to other on motion of member or certificate from clerk 1(c) | Yes, rule requiring local assoc. not applicable 1(j) | Examination required for non-member of Arkansas State bar. 1(b) |

*See * p. infra.
<table>
<thead>
<tr>
<th>District</th>
<th>Residence in District</th>
<th>Office in District</th>
<th>Admission to Highest Court in State</th>
<th>Admission to Other U.S.D.O. (any D.C. unless excl.)</th>
<th>Admission to Highest Court of Another State</th>
<th>Special Rule on Admission of Government Attorneys</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iowa N.D.</td>
<td>Yes (state) 5B</td>
<td>Yes* (state) 5B</td>
<td>Yes 5B</td>
<td>—</td>
<td>—</td>
<td>Yes, rule requiring local assoc. not applicable 5E</td>
<td>—</td>
</tr>
<tr>
<td>Iowa S.D.</td>
<td>Yes (state) 1B</td>
<td>Yes* (state) 1B</td>
<td>Yes 1C</td>
<td>—</td>
<td>—</td>
<td>Same as N.D. 1D</td>
<td>—</td>
</tr>
<tr>
<td>Minnesota</td>
<td>— —</td>
<td>— —</td>
<td>Yes 1B</td>
<td>—</td>
<td>—</td>
<td>Yes, N.51, 54, 1D</td>
<td>—</td>
</tr>
<tr>
<td>Missouri E.D.</td>
<td>Yes — or bona fide resident of county in adjacent state which adjoins E. Dist. and who will maintain an office in the district. IIa(1)</td>
<td>— —</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>Yes, non-resident must designate bar member or resident gov't. counsel for service. IIi</td>
<td>Comment Apparently W.D. residents are not eligible for membership(?)</td>
</tr>
</tbody>
</table>

* In Iowa (N.D. & S.D.), an attorney without an office in the state, and in Arkansas (E.D. & W.D.), a non-resident attorney, must associate with counsel. This rule does not apply to government attorneys and, in Arkansas, W.D., to an attorney residing in Texarkana, Texas.
<table>
<thead>
<tr>
<th>District</th>
<th>Residence in District</th>
<th>Office in District</th>
<th>Admission to Highest Court in State</th>
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<th>Special Rule on Admission of Government Attorneys</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missouri W.D.</td>
<td>- -</td>
<td>Yes — or associated with firm in district and is regularly engaged in practice 1(b)</td>
<td>Yes 1(b)</td>
<td>- -</td>
<td>- -</td>
<td>Same as E.D. 1(g)</td>
<td>Those who are admitted to Sup. Ct. but intend to serve as law clerk to a state or Fed. judge may be admitted but may not appear unless they maintain or are associated with an office in district. 1(c)</td>
</tr>
<tr>
<td>Nebraska</td>
<td></td>
<td>- -</td>
<td>Yes — Supreme Ct. 5(c)</td>
<td>- -</td>
<td>- -</td>
<td>- -</td>
<td>Showing of good moral character 5(c)</td>
</tr>
<tr>
<td>S. Dakota</td>
<td>- -</td>
<td>Non-resident must comply with local assoc. counsel rule N.13 1.3</td>
<td>Yes 1.1 or Yes 1.1 or Yes 1.1</td>
<td>Yes, N.51, 52</td>
<td>Good moral character 1.1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>District</td>
<td>Residence in District</td>
<td>Office in District</td>
<td>Admission to Highest Court in State</td>
<td>Admission to other U.S.D.C. (any D.C. unless excl.)</td>
<td>Admission to Highest Court of Another State</td>
<td>Special Rule on Admission of Government Attorneys</td>
<td>Other</td>
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<tr>
<td>N. Dakota</td>
<td>Yes</td>
<td></td>
<td>Yes or Yes or Yes (any state)</td>
<td>Yes N. 51 and 58. N. 52 or 56</td>
<td>II D(8)</td>
<td>may be admitted to U.S. Sup. Ct. or any U.S. Ct. of App. II B Member of armed forces terms and conditions</td>
<td></td>
</tr>
</tbody>
</table>

**NINTH CIRCUIT**

<table>
<thead>
<tr>
<th>State</th>
<th>Office in District</th>
<th>Admission to Highest Court in State</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td></td>
<td>&quot;Requisite qualifications to practice&quot; before Alaska Sup. Ct. 3(A)</td>
<td>Yes N.54 5(D)</td>
</tr>
<tr>
<td>Arizona</td>
<td></td>
<td>Yes-admitted to State Bar 6(a)</td>
<td>Yes 3(b) Good standing as &quot;active practitioner&quot; 6(a)</td>
</tr>
<tr>
<td>California C.D.</td>
<td></td>
<td>Yes-active member of California Bar 1.3(a)</td>
<td>U.S. Gov't att'ys may practice but must take next Calif. Bar Exam. 1.3(b)(1) Good moral character 1.3(a)</td>
</tr>
<tr>
<td>District</td>
<td>Residence in District</td>
<td>Office in District</td>
<td>Admission to Highest Court in State</td>
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<tr>
<td>California</td>
<td></td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>N.D. &amp; E.D.</td>
<td></td>
<td></td>
<td>8(b)</td>
</tr>
<tr>
<td>California S.D.*</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Idaho</td>
<td>Yes</td>
<td></td>
<td>Yes - Sup. Ct. 2(b)</td>
</tr>
<tr>
<td>Montana</td>
<td>Non-resident member must have local counsel. 1(a)</td>
<td></td>
<td>Yes 1(a)</td>
</tr>
<tr>
<td>Nevada</td>
<td>Yes (State) 1(b)</td>
<td></td>
<td>Yes 1(b)</td>
</tr>
<tr>
<td>Oregon</td>
<td>Yes (State) 4(a)</td>
<td></td>
<td>Yes 4(a)</td>
</tr>
<tr>
<td>Washington E.D.</td>
<td></td>
<td>If attorney has no office in District, rule requires assoc. attorney who resides and has office in District</td>
<td>Yes 1(a)</td>
</tr>
</tbody>
</table>

*Cal. S.D. Rules are identical with Cal. C.D. Rules.
<table>
<thead>
<tr>
<th>District</th>
<th>Residence in District</th>
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<th>Admission to Highest Court in State</th>
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<th>Special Rule on Admission of Government Attorneys</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washington W.D.</td>
<td>Yes (State) or Yes (State)</td>
<td>Yes (State)</td>
<td>Yes - member of Washington State bar 2(b)</td>
<td>— —</td>
<td>— —</td>
<td>Special admission 2(b)</td>
<td>— —</td>
</tr>
<tr>
<td>Hawaii</td>
<td>*</td>
<td>*</td>
<td>Yes</td>
<td>— —</td>
<td>— —</td>
<td>Yes. N.51, 56 1(d)</td>
<td>— —</td>
</tr>
</tbody>
</table>

**TENTH CIRCUIT**

<table>
<thead>
<tr>
<th>District</th>
<th>Residence in District</th>
<th>Office in District</th>
<th>Admission to Highest Court in State</th>
<th>Admission to Other U.S.D.C. (any D.C. unless excluded)</th>
<th>Admission to Highest Court of Another State</th>
<th>Special Rule on Admission of Government Attorneys</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colorado</td>
<td>Yes 2(b) or Yes 2(b)</td>
<td>Yes 2(b)</td>
<td>Yes</td>
<td>— —</td>
<td>— —</td>
<td>No. Satisfactory showing of good character 2(b)</td>
<td>— —</td>
</tr>
<tr>
<td>Kansas</td>
<td>Yes 3(b) and Yes 3(b)</td>
<td>Yes 3(b)</td>
<td>Yes</td>
<td>— —</td>
<td>— —</td>
<td>Yes. N.51, 56 3(g) Same 3(b)</td>
<td>— —</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Yes 3(a)</td>
<td>— —</td>
<td>Yes 3(a)</td>
<td>— —</td>
<td>— —</td>
<td>No, except certain government att'ys are excluded from criminal cases 3(h)</td>
<td>— —</td>
</tr>
<tr>
<td>Oklahoma E.D.</td>
<td>— —</td>
<td>— —</td>
<td>— —</td>
<td>Yes 4(b) or Yes (any state) 4(b)</td>
<td>No. or U.S. Sup. Ct. or U.S. Ct. of App. 4(b)</td>
<td>— —</td>
<td></td>
</tr>
</tbody>
</table>

*Hawaii D.C. has “active” and “inactive” members. “Active” members are those who reside and have office in District. Others are inactive and can appear pro hac vice. Rules 1(c)(2), (3).
<table>
<thead>
<tr>
<th>District</th>
<th>Residence in District</th>
<th>Office in District</th>
<th>Admission to Highest Court in State</th>
<th>Admission to Other U.S.D.C. (any D.C. unless excluded)</th>
<th>Admission to Highest Court of Another State</th>
<th>Special Rule on Admission of Government Attorneys</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oklahoma N.D.</td>
<td>— —*</td>
<td>— —</td>
<td>— —</td>
<td>Same as E.D. 4(b) or Same as E.D. 4(b)</td>
<td>No. or Same as E.D. 4(b)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Oklahoma W.D.</td>
<td>— —</td>
<td>— —</td>
<td>— —</td>
<td>Same as E.D. 4(c) or Same as E.D. 4(c)</td>
<td>Yes 4(e) or Same as E.D. 4(c)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utah</td>
<td>No rules</td>
<td>— —</td>
<td>— —</td>
<td>— —</td>
<td>— —</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wyoming</td>
<td>— —</td>
<td>— —</td>
<td>Yes 4(a)</td>
<td>— —</td>
<td>— —</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**DISTRICT OF COLUMBIA**

| District of Columbia | Yes - or in contiguous area 93 1(a) | Admission to Dist. of Columbia Bar 93 1(a) | Yes. 93 2(e) | Citizen of U.S. 93 1(h) |

*Non-resident counsel must associate with local counsel.*
# Admission Procedure

## First Circuit

<table>
<thead>
<tr>
<th>District</th>
<th>Written App. Required; Investigation</th>
<th>Recommended by Member of Court Bar</th>
<th>Motion in Court</th>
<th>Oath &amp; Roll</th>
<th>Fee</th>
<th>Admission by Spec. Perm.</th>
<th>Pro Hac Vice Allowed</th>
<th>Qualif. of Attorney</th>
<th>Local Assoc. Counsel Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maine</td>
<td>Yes. Court provides form 8(b) U.S. Attorney investigate</td>
<td>Yes. Letters from two to U.S. Attorney 8(b)</td>
<td>Yes by U.S. Atty. or member of bar; U.S. Atty. may oppose. 8(c)</td>
<td>Yes</td>
<td>—</td>
<td>—</td>
<td>Yes, on motion of member actively associated with case 8(d) (1) Revocation on good cause w/o hearing</td>
<td>N. 52 or 56</td>
<td>Yes, appears N.11, 14, 15, 16 8(d) (1)</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Yes. (but no verification) 8(b) (1) only U.S. Attorney may file objection 8(b) (4), (5), (6)</td>
<td>Yes. Names of two with application 8(b) (1)</td>
<td>Signed written motion by member with statement as to good character and reputation 8(b) (2)</td>
<td>Yes</td>
<td>Yes $2</td>
<td>N. 2</td>
<td>Yes</td>
<td>N. 54 or 56</td>
<td>Can be required on motion of a party. N. 11, 12, 14 10 (c) (1) Purpose: Service of papers</td>
</tr>
<tr>
<td>N. Hampshire</td>
<td>Yes. Court provides form U.S. Attorney can investigate</td>
<td>Yes. Letters from two as to good prof. character to U.S. Attorney 4(b)</td>
<td>Yes N.1 4(b)</td>
<td>Yes $5</td>
<td>Same</td>
<td>N. 52 or 56</td>
<td>Yes</td>
<td>N.11, 14, 15 5(b)</td>
<td></td>
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<tr>
<td>Puerto Rico</td>
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<td>District</td>
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<td>Qualif. of Attorney</td>
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<tr>
<td>Rhode Island</td>
<td>Yes, With evidence of bar membership</td>
<td>4(b) (1)</td>
<td>No. Application is forwarded to U.S. Atty. He can file notice of objection within 10 days. If he does, applicant has right to hearing; if he does not object, name is placed on cal. to be admitted. 4(b) (2),(3), (5)</td>
<td>Yes</td>
<td>Yes $2</td>
<td>Same</td>
<td>Yes, at discretion of court 5(b)</td>
<td>Yes, at discretion of court 5(b)</td>
<td>N. 54 or 56</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Yes, with listing of prof qualif., court admitted to, study of federal rules 2(b)</td>
<td>Yes (2)</td>
<td>Yes, by bar member. N.2 2(a)</td>
<td>Yes</td>
<td>Yes 2(a)</td>
<td>Yes</td>
<td>Yes, on written motion of member stating visiting atty. is not on disqual. list 2(e) (1)</td>
<td>Member of bar of any Court of Record. 2(e) (1)</td>
<td>Yes</td>
</tr>
<tr>
<td>New York S.D.</td>
<td>Yes N. 5 3(a)</td>
<td>Yes (1). Affidavit of one who has known applicant for at least one year. 3(a)</td>
<td>Yes 3(a)</td>
<td>Yes</td>
<td>Yes 3(a)</td>
<td>Yes</td>
<td>Yes, on motion to try a case in whole or part. 3(c)</td>
<td>N. 54 or 56</td>
<td>Yes</td>
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**SECOND CIRCUIT**
<table>
<thead>
<tr>
<th>District</th>
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<th>Fee</th>
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<th>Pro Hac Vice Allowed</th>
<th>Qualif. of Attorney</th>
<th>Local Assoc. Counsel Req.</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York E.D.</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
<td>Stat. Fee &amp; §8 Lib. Fund</td>
<td>Same</td>
<td>Same</td>
<td>Same</td>
<td></td>
</tr>
<tr>
<td>New York N.D.*</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>Oath 2(b)</td>
<td>Yes $2 2(e)</td>
<td>—</td>
<td>Yes N.2 2(a)(2)</td>
<td></td>
</tr>
<tr>
<td>New York W.D.*</td>
<td>Same as N.D.</td>
<td>Same as N.D.</td>
<td>Same as N.D.</td>
<td>Oath</td>
<td>—</td>
<td>—</td>
<td>Yes, on motion of member</td>
<td>Same</td>
<td>Yes N.1 &amp; 3</td>
</tr>
<tr>
<td>Vermont</td>
<td>Yes, file written statement under oath as to bar admissions and good standing. 1</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>Yes 2</td>
<td>—</td>
<td>Yes N.14</td>
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**THIRD CIRCUIT**

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<th>District</th>
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<th>Pro Hac Vice Allowed</th>
<th>Qualif. of Attorney</th>
<th>Local Assoc. Counsel Req.</th>
</tr>
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<tbody>
<tr>
<td>Delaware</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>Yes, by member</td>
<td>Yes</td>
<td>—</td>
<td>—</td>
<td>Yes at “pleasure” of court</td>
</tr>
<tr>
<td>New Jersey</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>Yes, by member</td>
<td>Yes</td>
<td>—</td>
<td>—</td>
<td>Yes at discretion of court on motion but limited to participation in 3 actions in any calendar year. 4(e)</td>
</tr>
</tbody>
</table>

1 Member of Dist. Ct. bar within New York admitted on filing certificate of good standing; a member of New York State bar or U.S.D.C. outside state is admitted on motion of Dist. Ct. bar member (Rule 2).
<table>
<thead>
<tr>
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<th>Qualif. of Attorney</th>
<th>Local Assoc. Counsel Req.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pennsylvania</td>
<td>Yes, written, signed under oath. 9(a)</td>
<td>— —</td>
<td>Yes</td>
<td>Yes</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>Yes N.11,14, N.12 (in Commonwealth) 10(a)</td>
</tr>
<tr>
<td>E.D.</td>
<td>Court may require proof of good moral and professional character 9(b)</td>
<td>No.</td>
<td>Yes 201.01</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
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<tr>
<td>Pennsylvania</td>
<td>Subscribe oath 201.01</td>
<td>— —</td>
<td>No.</td>
<td>Yes</td>
<td>—</td>
<td>—</td>
<td>—</td>
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<tr>
<td>M.D.*</td>
<td></td>
<td></td>
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<td>—</td>
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<tr>
<td>Pennsylvania</td>
<td>May be required to prove moral and professional character 1(d)</td>
<td>— —</td>
<td>Yes 1(d)</td>
<td>Yes</td>
<td>—</td>
<td>—</td>
<td>No rule</td>
<td>—</td>
<td>—</td>
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<tr>
<td>W.D.</td>
<td></td>
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<tr>
<td>Virgin Islands</td>
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1 Rules, effective July 6, 1973.
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<th>Qualif. of Counsel Required</th>
<th>Local Assoc. Counsel Required</th>
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<tbody>
<tr>
<td>Maryland</td>
<td>Yes—must satisfy court on qualifications 2</td>
<td>&quot;Sponsored&quot; by one member 2</td>
<td>— —</td>
<td>Yes</td>
<td>Yes—$2</td>
<td>— —</td>
<td>Apparently under 3</td>
<td>— —</td>
<td>Yes, except in pro se, criminal and creditors meetings N.11, 12, 13, 14, 15 3</td>
</tr>
<tr>
<td>Carolina E.D.</td>
<td>Yes—may require proof of good moral character 1D</td>
<td>Yes—2 members must certify as to character and reputation 1D</td>
<td>Yes—by member &quot;Presented&quot; in open court 1D</td>
<td>Yes</td>
<td>Yes—$2</td>
<td>— —</td>
<td>Yes</td>
<td>— —</td>
<td>Enter written appearance as counsel of record</td>
</tr>
<tr>
<td>N. Carolina M.D.</td>
<td>— —</td>
<td>Yes</td>
<td>Yes, by member oath only</td>
<td>Yes—$2</td>
<td>— —</td>
<td>Yes</td>
<td>N.53, 56 or D. of C.</td>
<td>Yes, any member of this bar.</td>
<td></td>
</tr>
<tr>
<td>N. Carolina W.D.</td>
<td>No. Granted as a matter of course after payment of fee and taking oath 1A</td>
<td>No.</td>
<td>Yes—oath 1A</td>
<td>Yes—$2</td>
<td>— —</td>
<td>Yes</td>
<td>N.53 1B</td>
<td>No—it will be assumed parties have consented to deputy clerk for service. This is exception rather than rule. Cannot be done frequently. 1B</td>
<td></td>
</tr>
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<td>Qualif. of Attorney</td>
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<tr>
<td>S. Carolina</td>
<td><em>No Rules — abolished rules of 1962 — substituted</em></td>
<td><em>—</em></td>
<td><em>—</em></td>
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</tr>
<tr>
<td>Virginia E.D.</td>
<td>Yes — with following: 1. Certif. from a Judge of a court of record of state, on character 2. Extensive personal statement under oath 3. Two letters or signed statements of non-related members of the bar</td>
<td>Yes—by member who states he examined credentials and found that applicant has necessary qualifications</td>
<td>9.4</td>
<td><em>—</em></td>
<td><em>—</em></td>
<td><em>—</em></td>
<td>Yes</td>
<td>District Ct. in state of visitor must extend same treatment to attorneys of this bar.</td>
<td>9.5</td>
</tr>
<tr>
<td>Virginia W.D.</td>
<td>No Rules</td>
<td><em>—</em></td>
<td><em>—</em></td>
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<tr>
<td>W. Virginia S.D.</td>
<td>No Rules</td>
<td><em>—</em></td>
<td><em>—</em></td>
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<tr>
<td>W. Virginia N.D.</td>
<td>Vouch for applicant and sign register with him</td>
<td>Yes N.2</td>
<td>Yes</td>
<td>Yes $2</td>
<td><em>—</em></td>
<td><em>—</em></td>
<td>Yes</td>
<td>N.53 or 56 (or D. of C.)</td>
<td>Yes</td>
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<td></td>
<td></td>
<td>1.05(b)</td>
<td>1.05(b)</td>
<td>1.05(b)</td>
<td></td>
<td></td>
<td>1.05(c)</td>
<td>N.11, 12, 13, 14, 15, 16, 18 (Res. counsel can be excused from later appearances after compliance with rule) Visiting attorney must file statement as to his courts of admission. 1.05(c),(d)</td>
<td></td>
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<td>District</td>
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<td>Fee</td>
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<td>Pro Hac Vice Allowed</td>
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<td>Local Assoc. Counsel Req.</td>
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<tr>
<td>Alabama M.D.</td>
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<td>Canal Zone</td>
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<tr>
<td>Florida M.D.</td>
<td>Yes—petition with personal &amp; prof. qualifications 3C</td>
<td>Yes—certificates of two members in good standing 3C</td>
<td>Yes 3C</td>
<td>Yes 3C</td>
<td>-</td>
<td>Yes 3(D)1</td>
<td>Member of any U.S.D.C. outside Florida 3D(1)</td>
<td>Yes N.11, 13, 14 but it can be waived on written motion 3D(2)</td>
<td></td>
</tr>
<tr>
<td>Florida N.D.</td>
<td>Same as M.D. 3C</td>
<td>Same as M.D. 3C</td>
<td>Same as M.D. 3C</td>
<td>Yes 3C</td>
<td>Yes 3C</td>
<td>Yes 3(D)1</td>
<td>Same as M.D. 3D(1)</td>
<td>Ct. may require it 3D(2)</td>
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<tr>
<td>Florida S.D.</td>
<td>Same as M.D. 16C(1)</td>
<td>Same as M.D. 16C(1)</td>
<td>Same as M.D. 16C(3)</td>
<td>Yes 16C(3),(4)</td>
<td>Yes 16C(4)</td>
<td>Yes 16(D)1</td>
<td>Same as M.D. 16D(1)</td>
<td>Same as M.D. 16D(2)</td>
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<tr>
<td>Georgia M.D.</td>
<td>No Rules</td>
<td>-</td>
<td>-</td>
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</tbody>
</table>

In all civil right cases, all litigants must have one counsel who permanently resides in district, is admitted to practice before court and who actively participates.
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<tr>
<td>Georgia N.D.</td>
<td>Same 1(c)</td>
<td>— —</td>
<td>Yes, by member of bar 1(c)</td>
<td>Yes</td>
<td>Yes</td>
<td>— —</td>
<td>Yes 1(d)</td>
<td>Members of bar of any court of U.S. who are not residents and do not maintain office in district, on motion; no motion required if member of other D.Ct. bar in Georgia</td>
<td>Yes N.11, 13, 18 1(d)</td>
</tr>
<tr>
<td>Georgia S.D.</td>
<td>No Rules</td>
<td>— —</td>
<td>— —</td>
<td>— —</td>
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</tr>
<tr>
<td>Louisiana E.D.</td>
<td>Yes—petition giving personal and professional qualifications 1.C.1</td>
<td>No—two persons who need only be known to court to be reputable. If an atty., must state where and when admitted. 1.C.2</td>
<td>In court or in chamber by member of bar w/6 months of filing petition 1.C.3</td>
<td>Yes 1.C.3</td>
<td>Yes 1.C.3</td>
<td>— —</td>
<td>Yes as co-counsel on motion of counsel of record of party 1.E</td>
<td>N. 52 or 56 and be ineligible for this bar 1.E</td>
<td>Yes N.11, 14 1.D</td>
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<td>District</td>
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<tr>
<td>Louisiana ED</td>
<td>Yes — resident application referred to judge; non-resident to Chief Judge who rules subject to appeal; court may examine qualifi.</td>
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<tr>
<td>Louisiana ED</td>
<td>Yes</td>
<td>Yes — two</td>
<td>Yes — in ct. or in chambers w/i 3 months</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Members in good standing of bar of E.&amp;W. dist. admitted on evidence of membership and oath.</td>
<td></td>
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<tr>
<td></td>
<td>1.C.1</td>
<td>1.C.1</td>
<td>1.C.2, 4</td>
<td>1.C.4</td>
<td></td>
<td>Members in good standing of bar of E.&amp;W. dist. admitted on evidence of membership and oath.</td>
<td>Same as Eastern District 1.E.1</td>
<td>Same as Eastern District 1.E.1</td>
<td>Yes Ct. will correspond only with local assoc. 1.E.2</td>
</tr>
<tr>
<td>District</td>
<td>Written App.</td>
<td>Recomm. by</td>
<td>Motion in</td>
<td>Oath and</td>
<td>Fee</td>
<td>Admission by</td>
<td>Pro Hac Vice</td>
<td>Qualif. of</td>
<td>Local Assoc.</td>
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<td>Texas W.D.</td>
<td>Yes—extensive information must be given—reference to standing committee of 3 to 5 lawyers. 3 letters from attorneys who are members of Dist. where app. resides. They must agree to go before Comm. If app. denied, 30 days to appeal. 2(b) If app. is not member of another U.S.D.C. bar Committee can give written exam. 2(c), (d)</td>
<td>Yes—3</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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<td></td>
<td>2(b)</td>
<td>N.2</td>
<td>2(e)</td>
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Yes—with permission of court 2(f), (g)

N.11, 13, 14

Yes

4
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<th>Pro Hac Vice Allowed</th>
<th>Qualif. of Attorney</th>
<th>Local Assoc. Counsel Req.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Texas S.D.</td>
<td>Yes 1B</td>
<td>No, Application submitted to Comm. on Admission and Grievances* which investigates and renders report 1C</td>
<td>Yes 1C</td>
<td>Yes 1C</td>
<td>Yes 1C</td>
<td>Yes 1E</td>
<td>— —</td>
<td>— —</td>
<td>1. Yes—may be waived on application to court 1F 2. An attorney must be designated as “attorney in charge”. 1G</td>
</tr>
</tbody>
</table>

| Kentucky E.D. | — — | — — | — — | — — | — — | — — | — — | — — | — — |

| Kentucky W.D. | Yes N.2 4(a) | Yes 4(a) | Yes 4(a) | — — | Yes on motion of member in good standing in open court 4(b) | N.53, 54 or 55 (state of residence) 4(b) | Yes—designation must be made at time of 1st responsive pleading N.11, 13, 14 (state) If not done, et. may strike all pleadings 4(c) |

*S委员会 on Admissions and Grievances is standing committee of three attorneys for each Division with powers of Master and authority to appoint hearing counsel.
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Michigan E.D.</td>
<td>Yes—with personal information—listing of any contempt citations or disbarments or suspensions</td>
<td>Yes—(Petition)</td>
<td>Yes</td>
<td>Yes</td>
<td>— —</td>
<td>Yes—upon motion</td>
<td>N.54 or 56 (any state ct. of record)</td>
<td>Yes N.11, 13, 14 (who shall have full power to act)</td>
<td>V(a)</td>
</tr>
</tbody>
</table>

Supported by statement of sponsor member who knows applicant— as to applicant’s qualifications and bar membership

— —

Any applicant for admission or readmission whose name was stricken or who was suspended or disbarred in any court must provide copy of petition for each judge and court shall investigate as necessary— no decision before 60 days

V(a)
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<th>Pro Hac Vice Allowed</th>
<th>Qualif. of Attorney</th>
<th>Local Assoc. Counsel Req.</th>
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<tr>
<td>Michigan W.D.</td>
<td>file certificate of membership in Mich. State Bar or furnish evidence of membership 4(c)</td>
<td>— —</td>
<td>Not stated directly that oath is required but is referred to in section allowing pro hac vice appearance 4(b)</td>
<td>Yes §2 (for certif.) 4(c)</td>
<td>— —</td>
<td>Yes—on motion of member of bar—be allowed to prosecute or defend in open court—a particular action 4(b)</td>
<td>Any licensed attorney—at discretion of court—no application, fee or oath required 4(a)</td>
<td>Yes N.11, 15, (in conjunction with non-member atty.) 4(a)</td>
<td></td>
</tr>
<tr>
<td>Ohio N.D.</td>
<td>Yes Certificate from court where admitted — Personal statement on form supplied by ct. 2(c)</td>
<td>Yes,—application is endorsed by two members of the bar who are not related to applicant 2(c)</td>
<td>Optional 2(d)</td>
<td>Yes—oath 2(d)</td>
<td>Yes—lawful fee + §13 Court Central Library 2(e)</td>
<td>Yes—to appear and participate in particular case 2(f)</td>
<td>N.52 or 56 (and who is eligible for admission to this bar) 2(f)</td>
<td>— —</td>
<td>— —</td>
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Federal Admissions and Discipline
Agata: Admissions and Discipline of Attorneys in Federal District Courts

Published by Scholarly Commons at Hofstra Law, 1975
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<tbody>
<tr>
<td>Ohio S.D.</td>
<td>Yes</td>
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<tr>
<td></td>
<td>File application on form provided</td>
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<tr>
<td>All applicants must take a written exam unless otherwise ordered by Judge of the Ct.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bar Comm. prepares exam under directions of Chief Judge</td>
</tr>
<tr>
<td>Recommended by Member of Court Bar</td>
<td>Yes</td>
</tr>
<tr>
<td>Motion in Court</td>
<td>Certificates of two members of the bar as to good character and professional reputation 6(c)</td>
</tr>
<tr>
<td>Oath &amp; Roll</td>
<td>—</td>
</tr>
<tr>
<td>Fee</td>
<td>Yes—$10 for library fund 6(c)(1), (2)</td>
</tr>
<tr>
<td>Admission by Spec. Perm.</td>
<td>Yes—as co-counsel or associate counsel on motion of trial atty. Permission may be removed at any time 6(d)</td>
</tr>
<tr>
<td>Pro Hae Vice Allowed</td>
<td>N.52 or 56 (who is not eligible for admission to this bar) 6(d)</td>
</tr>
<tr>
<td>Qualif. of Attorney</td>
<td>Yes N.11, 13, 14, 15, 16 (who is responsible for the action) 6(a)</td>
</tr>
<tr>
<td>Local Assoc. Counsel Req.</td>
<td>Yes, Member must be designated &quot;Trial Attorney&quot; 6(b)</td>
</tr>
<tr>
<td>District</td>
<td>Written App.</td>
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<tr>
<td>Tennessee E.D.</td>
<td>Yes—at least 60 days before court term—application with personal and professional information</td>
</tr>
<tr>
<td>Pennsylvania M.D.</td>
<td>——</td>
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<tr>
<td>Tennessee W.D.</td>
<td>——</td>
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<th>Local Assoc. Counsel Req.</th>
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<tbody>
<tr>
<td>Illinois E.D.</td>
<td>— —</td>
<td>— —</td>
<td>Yes, by written motion of member in good standing <em>1(a)</em></td>
<td>Yes</td>
<td>Yes</td>
<td>— —</td>
<td>Yes, on motion of local counsel to appear of record and participate in particular case <em>1(c)</em></td>
<td>—</td>
<td>—</td>
</tr>
<tr>
<td>Illinois N.D.</td>
<td>Yes—verified application on personal, legal background, knowledge of canons of ethics <em>6(a) (i)</em></td>
<td>Yes—affidavits of two members of bar in good standing who have known applicant for one year <em>6(a) (ii)</em></td>
<td>No, petitions and affidavits approved by Exec. Comm. are presented to judge. <em>6(a) (iii)</em></td>
<td>Yes</td>
<td>Yes $2 + $5 library fund</td>
<td>— —</td>
<td>Yes, on motion to try a particular case in whole or part <em>6(b)</em></td>
<td>N. 54, 56 <em>6(b)</em></td>
<td>—</td>
</tr>
<tr>
<td>Illinois S.D.</td>
<td>— —</td>
<td>— —</td>
<td>Written motion by member in good standing <em>1(a)</em></td>
<td>Yes</td>
<td>Yes</td>
<td>— —</td>
<td>Yes, same <em>1(d)</em></td>
<td>N. 56 (of residence state) 1(d)*</td>
<td>Yes, N. 11, and N. 12 or 13 (or in adjoining municipality) N. 14 <em>1(e)</em></td>
</tr>
<tr>
<td>Indiana N.D.</td>
<td>— —</td>
<td>— —</td>
<td>Yes, oral motion by member <em>1(b)</em></td>
<td>Yes</td>
<td>Yes</td>
<td>— —</td>
<td>Yes on application to the court <em>1(c)</em></td>
<td>N. 52 <em>1(c)</em></td>
<td>—</td>
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<tr>
<td>Indiana S.D.</td>
<td>Same as N.D. 1(b)</td>
<td>Same as N.D. 1(b)</td>
<td>Yes</td>
<td>Yes</td>
<td>1(b)</td>
<td></td>
<td>Same as N.D. 1(c)</td>
<td>Same as N.D. 1(c)</td>
<td>Same as N.D. 1(d)</td>
</tr>
<tr>
<td>Wisconsin E.D.</td>
<td>Same as N.D. 1(b)</td>
<td>Same as N.D. 1(b)</td>
<td>Yes</td>
<td>Yes</td>
<td>1(b)</td>
<td></td>
<td>Same as N.D. 1(c)</td>
<td>N. 56 (of residence state) 1(c)</td>
<td>Yes, N. 11, 13, 14</td>
</tr>
<tr>
<td>Wisconsin W.D.</td>
<td>Same as E.D. 1(a)</td>
<td>Same as E.D. 1(a)</td>
<td>Yes</td>
<td>Yes</td>
<td>1(b)</td>
<td></td>
<td>Yes, same as E.D. 1(c)</td>
<td>Yes, same as E.D. 1(c)</td>
<td>Yes, same as E.D. 1(d)</td>
</tr>
<tr>
<td>Arkansas E.D. &amp; W.D.</td>
<td>If Comm. on Adm. is satisfied with applicant's good prof. &amp; moral character, it shall conduct an exam. on the law unless appl. produces cert. as to good standing in Sup. Ct. of Arkansas 1(b)</td>
<td>Committee on Admission makes recommendations to Court 1(b)</td>
<td>Yes</td>
<td>Yes</td>
<td>1(c)</td>
<td></td>
<td>Yes, permitted by courtesy 1(d)</td>
<td>N. 53 or 55 or 54 (of residence district) 1(d)</td>
<td>Yes, N. 11, 12 (in state) 1(i)</td>
</tr>
</tbody>
</table>

**EIGHTH CIRCUIT**
<table>
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<th>Admission by Spec. Perm.</th>
<th>Pro Hac Vice Allowed</th>
<th>Qualif. of Attorney</th>
<th>Local Assoc. Counsel Req.</th>
</tr>
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<tbody>
<tr>
<td>Iowa N.D.</td>
<td>Optional, if used must have recommend of one Judge of D.C. or Sup. Ct. of Iowa, and one member of bar certifying to good moral character and membership in bar of Sup. Ct. Upon filing and payment of fee, certificate of admission is issued.</td>
<td>Yes, by member in good standing on showing of good moral character of applicant [can substitute for written application]</td>
<td>Yes*</td>
<td>Yes, §2</td>
<td>——</td>
<td>Yes</td>
<td>5E</td>
<td>——</td>
<td>Yes, N. 11, 12, 13, 14, 15, and written appearance 5E</td>
</tr>
<tr>
<td>Iowa S.D.</td>
<td>Same as N.D., but attorney so admitted must take oath in court at next general session, unless excused.</td>
<td>Same as N.D.</td>
<td>Yes</td>
<td>Yes §2</td>
<td>No</td>
<td>Yes, on motion but rule cannot limit right of defendant in criminal action. He can employ any attorney who is a member of any state bar or U.S.D.C. bar.</td>
<td>1C</td>
<td>Non-member on motion by opposing counsel or by court, atty. may be required to show that connection with case is not contrary to canons of ethics. Ch. may require that atty. be sworn exam. under oath.</td>
<td>1D</td>
</tr>
<tr>
<td>District</td>
<td>Written App. Required; Investigation</td>
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<td>Qualif. of Attorney</td>
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<tr>
<td>Minnesota</td>
<td>Yes, written petition with certificates. Clerk examines, if in order, he presents it to judge.</td>
<td>Yes, certifies of 2 members of the bar on knowledge of character &amp; experience</td>
<td>Yes, motion by one sponsoring member of the bar</td>
<td>Yes</td>
<td>§2</td>
<td>— —</td>
<td>Yes, on oral or written motion of member or by special permission of court.</td>
<td>N. 54 or 56 (must be state of residence of either)</td>
<td>Yes, N. 11, 13</td>
</tr>
<tr>
<td>Missouri</td>
<td>Yes, referred to Bd. of Admissions for certificate of approval</td>
<td>Yes, certifies of 2 members of Bd. of Admissions stating applicant has necessary legal and moral qualif. Bd. of Adm. consists of 5 members of bar appointed by ct. plus U.S. Att. &amp; Ref. in each</td>
<td>— —</td>
<td>Yes</td>
<td>$1a,d</td>
<td>— —</td>
<td>— —</td>
<td>Yes</td>
<td>N. 52 or 56 and non-resident of E. Dist. of Mo.</td>
</tr>
<tr>
<td>E.D.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$1h</td>
<td>— —</td>
<td>— —</td>
<td>— —</td>
<td>Yes, N. 11, 13, 14, 18 (at time of 1st pleading) $1h</td>
</tr>
<tr>
<td>District</td>
<td>Written App. Required; Investigation</td>
<td>Recon. by Member of Court Bar</td>
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<td>Admission by Spec. Perm.</td>
<td>Pre Hac Vice Allowed</td>
<td>Qualif. of Attorney</td>
<td>Local Assoc. Counsel Req.</td>
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<tr>
<td>Missouri W.D.</td>
<td>Yes, on form supplied by ct. giving background &amp; stating he has paid &quot;annual enrollment fee&quot; 1(c)</td>
<td>Yes, certificate of 2 members of 5 yrs. in good standing. Clerk examines—presented to judge 1(c)</td>
<td>Yes</td>
<td>Yes 1(c)</td>
<td>Yes, §2 + “annual enrollment fee” as provided for by Rule 6.01 of Rules of Sup. Ct. of Mo. 1(b), 1(c)</td>
<td>Yes, a resident who does maintain an office in dist. or is not regularly engaged in practice may apply for admission and ct. for good cause may grant it.</td>
<td>Yes 1(f)</td>
<td>Any lawyer who is member in good standing of any ct. of record 1(f)</td>
<td>Yes, same as E. D. plus cts. where visiting atty. is admitted must be in statement 1(f)</td>
</tr>
<tr>
<td>Nebraska</td>
<td>Admission can be by oral or written motion — form is supplied by court which contains (1) oath, (2) cert. of state judge and one member of bar attesting bar membership and good moral character 5(d)</td>
<td>Yes, oral by member 5(c)</td>
<td>Yes 5(c)</td>
<td>Yes 5(f)</td>
<td>——</td>
<td>——</td>
<td>Yes, upon motion 5(f)</td>
<td>N. 52 or 56 (any state court of rec.) 5(f)</td>
<td>Yes, N. 11, 13, 14, 15, 16 (and have full power to act) 5(f)</td>
</tr>
<tr>
<td>S. Dakota</td>
<td>——</td>
<td>——</td>
<td>——</td>
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<td>——</td>
<td>——</td>
<td>——</td>
<td>General admission is afford- ed to non-residents who are admitted to any U.S.D.C. or Sup. Ct. of any state 1.1</td>
<td>Yes, N. 11, 13, 14, sign 1st pleading 1.3</td>
</tr>
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<td>Qualif. of Attorney</td>
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</tr>
<tr>
<td>N. Dakota</td>
<td>Yes</td>
<td></td>
<td>Yes, same as S. Dakota IIC</td>
<td>Yes IIC</td>
<td>Yes IIC</td>
<td>—</td>
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</tr>
</tbody>
</table>

**NINTH CIRCUIT**

| Alaska      | Yes, proof of qualifications to practice in Alaska Courts 3(B) | — | — | — | — | — | — | — | Yes, on application w/o notice 3(C) | Member of any bar who is not resident in, or does not maintain office in District 3(C) | Yes 3(C) |

<p>| Arizona     | Yes, form provided by court 6(a) | Yes, certificate of 2 members that appl. is of good moral character 6(a) | Yes 6(a) | Yes 6(a) | Yes 6(a) | — | — | — | Yes, same as Alaska 6(b) | Same as Alaska 6(b) | Yes 6(b) |</p>
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<tr>
<td>California C.D.</td>
<td>Yes</td>
<td>Yes, certificate of 1 member 13(a)</td>
<td>— —</td>
<td>Yes</td>
<td>— —</td>
<td>Yes, fee &amp; assessment to credit of Attorneys Admission Account; Court Library Fund 13(a)</td>
<td>— —</td>
<td>— —</td>
<td>Limited to attys. who are (1) non resid.; (2) not regularly employed in Cal.; (3) have no regular place of bus. in Cal. 13(b)(2)</td>
</tr>
<tr>
<td>California N.D. &amp; E.D.</td>
<td>Yes</td>
<td>Yes, Same 8(b)</td>
<td>— —</td>
<td>Yes</td>
<td>— —</td>
<td>Yes, Ad. fee + §4 Lib. Fund 8(l)</td>
<td>— —</td>
<td>Ineligible for membership in this bar 8(c)</td>
<td>Must designate member with whom court can communicate; court may require local counsel. 13(b)(2)</td>
</tr>
<tr>
<td>California S.D.*</td>
<td></td>
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<tr>
<td>Montana</td>
<td>Personal Appearance 1(b)</td>
<td>Yes, Certificate of two members as to good moral character and fair professional standing. 1(b)</td>
<td>Yes N.2 1(b)</td>
<td>Yes 1(b)</td>
<td>— — — —</td>
<td>Yes 1(c)</td>
<td>— —</td>
<td>Must obtain all info. and have authority 1(c)</td>
<td></td>
</tr>
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<td>District</td>
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<tr>
<td>Idaho</td>
<td>Personal appearance before court</td>
<td>Yes, certificates of 2 members as to good moral character and bar membership 2(c)</td>
<td>Yes 2(c)</td>
<td>Yes</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>Yes, on applic. w/o prev. notice.</td>
</tr>
<tr>
<td>Nevada</td>
<td>—</td>
<td>—</td>
<td>Written motion — —</td>
<td>Yes 4(a)</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>—</td>
<td>Yes, non-resident or no office in Nev. 1(d)</td>
</tr>
<tr>
<td>Oregon</td>
<td>Yes, verified petition. Court may refer application to Comm. on adm. to verify 4(b)</td>
<td>Yes, certif. of 2 members of bar on app. qualification and good char. (Must know him 6 mos.) 4(b)</td>
<td>— —</td>
<td>Yes 4(b)</td>
<td>Yes 4(b)</td>
<td>During period of gov't employment, atty. for U.S. may be member. 4(a)</td>
<td>Yes, by oral motion. 4(e)</td>
<td>Same 4(e)</td>
<td>Yes, N. 11, 13, 17 (and member of state bar) meaningful participate. 4(e)</td>
</tr>
<tr>
<td>Washington</td>
<td>Yes on court form 1(b)</td>
<td>— —</td>
<td>Yes, N. 2 1(b)</td>
<td>Yes 1(b)</td>
<td>Yes 1(b)</td>
<td>Gov't Attys. while employed 1(a)</td>
<td>Yes, with leave of court. 1(c)</td>
<td>Same 1(a)</td>
<td>Yes, N. 11, 12, 13, 14 1(f)</td>
</tr>
<tr>
<td>District</td>
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<td>Oath &amp; Roll</td>
<td>Fee</td>
<td>Admission by Spec. Perm.</td>
<td>Pro Hac Vice Allowed</td>
<td>Qualif. of Attorney</td>
<td>Local Assoc. Counsel Req.</td>
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<tr>
<td>Washington W.D.</td>
<td>Yes, Clerk examines, if in order it is presented at ct. at opening of 1st ensuing session. 2(c)(1)</td>
<td>Yes, Certif. of 2 reputable persons who are either members of bar or known to the ct., stating how long known, and opinion of char. If a bar member, where and when admitted. 2(c)(1)</td>
<td>Yes</td>
<td>Yes</td>
<td>$3</td>
<td>Same as Wash. E.D.</td>
<td>Yes, upon application 2(d)</td>
<td>Same as E.D. 2(d)</td>
<td>Yes, N. 11, 12, 14, 15</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Yes, file petition. Clerk submits petition to ct. who may refer it to Comm. on Admis. to make any necessary inquiry into qualif. 1(c)(1)</td>
<td>Yes, file certificate of 2 members of bar who have known app. 6 mos., stating how long, how known and appraisal of char. and rep. If appl. cannot furnish 2 members of bar, any judge may decide what proof of character is necessary. 1(c)(1)</td>
<td>Yes</td>
<td>Yes</td>
<td>$5 Lib.</td>
<td>——</td>
<td>——</td>
<td>Yes, on oral or written motion 1(e) plus court reserves right to permit any attorney admitted to practice of law in any jurisdiction to appear as a matter of courtesy under determined circumstances. 1(j)</td>
<td>Same</td>
</tr>
</tbody>
</table>
## Tenth Circuit

<table>
<thead>
<tr>
<th>District</th>
<th>Written App. Required; Investigation</th>
<th>Recomm. by Member of Court Bar</th>
<th>Motion in Court</th>
<th>Oath &amp; Roll</th>
<th>Fee</th>
<th>Admission by Spec. Perm.</th>
<th>Pro Hac Vice Allowed</th>
<th>Qualif. of Attorney</th>
<th>Local Assoc. Counsel Req.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colorado</td>
<td>— —</td>
<td>— —</td>
<td>Yes, N. 2</td>
<td>Yes</td>
<td>Yes</td>
<td>— —</td>
<td>Yes, on oral motion. 2(c)</td>
<td>N. 52 or 56</td>
<td>Yes, N. 11 (and member of state bar) 12 or 13, 14, 17. Sign 1st plead. 2(c)</td>
</tr>
<tr>
<td>Kansas</td>
<td>— —</td>
<td>— —</td>
<td>Yes, N. 2</td>
<td>Yes</td>
<td>Yes</td>
<td>— —</td>
<td>Yes, on motion 3(f)</td>
<td>Non-Kansas res. Member of Ct. of record of another state having business in this court 3(f)</td>
<td>Yes, N. 11, 12, 13, 14, sign 1st pleading 3(f)</td>
</tr>
<tr>
<td>N. Mexico</td>
<td>Yes, on court form Comm. on admissions and Grievances, 3 members appointed by Ct. Applications are referred to Comm. for investigation of qualifications and character. Written report submitted. 3(c)</td>
<td>— —</td>
<td>Yes</td>
<td>Yes 2 + $3 law book fund</td>
<td>3(c)</td>
<td>Yes, attorneys eligible for admission. 3(a) Non-resident attorneys 3(c)</td>
<td>— —</td>
<td>Yes, N. 11, 13, 14. Yes, if pro hac vice is non-resident 3(c)</td>
<td></td>
</tr>
<tr>
<td>District</td>
<td>Written App. Required; Investigation</td>
<td>Recomm. by Member of Court Bar</td>
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<td>Qualif. of Attorney</td>
<td>Local Assoc. Counsel Req.</td>
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<tr>
<td>Oklahoma E.D.</td>
<td>Yes, same as E.D. 4(c)</td>
<td>Yes, same as E.D. 4(c)</td>
<td>Yes, N2</td>
<td>Yes</td>
<td>—</td>
<td>—</td>
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<td></td>
<td></td>
<td></td>
<td>4(e)</td>
<td>4(e)</td>
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<tr>
<td></td>
<td>Yes, any atty who is admitted to other U.S. D.C. in state can practice on motion of member w/o filing formal application. 3(f)</td>
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<tr>
<td>Oklahoma N.D.</td>
<td>Yes, same as E.D. 4(c)</td>
<td>Yes, same as E.D. 4(c)</td>
<td>Yes, N. 2</td>
<td>Yes</td>
<td>—</td>
<td>Yes</td>
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<td>4(e)</td>
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<td></td>
<td>Yes, same as E.D. but add &quot;att. admitted to practice in Sup. Ct. of Okla.&quot; to above 4(f)</td>
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<tr>
<td>Oklahoma W.D.</td>
<td>Yes, same as E.D. 4(b)</td>
<td>Same as E.D. 4(b)</td>
<td>Twice each yr.</td>
<td>Yes</td>
<td>—</td>
<td>Yes</td>
<td>—</td>
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<tr>
<td></td>
<td>ct. will conduct &quot;swearing in&quot; ceremony for those eligible. Individual judges may in emergent situations admit approved applicants on spec. request. 4(b)</td>
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<td>4(b)</td>
<td>4(b)</td>
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<td></td>
<td>Yes, any atty. who is admitted to any other U.S.D.C. in Okla. may be admitted w/o filing formal application. 4(d) Any eligible resident atty. may at discretion of judge be granted temporary admission to practice in a pending case. 4(g)</td>
<td></td>
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<td>4(f)</td>
<td>4(f)</td>
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<tr>
<td></td>
<td>Yes, non-resident on oral application (limited practice). 4(f) N. 53 or 55 [limited practice is a case then on file in ct.] 4(f)</td>
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<td>4(g)</td>
<td>4(g)</td>
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<td></td>
<td>Yes, Rule does not apply to out of state counsel from jurisdictions that do not require local counsel. 4(h)</td>
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<tr>
<td>Utah</td>
<td>Yes, motion in Ct. 4(a)</td>
<td></td>
<td>Yes</td>
<td>Yes 4(a),(b)</td>
<td>Yes $2</td>
<td></td>
<td>Yes, by motion of associate resident atty. 4(c)</td>
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<tr>
<td>Wyoming</td>
<td></td>
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<td></td>
<td>Yes, N. 11, (and of Wyoming bar) 13 (state) 14, 16 4(c)</td>
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</table>
# DISTRICT OF COLUMBIA

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<tr>
<th>District</th>
<th>Written App. Investigation</th>
<th>Recomm. by Member of Court Bar</th>
<th>Motion in Court</th>
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<th>Qualif. of Attorney</th>
<th>Local Assoc. Counsel Req.</th>
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<tr>
<td>District of Columbia</td>
<td>Yes, notarized written petition on Ct. form 10 days prior to hearing (93,1(b))</td>
<td>Yes, affidavit of member in good standing who has known applicant 1 yr. On court form stating knowledge of applicant's bar admission, character and experience. (93,1(b))</td>
<td>Yes, appl. moved by atty. who supplied affidavit 1st Monday of month (93,1(b))</td>
<td>Yes, $10 + statutory fee (93,1(d))</td>
<td>Attorneys who are members of ct. but do not maintain an office in dist. or contiguous area may practice, must join of record a member with office in district who will be prepared to go forward. (93,2(b))</td>
<td>Yes (93,2(d))</td>
<td>N. 52 or 56 (93,2(d))</td>
<td>Yes, only attorneys who are members in good standing of the bar of this court and who maintain an office in the district may enter appearances, file pleadings, and practice in this court with possible exception for attorneys with office in contiguous area (93,2(a))</td>
<td>Attorneys who meet above requirements at time of entry of appearance but later move out of district or contiguous area must then join of record local associate counsel. (93,2(c))</td>
</tr>
</tbody>
</table>
## DISCIPLINE
### FIRST CIRCUIT

<table>
<thead>
<tr>
<th>District</th>
<th>(1) Court Rule on Discipline</th>
<th>(2) Grounds and Disciplinary Measures Set Forth in Rule</th>
<th>Procedure for Disciplinary Proceedings Set Forth in Rules</th>
<th>Notice to Other Bars, etc. Provided by Rules</th>
<th>Unauthorized Practice as Contempt</th>
<th>Rule on Reinstatement</th>
<th>ABA Canons, etc. and Other Comments</th>
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<tr>
<td>Maine</td>
<td>(1) Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>N.26(b)</td>
</tr>
<tr>
<td></td>
<td>(2) N.22, 23, 24, 25, 26(a), 29</td>
<td></td>
<td>N. 22, 23, 24 may be grounds for suspension pending final disposition. Disciplinary proceedings proceed on motion. Reference for investigation to U.S. Attorney or other member of bar.</td>
<td>N.61 3(f)</td>
<td>3(g)</td>
<td>3(g)</td>
<td>3(e)</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>(1) Yes</td>
<td>N.22 (disbarred in Mass.) 24. Suspended for 30 days; not renewable w/o hearing.</td>
<td>Hearing before panel of at least three judges plus the automatic 30 day suspension for N.42(a), 43(a)</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>(Regular Admission procedure) 5(d) (a)</td>
</tr>
</tbody>
</table>

*Federal Admissions and Discipline of Attorneys in Federal District Courts*

Published by Scholarly Commons at Hofstra Law, 1975
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<th>(1) Court Rule on Discipline</th>
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<th>Basis for Automatic Suspension and Discipline</th>
<th>Procedure for Disciplinary Proceedings Set Forth in Rules</th>
<th>Notice to Other Bars, etc. Provided by Rules</th>
<th>Unauthorized Practice as Contempt</th>
<th>Rule on Reinstatement</th>
<th>ABA Canons, etc. and Other Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>N. Hampshire</td>
<td>Yes</td>
<td>N.22, 24, 23, 25, 26</td>
<td>4(e)</td>
<td>May suspend pending disposition N.22, 23, 24. Reference in any proceeding to U.S. Attorney or other member of bar. 4(e)(1),(2)</td>
<td>Yes</td>
<td>N.61 4(f)</td>
<td>Yes</td>
<td>N.26(b) 4(d)</td>
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<tr>
<td>Puerto Rico</td>
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<tr>
<td>Rhode Island</td>
<td>(1) Yes</td>
<td>Same as Mass. except R.I. Ct. 4(e)</td>
<td>Same as Mass. except panel of all Dist. Ct. judges 4(e)</td>
<td></td>
<td>No</td>
<td>No</td>
<td>Same as Mass. 4(e) (3)</td>
<td>N.26(b) 4(d)</td>
</tr>
<tr>
<td>Connecticut</td>
<td>(1) Yes</td>
<td>N.22, 24</td>
<td>N.41, 42(a),(b), 43(a),(b) 2(d)</td>
<td>Yes. Re: Visiting attorneys 2(e)(2) and investigate complaints from other bars re: Conn. members 2(e) (2)</td>
<td>No</td>
<td>No</td>
<td>N.26(b) 2(f)</td>
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**SECOND CIRCUIT**
<table>
<thead>
<tr>
<th>District</th>
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<th>Basis for Automatic Suspension and Discipline</th>
<th>Procedure for Disciplinary Proceedings Set Forth in Rules</th>
<th>Notice to Other Bars, etc. Provided by Rules</th>
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<th>Rule on Reinstatement</th>
<th>ABA Canons, etc. and Other Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York S.D.</td>
<td>(1) Yes</td>
<td>N.23, 24, 22 (subj. to N.30)</td>
<td>N.44, 43(a), (b), resignation, automatic suspension</td>
<td>Yes 5(g) and visiting attorneys precluded 5(h)</td>
<td>No</td>
<td>No</td>
<td>N.26(b) and N.Y. State Bar Ethics 5(f)</td>
<td></td>
</tr>
<tr>
<td>New York E.D.</td>
<td>Same as S.D.</td>
<td>Same as S.D.</td>
<td>Same as S.D.</td>
<td>Same as S.D.</td>
<td>No</td>
<td>No</td>
<td>Same as S.D.</td>
<td></td>
</tr>
<tr>
<td>New York N.D.</td>
<td>(1) Yes</td>
<td>N.22, 25</td>
<td>None, except show cause on N.22, 23, 25</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td></td>
</tr>
<tr>
<td>N.Y.W.D.</td>
<td>(1) Yes</td>
<td>N.22</td>
<td>None, except N.45(a)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>— —</td>
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<tr>
<td>Vermont</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>Delaware</td>
<td>(1) Yes</td>
<td>See (2), previous column</td>
<td>None, except show cause on previous column</td>
<td>No</td>
<td>No</td>
<td>No</td>
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### THIRD CIRCUIT

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<tr>
<th>District</th>
<th>(1) Court Rule on Discipline</th>
<th>(2) Grounds and Disciplinary Measures Set Forth in Rule</th>
<th>Basis for Automatic Suspension and Discipline</th>
<th>Procedure for Disciplinary Proceedings Set Forth in Rules</th>
<th>Notice to Other Bars, etc. Provided by Rules</th>
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<th>Rule on Reinstatement</th>
<th>ABA Canons, etc. and Other Comments</th>
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<tbody>
<tr>
<td>Delaware</td>
<td>(1) Yes</td>
<td>See (2), previous column</td>
<td>None, except show cause on previous column</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>— —</td>
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<tr>
<td>District</td>
<td>Court Rule on Discipline</td>
<td>Grounds and Disciplinary Measures Set Forth in Rule</td>
<td>Basis for Automatic Suspension and Discipline</td>
<td>Procedure for Disciplinary Proceedings Set Forth in Rules</td>
<td>Notice to Other Bars, etc. Provided by Rules</td>
<td>Unauthorized Practice as Contempt</td>
<td>Rule on Reinstatement, etc. and Other Comments</td>
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<tr>
<td>New Jersey</td>
<td>(1) Yes</td>
<td>(2) N.22, 23, 25, 26, 28, 30 7(2)</td>
<td>May suspend subject to order to show cause on N.22, 23, 28 7(3)</td>
<td>Chief Judge has charge of discipline N.41 7(4)</td>
<td>Yes—to N.J. Sup. Ct. and 3d Cir. Ct. App. 7(6) Visiting attorney, precluded and notice sent to his bar 7(7)</td>
<td>No</td>
<td>No</td>
<td>1. Removal for failure to maintain domicile 2. N.26 (a) 6</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>(1) Yes</td>
<td>(2) N.22 (disb.) 24, (misd.), 26 14</td>
<td>No</td>
<td>Bd. of Censors (9 members) majority may petition for order to show cause. 13</td>
<td>Bd. keeps records and reports yearly to D.Ct. Chief J. on no. of petitions, complaints and names 18(e)</td>
<td>No</td>
<td>N.26(a) 11</td>
<td>—</td>
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<tr>
<td>Pennsylvania</td>
<td>(1) Yes</td>
<td>(2) N.21, 22, 25 201.13</td>
<td>No</td>
<td>Notice and hearing 201.13</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>Pennsylvania</td>
<td>(1) Yes</td>
<td>(2) N.21, 22, 24 22(h)</td>
<td>N.22, 24</td>
<td>Committee on Grievances created by court, investigates, recommends to court plus N. 42(a),(b), 43(a),(b) 22</td>
<td>No</td>
<td>No</td>
<td>No</td>
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* Rules, effective date July 6, 1973
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<tr>
<td>Virgin Islands</td>
<td>No Rules</td>
<td>-</td>
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<tr>
<td>Maryland</td>
<td>(1) Yes</td>
<td>N.22, 23</td>
<td>2A</td>
<td>N.42(a),(b) plus when resigned or after N.25 is shown 2A</td>
<td>No</td>
<td>No</td>
<td>Yes 2A</td>
<td>CAVEAT: Significant change in Rule since Report</td>
</tr>
<tr>
<td>N. Carolina E.D.</td>
<td>(1) Yes</td>
<td>N.22</td>
<td>None, except 42(a),(b) 1H</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>N.26(a)</td>
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<tr>
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<td>(2) N.21, 22, 24, 26 2(f)</td>
<td>1H</td>
<td>1H</td>
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<tr>
<td>N. Carolina M.D.</td>
<td>(1) Yes</td>
<td>N.22 (disb. by N.Car.), 24 2(f)</td>
<td>None, except 43(a),(b) and 43(a),(b) 2(f)</td>
<td>No</td>
<td>Yes 2(f)(3)</td>
<td>No</td>
<td>N.26(a) and N. Car. state bar 2(f)(4)</td>
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<tr>
<td></td>
<td>(2) N.21, 22, 24, 26 2(f)</td>
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<tr>
<td>N. Carolina W.D.</td>
<td>No rules</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>S. Carolina E.D. &amp; W.D.</td>
<td>No rules</td>
<td>-</td>
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<tr>
<td>Virginia E.D., W.D. &amp; S.D.</td>
<td>No rules</td>
<td>-</td>
<td>-</td>
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<tr>
<td>W. Virginia S.D.</td>
<td>No rules</td>
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<td>District</td>
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<tr>
<td>W. Virginia N.D.</td>
<td>(1) Yes</td>
<td>N.21, N.22</td>
<td>None except 42(a),(b)</td>
<td>No</td>
<td>Yes 1.05(h)</td>
<td>No</td>
<td>—</td>
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<tr>
<td></td>
<td>(2) N.21, N.22</td>
<td>(if W.Va. License is finally annulled), lack of punctuality. 1.05(h)</td>
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**FIFTH CIRCUIT**

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Alabama M.D.</td>
<td>No rules</td>
<td>—</td>
<td>—</td>
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<tr>
<td>Alabama N.D.</td>
<td>No rules</td>
<td>—</td>
<td>—</td>
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<tr>
<td>Alabama S.D.</td>
<td>No rules</td>
<td>—</td>
<td>—</td>
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<td>Canal Zone</td>
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<tr>
<td>Florida M.D.</td>
<td>(1) Yes</td>
<td>N.23 (by Fla. Sup. Ct.) and 24, 26, 3E</td>
<td>None, except 42(a),(b)</td>
<td>No</td>
<td>Yes 3E(3)</td>
<td>No</td>
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<tr>
<td>District</td>
<td>Courts Rule on Discipline</td>
<td>Grounds and Disciplinary Measures Set Forth in Rule</td>
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<tr>
<td>Florida N.D.</td>
<td>Same as Fla. M.D.</td>
<td>Same as Fla. M.D.</td>
<td>None, except N. 42(a), 43(a), 45(a) (Suspension on conviction of felony; disbarment on finality of conviction; suspension lifted on acquittal)</td>
<td>Yes, except N.26(a), (c), 3E(4)</td>
<td>None, except automatic reinstatement order reinstated by Fla. Supreme Ct. 3E(2)</td>
<td></td>
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<tr>
<td>Florida S.D.</td>
<td>Same as Fla. M.D.</td>
<td>Same as Fla. M.D.</td>
<td>None, except 42(a), (b) (suspension even when disbarred by Fla. Ct.) 43(a) (same as Fla. N.D. re: felony) plus procedure is by petition by atty. served on U.S. Attorney</td>
<td>Yes, 16E(3)</td>
<td>No, 16E(4)</td>
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<tr>
<td>Georgia M.D.</td>
<td>No rules</td>
<td>—</td>
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<td>Louisiana M.D.</td>
<td>Yes</td>
<td>N.22, 24</td>
<td>None, except 42(a), (b), 43(a), (b)</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
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<td></td>
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<td>1F</td>
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<tr>
<td>Texas W.D.</td>
<td>Yes</td>
<td>N.22 (if disbarred or &quot;dropped&quot;)</td>
<td>N.42(a) (automatic disbar, if disbarred in other court)</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>(2) N.21, 22</td>
<td>3</td>
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<td>N.21, 22</td>
<td>3</td>
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</tr>
<tr>
<td>Texas E.D.*</td>
<td>No rules</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Texas N.D.</td>
<td>No rules</td>
<td>-</td>
<td>-</td>
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* Discipline Rules not in Callaghan's Federal Local Court Rules; unclear if there are rules—some appear in mimeographed form.
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<tbody>
<tr>
<td>Texas S.D.</td>
<td>Yes</td>
<td>See Procedure, next column.</td>
<td>Yes, hearing by judge with atty., if hearing waived, suspended pending final disposition. Proceeding commenced upon charge of felony or charge by grievance comm. or other Texas State Bar arm of unprofessional or unethical conduct. Attorney must advise court such charges are pending or face automatic suspension. Court takes “final action” on final determination.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>(1) Specific rule that non-admitted attorneys who appear submit to local court on discipline. (2) N.26(b) recognized principles of professional ethics.</td>
</tr>
<tr>
<td>Mississippi N.D.</td>
<td>No rules</td>
<td></td>
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http://scholarlycommons.law.hofstra.edu/hlr/vol3/iss2/1
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<tr>
<td>Mississippi* S.D.</td>
<td>No rules</td>
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</tr>
<tr>
<td>Kentucky E.D.</td>
<td>No rules</td>
<td>---</td>
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</tr>
<tr>
<td>Kentucky W.D.</td>
<td>(1) Yes</td>
<td>42(a), 43(a)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>---</td>
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<tr>
<td></td>
<td>(2) N.22 (disbarred) 24, 26(a),(c) (willful violation)</td>
<td>if disbarred in any court or convicted of felony suspended in D.Ct. until reinstated 4e</td>
<td></td>
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<tr>
<td>Michigan E.D.</td>
<td>(1) Yes</td>
<td>No</td>
<td>(1) Where N.22, 23 and 28, court refers to U.S. Attorney who proceeds on order to show cause (2) Where N.30, 25, 26(a) court proceeds on basis of N.41(a)</td>
<td>Yes—Notice to all bars where attorney convicted of crime, disbarred or suspended.</td>
<td>Yes</td>
<td>No</td>
<td>(1) Disciplinary hearings may be private (2) Visiting attorneys found guilty of professional misconduct may be precluded</td>
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<tr>
<td></td>
<td>(2) N.22 (any discipline), N.23, 28, 25 (defined as N.30 and 26(a) and Michigan State Bar ethics).</td>
<td>VI (b)</td>
<td>VI (f)</td>
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<tr>
<td>Michigan W.D.</td>
<td>(1) Yes 21, 26(a), (c) 4(d), (g)</td>
<td>Suspension on 42(a) plus ceasing to be member of Michigan State Bar for any reason</td>
<td>— —</td>
<td>— —</td>
<td>Yes 4(f)</td>
<td>Yes 4(e)</td>
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<tr>
<td>Ohio N.D.</td>
<td>(1) Yes 21, 22, 24 2(g)</td>
<td>— —</td>
<td>— —</td>
<td>— —</td>
<td>Yes 2(g)</td>
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<td>Ohio S.D.</td>
<td>(1) Yes 22, 26(a) or found mentally incompetent 6(f)</td>
<td>No</td>
<td>— —</td>
<td>— —</td>
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<td>N. 26(a)</td>
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<tr>
<td>Tennessee E.D.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>N. 26(a) and Tenn. Bar. Assoc. Ethics apply</td>
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<td>Tennessee M.D.</td>
<td>No rules</td>
<td>— —</td>
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<tr>
<td>District</td>
<td>Court Rule on Discipline</td>
<td>Grounds for Discipline</td>
<td>Basis for Automatic Suspension</td>
<td>Proceeding Set Forth in Rule and Discipline</td>
<td>Notice to Other Bars, etc., Provided by Rules</td>
<td>Rule on Unauthorized Practice as Contempt</td>
<td>Reinstatement</td>
<td>ABA Canons, etc. Comments</td>
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<tr>
<td>Tennessee W.D.</td>
<td>Yes</td>
<td>N. 42 (a) (if disbarred) or N. 43 (a) automatic suspension</td>
<td>N. 29, 24</td>
<td>N. 29 (a) (b)</td>
<td>None [except 42(a), (b)]</td>
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<td>Yes</td>
<td>I(a)</td>
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<tr>
<td>Illinois E.D.</td>
<td>Yes</td>
<td>N. 29 (a) (b)</td>
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<td>I(d)</td>
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*Federal Admissions and Discipline*
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<tr>
<td>Illinois N.D.</td>
<td>Yes (1)</td>
<td>N. 22, 24, 23, 26(a), 30 and conviction of misdemeanor.</td>
<td>No</td>
<td>Yes, to state bar where attorney admitted 8(f)</td>
<td>No</td>
<td>Yes, 8(e)</td>
<td>N. 26(a)</td>
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<td>District</td>
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<tr>
<td>Illinois S.D.</td>
<td>(1) Yes</td>
<td>N. 22</td>
<td>None, except N. 42(a) (b)</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<td>(2) Inherent power of court to discipline and N. 22</td>
<td>1(f)</td>
<td>1(f)</td>
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<tr>
<td>Indiana N.D.</td>
<td>(1) Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
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<td>(2) N. 21</td>
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<td>Indiana S.D.</td>
<td>(1) Yes</td>
<td>No</td>
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<td>No</td>
<td>N. 26(a)</td>
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<td>(2) N. 21</td>
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<td>1(f)</td>
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<tr>
<td>Wisconsin E.D.</td>
<td>(1) Yes</td>
<td>Yes, N. 22</td>
<td>None, except N. 42(a), (b)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>—</td>
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<td>(2) Reliance on inherent power of court 1(e)</td>
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<td>Wisconsin W.D.</td>
<td>Same as E.D.</td>
<td>Same as E.D.</td>
<td>Same as E.D.</td>
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<td>1(e)</td>
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### EIGHTH CIRCUIT

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<tr>
<td>Arkansas E.D. &amp; W.D.</td>
<td>(1) Yes</td>
<td>Yes, automatic disbarment on felony conviction or disbar in other court and, if suspended, automatic suspension for same period.</td>
<td>Yes. Committee on Admissions functions as Grievance Committee. Investigates and reports to Court. 1(h) Also N. 42(a) and 42(b) 1(f)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>N. 26(a) 1(g)</td>
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<tr>
<td>Iowa N.D.†</td>
<td>(1) Yes</td>
<td>N. 22, 24 5H</td>
<td>None, except 42(a), (b), 43(a), (b) 6H</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>Iowa S.D.</td>
<td>(1) Yes</td>
<td>N. 22, 24*</td>
<td>None, except for reinstatement application required or automatic suspension based on 1F</td>
<td>No</td>
<td>Yes</td>
<td>Yes, where automatic suspension 1F</td>
<td>N. 26(a) 1D</td>
<td></td>
</tr>
</tbody>
</table>

* Rule states “convicted of a felony in any other court”; not clear if applies to conviction in same court, i.e., Iowa, S.D.
† Since Report, Iowa, N.D. and S.D., have adopted new and identical rules.
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<tr>
<td>Minnesota</td>
<td>(1) Yes</td>
<td>(Where other bar is Minn. Bar) Criminal offense Conviction in U.S. D.C. 1E</td>
<td>Yes, 42(a), (b) and 48(a), (b) as limited in previous columns, and re: other bases, 2 judge hearing panel, investigation by U.S. Atty. or other designee 1E</td>
<td>No</td>
<td>No</td>
<td>Yes, complete procedure set forth 1E</td>
<td>N. 26(a)</td>
</tr>
<tr>
<td>Missouri E.D.</td>
<td>(1) Yes</td>
<td>N. 22, 23 automatic &quot;forfeit&quot; of membership &quot;striking from the rolls&quot;</td>
<td>Yes, order to show cause on N. 22, 23 &amp; 25 grounds. Board of Admissions has some grievance responsibility. 11d</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>11a(2)</td>
</tr>
<tr>
<td>Missouri W.D.</td>
<td>(1) Yes</td>
<td>42(a), (b)</td>
<td>D. Ct. Clerk receives notice of status in Mo. bar. 1e</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>1e</td>
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<tr>
<td>Nebraska</td>
<td>(1) Yes</td>
<td>N. 22, 24</td>
<td>None, except 42(a),(b), 43(a),(b)</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
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<td>(2) N. 21, 22, 24</td>
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<td>N. Dakota</td>
<td>(1) Yes</td>
<td>N. 22, 45(b)</td>
<td>None</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td></td>
<td>(2) N. 22</td>
<td></td>
<td></td>
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<tr>
<td>S. Dakota</td>
<td>(1) Yes</td>
<td>N. 22 (disbarred)</td>
<td>None, except 42(a) disbarred IIE</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>II F</td>
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<tr>
<td></td>
<td>(2) N. 21</td>
<td>IIE</td>
<td></td>
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<tr>
<td>Alaska</td>
<td>(1) Yes</td>
<td>N. 22, 24</td>
<td>“Standing Committee on Discipline” established with procedure set forth in rules. Also N. 42(a),(b), 43(a),(b) 3(F), (G)</td>
<td>No</td>
<td>No, but explicit provision, contempt power, not affected by disciplinary proceedings 3(G)(8)</td>
<td>No</td>
<td>—</td>
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<tr>
<td></td>
<td>(2) N. 22, 24</td>
<td>3(F)</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>unprofessional conduct</td>
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<td></td>
<td></td>
<td>3(F), (G)</td>
<td></td>
<td></td>
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<tr>
<td>Arizona</td>
<td>(1) Yes</td>
<td>Yes</td>
<td>None, except 42(a) (b) 7(c)</td>
<td>No</td>
<td>No, but atty. must report disc. action of other courts to Dist. Ct. 7(b)</td>
<td>No</td>
<td>No</td>
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<tr>
<td></td>
<td>(2) N. 21, 22</td>
<td>7(c)</td>
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</tr>
<tr>
<td>California C.D.</td>
<td>(1) Yes</td>
<td>N. 21</td>
<td>45 (a), (b)</td>
<td>&quot;Standing Committee on Discipline&quot; established. Procedural detail in rules</td>
<td>1.3(e)(2)</td>
<td>(1) Yes To U.S. Atty. and State bar where admitted</td>
<td>(2) Atty. must give court notice of disciplinary proc. in other courts 1.3(e)(4),(a)</td>
</tr>
<tr>
<td>California N.D. &amp; E.D.</td>
<td>(1) Yes</td>
<td>N. 22</td>
<td>8(k)</td>
<td>1. On order to show cause 8(j) 2. N. 42(a)(b); burden on atty. 8(k)</td>
<td>Atty. must give notice of his change of status 8(f)</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

California S.D.*

* Cal. S.D. rules are identical with Cal. C.D. rules.
<table>
<thead>
<tr>
<th>District</th>
<th>(1) Court Rule on Discipline</th>
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</thead>
<tbody>
<tr>
<td>Idaho</td>
<td>(1) Yes</td>
<td>N. 22 (Idaho) 2(f)</td>
<td>None, except N. 42(a), (b) (Idaho) 45(b) 2(f)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>—</td>
<td>—</td>
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<tr>
<td>Montana</td>
<td>(1) Yes</td>
<td>N. 22 1(g)</td>
<td>Advisory Committee on all discipline plus N. 42(a), (b) 1(i), (g)</td>
<td>No</td>
<td>No</td>
<td>Yes 1(h)</td>
<td>N. 28(a) 1(f)</td>
<td>—</td>
</tr>
<tr>
<td>Nevada</td>
<td>(1) Yes</td>
<td>N. 22, 24 1(f)</td>
<td>None, except N. 42(a), (b), 45(a), (b) 1(f)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>—</td>
<td>—</td>
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<tr>
<td>Oregon</td>
<td>(1) Yes</td>
<td>N. 22, 24 4(e)</td>
<td>Committee on Discipline has power of continuing Grand Jury; N. 42(a), (b), 43(a), (b) general powers by order to show cause 4(e)</td>
<td>No</td>
<td>Yes 4(e)</td>
<td>No</td>
<td>Oregon State Bar Prof. Cond. Rules 4(d)</td>
<td>—</td>
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<tr>
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<tr>
<td>Washington E.D.</td>
<td>(1) Yes (2) N. 21, 22 I(g)</td>
<td>N. 22</td>
<td>None, except 42(a) and decree of disbar. or susp. from Washington St. Ct. or conviction of crime of moral turpitude is prima facie evidence of unfitness</td>
<td>I(g)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Wash. State Bar Ethics</td>
</tr>
<tr>
<td>Washington W.D.</td>
<td>(1) Yes (2) N. 21, 22, 24 2(e)</td>
<td>N. 22, 24</td>
<td>None, except 42(a), (b), 43 (a), (b) 2(e)</td>
<td></td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>——</td>
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<tr>
<td>Hawaii</td>
<td>(1) Yes (2) N. 21, 22, 24 1(h)</td>
<td>N. 22, 24</td>
<td>Committee on Discipline filing charges on basis of order to show cause; procedure set out; N. 42(a), (b), 43 (a), (b) 1(h)</td>
<td>No</td>
<td>Yes</td>
<td>1(h) 5</td>
<td>——</td>
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<tr>
<td>Colorado</td>
<td>(1) Yes (2) N. 21 2(d)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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**TENTH CIRCUIT**

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*Agata: Admissions and Discipline of Attorneys in Federal District Courts*

*Published by Scholarly Commons at Hofstra Law, 1975*
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<tr>
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<th>Procedure for Disciplinary Proceedings Set Forth in Rules</th>
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<th>ABA Canons, etc. and Other Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kansas</td>
<td>(1) Yes</td>
<td>N. 22</td>
<td>Two judges must sit on hearing based on N.21</td>
<td>No</td>
<td>No</td>
<td>Removal of disability under N. 22</td>
<td>$3(i)$</td>
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<tr>
<td>N. Mexico</td>
<td>(1) Yes</td>
<td>N. 22, 24</td>
<td>Comm. on Admissions and Grievances established $3(b),(i)$ and N.42(a),(b), 43(a),(b) $3(i)$</td>
<td>No</td>
<td>No</td>
<td>Yes $3(i)$</td>
<td></td>
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<tr>
<td>Oklahoma E.D.</td>
<td>(1) Yes</td>
<td>N. 22 (disb), 24</td>
<td>Comm. on Admissions and Grievances $4(d)$ N.43(a),(b), 42(a) (disbarred),(b) $4(d)$</td>
<td>No</td>
<td>No</td>
<td>Yes $4(e)$</td>
<td></td>
</tr>
<tr>
<td>Oklahoma N.D.</td>
<td>Same as E.D.</td>
<td>Same as E.D.</td>
<td>Same as E.D. $4(d)$</td>
<td>No</td>
<td>No</td>
<td>Same as E.D.</td>
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<tr>
<td>Oklahoma W.D.</td>
<td>(1) Yes</td>
<td>N.22, 24</td>
<td>Order to show cause; reference to Comm. on Admissions and Grievances $4(i)$</td>
<td>No</td>
<td>No</td>
<td>Yes $4(i)$</td>
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<tr>
<td>Utah</td>
<td>No rules</td>
<td>No</td>
<td>None, except N.42(a),(b) (disbarred by Wyoming) and order to show cause on N.25 4(f)</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td>Wyoming</td>
<td>(1) Yes</td>
<td>No</td>
<td>None, except N.42(a),(b) (disbarred by Wyoming) and order to show cause on N.25 4(f)</td>
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## District of Columbia

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<th>Basis for Automatic Suspension and Discipline</th>
<th>Procedure for Disciplinary Proceedings Set Forth in Rules</th>
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<th>Rule on Reinstatement</th>
<th>ABA Canons, etc. and Other Comments</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>(1) Yes</td>
<td>N. 26(a)</td>
<td>N. 24, 23</td>
<td>Yes, see “Note on D.C.” [Part I]</td>
<td>Yes, see “Note on D.C.” [Part II]</td>
<td>Yes, see “Note on D.C.” [Part III]</td>
<td>Yes, see “Note on D.C.” [Part IV]</td>
<td>(1) Guided but not limited by N. 26(a) and (b).</td>
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<td></td>
<td>(2) N. 26(a) “unprofessional, unethical, improper manner,” N. 24, misdemeanor, N. 44 (re: discipline by other court) N. 23.</td>
<td>N. 22 subject to limits in N. 44. 94 2(a), (c), (d)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>(2) Oath refers to familiarity with ABA Standards on Prosecution &amp; Defense Function.</td>
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<td></td>
<td>(3) Incapacity due to mental illness, use of drugs or intoxicants 94 1(c), (e), 3(b)</td>
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NOTE ON THE DISTRICT OF COLUMBIA
DISCIPLINE PROCEDURE

Part I

Chief Judge shall appoint a panel of 3 judges of the court to be a disciplinary panel which shall have jurisdiction over all judicial proceedings involving disbarment, suspension, censure or discipline of members of the bar of this court.

Committee on Grievances (9 members of bar of this court) shall receive, investigate, consider and act upon complaints.

Complaints must be in writing.

Any court or judge may refer names of an attorney who has conducted himself in an unprofessional unethical or improper manner.

Complaints are referred by Committee on Grievances to a three member hearing panel.

After investigation, if the hearing panel decides an answer is warranted, attorney must file answer, subscribed and under oath within 20 days of mailing notice.

Hearing Panel may sit as panel of inquiry, prepare charges and submit to court or refer them to disciplinary board for action. If charges are filed, respondent must answer within 20 days of service upon him. Otherwise charges may be taken as confessed and hearing held therein ex parte.

When respondent answers, disciplinary panel sets hearing. If charges are sustained, panel may censure, disbar, suspend or otherwise discipline.

Incapacity due to mental infirmity, illness or use of drugs or intoxicants can result in order for examination by qualified medical experts or suspension.

Part II

Attorney who is disbarred may not apply for reinstatement until expiration of 5 years from effective date of disbarment.

Any attorney suspended for incompetency, mental illness or because of use of drugs or intoxicants may apply for reinstatement once a year or at shorter intervals as disciplinary panel may direct in suspension order.

In cases of suspension [other than above] minimum period must elapse before motion for termination will be heard.

Part III

Upon final judgment of suspension, disbarment or upon resignation, clerk of court shall certify to every court in District of Columbia all administrative panels before whom the attorney has appeared, the National Conference of Bar Examiners of A.B.A. and authorities in all jurisdictions in which attorney is authorized to practice.

Visiting attorneys found guilty of misconduct may be precluded from again appearing and notice will be sent to all courts where attorney is admitted to practice.

It is duty of members who are convicted of felony or misdemeanor or disciplined to notify clerk in writing in 10 days.

NOTES TO APPENDIX B

On Admission Motions.

1. Motion by U.S. Attorney if satisfied with application. If not satisfied then any member can make motion and U.S. Attorney can oppose.

2. Motion by member.

3. Motion by Sponsoring member

4. Verified Petition Containing:
   1—Residence and office address;
2—Time, when and where of Court admission;
3—Legal training and experience;
4—Any contempt of court, its nature and manner of disposition;
5—Details of any censure, suspension, or Disbarment;

Requirement of Local Associate Counsel
11. Who is a member of Bar of this court.
12. Who has an office in the district.
13. Who resides in the District.
14. For service of process.
15. Who must sign all papers.
16. Who will appear and attend in Court.
17. Who will actively participate.
18. Designated Local Counsel must file consent. Time period in which local associate must be designated.
19. Only an attorney or proctor of this court may enter appearances for parties, sign stipulations, or receive payments on judgments, decrees, or orders.
20. Any member of the Bar not having an office in district for the trans- action of business in person shall not appear as attorney of record in any case without specifying on the record as local counsel, a member of the bar of this court having an office in the district upon whom service of all papers shall be made.

Grounds For Discipline
21. Any member may be disbarred, suspended for a particular time or reprimanded for good cause shown after opportunity for hearing.
22. Disbarment or Suspension in a court.
23. Resignation from a court.
25. Conduct unbecoming an attorney.
26. Violation of (a) Canons of Professional Ethics or (b) Code of Professional Responsibility (c) by any attorney for any matter pending in that court.
27. Violation of Oath.
29. Violation of Rule 11 of F.R.C.P.
30. Fraud, deceit, malpractice, conduct prejudicial to the administration of justice.

Discipline and Procedures Employed
41. Court may appoint U.S. Attorney or some other member of Bar to investigate and report. If warranted, it shall file and prosecute a motion that the court take disciplinary action. In Connecticut, grievance committee of Bar Association can make reference to U.S. Attorney.
42. (a) Automatic disbarment or suspension if disbarred or suspended by another court (b) with order to show cause why attorney should not be so disciplined.
43. On conviction of felony, (a) automatic disbarment or suspension (b) with order to show cause why attorney shouldn't be so disciplined.
44. Conviction of a felony results in suspension and when judgment is final, attorney ceases to be a member. Resignation while being investigated for misconduct results in ceasing to be a member.
Any member disciplined by another court shall be disciplined in the same manner in this court unless attorney can show:

1. Lack of Due Process;
2. Insufficient Proof;
3. Grave injustice if similarly disciplined;
4. That substantially different discipline was warranted by the misconduct.

45. (a) "Appropriate discipline" (b) except automatically same discipline where basis is misconduct disciplined by another court.

51. Any attorney representing U.S. Gov't or any of its agencies may appear.

52. Who is a member of bar of any court of the United States.

53. Who is a member of bar of U.S. Supreme Court.

54. Who is a member of bar of any United States District Court.

55. Who is a member of bar of any United States Court of Appeals.

56. Who is a member of bar of the highest Court of a State.

57. If non-resident, the United States Attorney shall be designated for service.

58. Certain designated federal or state officials are precluded.

Reinstate

60. Reinstate possible — an attorney shall not be ineligible for reinstatement because of suspension or disbarment in another court.

Notification of other Courts

61. Other courts in which attorney is admitted to be notified if order of discipline entered or attorney convicted of felony.

APPENDIX C

SURVEY OF FEDERAL DISTRICT COURT JUDGES

This is a summary of a questionnaire submitted to all federal judges in 1972-73. Only the responses of the District Court judges, however, are reported in the Appendix. The questionnaire submitted is a shorter version of the one originally designed by the author. The original design of the questionnaire is on file with the Hofstra Law Review.

The summary contains the total responses of all judges, responses arranged by Circuit with additional comments by the judges, and combinations of responses to questions 1, 6, 7, and 10.

I. QUESTIONNAIRE TO ALL FEDERAL JUDGES

(Total responses of district court judges: 292)

This questionnaire is intended to aid the Judicial Conference and the Federal Judicial Center in a study of admissions and discipline of attorneys practicing in the federal courts. You are probably aware that the American Bar Association and other groups and individuals have addressed themselves to the need for more effective control over attorneys practicing in federal courts and to the problems raised by an ever-increasing number of attorneys whose practice normally brings them into contact with forums other than the state of their original admission. This has raised the question of whether there should be uniform rules dealing with admissions and effective means of assuring disciplinary control in the federal courts themselves. This questionnaire is designed to obtain your reactions and opinions on some of these issues and to obtain information derived from your experience with respect to the issues involved. Please feel free to comment on any matters related to these subjects, even if the issue is not presented by a specific question.

1. What should be the minimum requirements for admission to practice in your court?

   Admission to the bar of:
   [ 56] another federal court
   [170] a state in which the federal court is located
   [ 95] any state
2. *Pro hac vice* admissions. Approximately how many *pro hac vice* admission applications do you individually entertain in the course of a year (last year)? [See page 378, infra.]

What percentage of applications did you deny (approximate)?

Please state the most frequent grounds for denial(s)?

3. Is the appointment of local counsel necessary in every case?

[195] yes

[94] no

Local counsel is needed for the following purposes:

[198] service of papers

[146] appearance on orders to show cause

[154] amenability to discipline

[198] familiarity with local law and custom

4. Have attorneys admitted *pro hac vice* presented any discipline or misconduct problems different from attorneys regularly admitted to your Court?

[49] yes

[284] no

If "yes", please state the nature of kinds of different problems presented by such attorneys

5. When attorneys apply for admission to the court, does the court examine them with respect to knowledge of or familiarity with general or local rules?

<table>
<thead>
<tr>
<th>Regular Admission</th>
<th>Pro Hac Vice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Always</td>
<td>[28]</td>
</tr>
<tr>
<td>Never</td>
<td>[190]</td>
</tr>
<tr>
<td>Usually</td>
<td>[12]</td>
</tr>
<tr>
<td>Occasionally</td>
<td>[34]</td>
</tr>
</tbody>
</table>

6. Would you object to uniform admission requirements for all federal courts?

[63] yes

[226] no

Would you object to an attorney admitted to practice in one federal court having the absolute right to practice in all federal courts?

[175] yes

[122] no

If your answer to either of the foregoing was "yes", and the power to discipline attorneys were strengthened or assured effectiveness, would your objection be:

[67] less

[18] withdrawn

[87] remain the same

7. With respect to admissions requirements, would you prefer:

[65] no change

[51] a model rule

[70] a rule with minimum standards

[131] a uniform rule

[87] a rule which would make admission to one federal court tantamount to admission to all federal courts

8. With respect to disciplinary procedures in your court, who initiates disciplinary proceedings? [See page 384, infra.]

Who conducts the proceedings?
9. Would the following significantly improve your disciplinary procedures:
   A central information bureau [124] yes [68] no
   Investigation by a central judicial agency [89] yes [72] no
   Factual determination by such agency (hearings) [76] yes [88] no
   Imposition of disciplinary sanctions by such agency [56] yes [106] no
   Other—please state

10. Does the court conduct its own character inquiry with respect to applicants for admission to practice? [71] yes [190] no
    If "yes", who conducts the inquiry and how is it conducted? [See page 389, infra.]

    Please return the completed questionnaire to the Federal Judicial Center in the enclosed self-addressed envelope. Your replies will be used by this subcommittee in making recommendations re: uniform admission and discipline of attorneys in the federal courts.

Respectfully submitted,
Ben C. Connally
United States District Judge
Chairman, Subcommittee on Judicial Salaries, Annuities and Tenure
Walter J. Cummings
United States Circuit Judge
William A. McRae, Jr.
United States District Judge
James H. Meredith
United States District Judge
Manuel L. Real
United States District Judge
Wilson Cowen
Chief Judge, U. S. Court of Claims
COMBINATIONS OF RESPONSES TO QUESTION #1

1. What should be the minimum requirements for admission to practice in your court? Admission to the bar of:
   a. another federal court [55]
   b. a state in which the federal court is located [170]
   c. any state [95]

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</table>

*See Additional Responses, infra, page 391.

RESPONSES TO QUESTION #2

2. Pro hac vice admissions.
   Approximately how many pro hac vice admission applications do you individually entertain in the course of a year (last year)? ____________
   What percentage of applications did you deny (approximate)? ____________
   Please state the most frequent grounds for denial(s)? ____________

No responses purported to provide precise numbers of pro hac vice admissions. Responses received were as follows:

FIRST CIRCUIT
Several judges left this blank or stated they kept no records on admissions.

SECOND CIRCUIT
Applications individually entertained during year:
1 (newly appointed) judge reported 0 applications;
13 judges reported 1-9 applications;
4 judges reported 10-19 applications;
7 judges reported 20 or more applications, with 75 being the most applications entertained by one judge.
Applications denied or refused:

One denial was reported. This was based upon disciplinary charges pending in another jurisdiction.

**Third Circuit**

Applications individually entertained during year:

- 1 judge had no applications;
- 16 judges entertained 1-9 applications;
- 5 judges entertained 10-19 applications;
- 9 judges entertained 20 or more applications;
- 1 judge replied “frequently;”
- 1 judge estimates “60% of all cases handled.”

The largest number entertained: 100-150.

Applications denied or refused:

One, for failure to comply with mandatory rule requiring local associate counsel.

**Fourth Circuit**

Applications individually entertained during year:

- 2 judges did not reply to this question;
- 5 judges entertained 1-9 applications;
- 8 judges entertained 10-19 applications;
- 7 judges entertained 20 or more applications, with 50 being the largest number reported.

Applications denied or refused:

3 judges noted local counsel must be associated and one of the three gave failure to associate as grounds for denial.

**Fifth Circuit**

Applications individually entertained during year:

- 3 judges reported 0 applications;
- 17 judges reported 1-9 applications;
- 15 judges reported 10-19 applications;
- 9 judges reported 20 or more applications, with 75 being the largest number reported.

Some report: “minimal”; “not many”; “very few”; “unknown.”

Applications denied or refused:

Application forms not properly prepared (none reported);
- disbarment proceedings pending, 1;
- two judges report: “These admissions are entertained if the applicant agrees to file an application to practice and pursue it diligently to completion;”
- another judge reports all granted where attorney tries only an occasional case in the court and has local counsel.

**Sixth Circuit**

Applications individually entertained during year:

- 7 judges reported 1-9 applicants;
- 11 judges reported 10-19 applicants;
- 6 judges reported 20 or more applicants, the most being 25-30;
- the rest reported no applications or left the question blank.

Applications denied or refused:

No denials were reported except one judge assigned “not having local counsel” as a likely ground for denial.

**Seventh Circuit**

Applications individually entertained during year:

Many reported none or left question blank;
3 judges reported 1-9 applications; 7 judges reported 10-19 applications; 7 judges reported 20 or more applications, with the most reported, 50-75.

Applications denied or refused:
1 based on misrepresentation of facts.

EIGHTH CIRCUIT

Applications individually entertained during year:
Some left question blank; 6 judges reported 1-9 applications; 9 judges reported 10-19 applications; 2 judges reported 20 or more applications; 1 reports 5 or 6 as lead counsel; many more for second chair; Most reported: 10-40.

Applications denied or refused:
"Very seldom; Professional reputation, not responding to orders; uncooperative."
"None, except one person who is not a lawyer."
"Unsuitability, [denies] 1%."
The foregoing are the only claims of denial of application.

NINTH CIRCUIT

Applications individually entertained during year:
A few judges left blank or reported no applications; 10 judges reported 1-9 applications; 12 judges reported 10-19 applications; 17 judges reported 20 or more applications, of which several responded over 50; most were attorneys from other jurisdictions in pending multi-district litigation, states one judge who reports 40-50 applications; 6 judges reported no records kept.

Applications denied or refused:
42 judges reported no applications or left question blank; 1 judge denied 5 of 10 applications because he “did not consider counsel competent;” 2 judges reported 1 denial; 1 judge reported that no record was kept; 2 judges gave as reason applicant was a local resident and thus ineligible;
1 judge said: “In the past I have denied requests because of prior unsatisfactory conduct of applicant and because applicant or his firm were attempting to engage in a national or coastwide interstate practice using local firms as a maildrop.”

TENTH CIRCUIT

Applications individually entertained during year:
1 judge reported 1-9 applications; 2 judges reported 10-19 applications; 5 judges reported 20 or more applications; others left blanks.

Applications denied or refused:
1 judge reported denial of “half” of the “few” applications because of a “lack of knowledge of our procedure;” 1 judge denied one who “demonstrated disrespect for the judicial system;” 9 judges reported no denials.
### D. C. Circuit

**Applications individually entertained during year:**

- 5 judges reported 1-9 applications;
- 2 judges reported 10-19 applications.

**Applications denied or refused:**

No denials reported.

#### SUMMARY OF RESPONSES TO QUESTION #3

3a. Is the appointment of local counsel necessary in every case?

<table>
<thead>
<tr>
<th>Circuit</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
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<td>2*</td>
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<td><strong>TOTAL</strong></td>
<td><strong>195</strong></td>
<td><strong>94</strong></td>
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3b. Local counsel is needed for the following purposes:

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<tr>
<th>Circuit</th>
<th>Service of Papers</th>
<th>Appearances on orders and Show Cause</th>
<th>Amenability to Discipline</th>
<th>Familiarity with Local Law and Custom</th>
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*See Additional Responses, infra, page 391.
### Summary of Responses to Question #4

4. Have attorneys admitted pro hac vice presented any discipline or misconduct problems different from attorneys regularly admitted to your Court?

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<tr>
<th>Circuit</th>
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</table>

**TOTAL** | 49  | 234 |

*See Additional Responses, infra, page 391.

### Summary of Responses to Question #5

5. When attorneys apply for admission to the court, does the court examine them with respect to knowledge of or familiarity with general or local rules?

#### a. Regular Admission

<table>
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<th>Usually</th>
<th>Occasionally</th>
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**TOTAL** |       |      |         |              |

#### b. Pro Hac Vice

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**TOTAL** |       |      |         |              |
**COMBINATIONS OF RESPONSES TO QUESTION #6**

6. Would you object to uniform admission requirements for all federal courts?
   a. Yes [63]
   b. No [226]

Would you object to an attorney admitted to practice in one federal court having the absolute right to practice in all federal courts?
   a. Yes [175]
   b. No [122]

If your answer to either of the foregoing was “yes”, and the power to discipline attorneys were strengthened or assured effectiveness, would your objection be?
1. Less [67]
2. Withdrawn [18]
3. Remain the same [87]

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<td>7</td>
<td>50</td>
<td>13</td>
<td>46</td>
<td>115</td>
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</tbody>
</table>

* includes 1 response which did not answer 1, 2 or 3.
** includes 2 responses which did not answer 1, 2 or 3.
† See Additional Responses, infra, page 391.

**COMBINATIONS OF RESPONSES TO QUESTION #7**

7. With respect to admissions requirements would you prefer:
   a. no change [65]
   b. a model rule [51]
   c. a rule with minimum standards [70]
   d. a uniform rule [131]
   e. a rule which would make admission to one federal court tantamount to admission to all federal courts [87]

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RESPONSES TO QUESTION #8

8. With respect to disciplinary procedures in your court, who initiates disciplinary proceedings? ____________________________________________________________
   Who conducts the proceedings? ____________________________________________________________
   What is the approximate annual number of disciplinary proceedings initiated in your court not arising from the fact the state has disciplined the attorney? ____________________________

   Note that the responses to this question represent information received from the district court judges and may not reflect the actual procedures, rules, or numbers.

FIRST CIRCUIT

Two judges report no disciplinary proceedings have been necessary.

SECOND CIRCUIT

(a) Who initiates disciplinary proceedings?
   Local bar association 2
   Court 2
   Chief Judge 8
   U.S. Attorney or Court 2
   "nobody" 1

(b) Who conducts proceedings?
   Local bar association 5
   U.S. Attorney 1
   Court 3
   Chief Judge 2
   Chief Judge with U.S. Attorney 1
   Federal bar association before judge or master 1
   "nobody" 1

*See Additional Responses, infra, page 391.
(c) Approximate annual number of non-state based disciplinary proceedings:

One reports 1; another, 3; and another 2 or 3 in past 21 years. Fourteen judges indicated lack of information or knowledge to one or more parts of this question.

Judge A (S.D.N.Y.) stated:

In answer to question 8 of the “Questionnaire To All Federal Judges,” which has been signed by me and is enclosed herewith, I am enclosing a copy of Rule 5(f) of the General Rules of the United States District Court, Southern District of New York, as amended April 23, 1971. This describes the disciplinary procedure. Apparently the rule provides for presentation of the charges to the chief judge of this court and then for his reference to a bar association for preliminary investigation and recommendation and later for an order of the chief judge authorizing the prosecution.

However, as I am informed, no funds are provided in any judiciary budget for the expenses of the prosecution, such as records, service of subpoenas, etc., etc. Although there may be a voluntary prosecutor supplied by a bar association under the above-mentioned rule, in my judgment the absence of funds makes prosecution difficult.

Some years ago prosecutions of this sort were handled in this court by representatives of the United States Attorney for the Southern District. Subsequently, likewise, the Justice Department directed the cessation of such a practice. With these conditions, any effective means of prosecution and discipline of attorneys is difficult.

THIRD CIRCUIT

(a) Who initiates disciplinary proceedings?

The responses varied even within a district:

20 stated the judge or the court;
2, the Board or Committee of Censors;
2, the complainant;
2, various ways, including court report to the bar;
1, the U.S. Attorney;
1, Ethics Committee;
1, “uncertain because of rarity”; 
1, the Committee.

(b) Who conducts proceedings?

6 stated the judge or the court;
1, the court en banc;
5, the Grievance Committee;
1, Chief Judge or court;
8, Board or Committee of Censors;
3, Committee or Standing Committee;
1, U.S. Attorney;
1, Ethics Committee.

(c) Approximate annual number of non-state based proceedings:

5 judges report 1-2; another, “none, recently;” another, “less than 5 in 20 years;” another, “2 in 15 years;” all others reported none: several judges expressed uncertainty about proceeding or the number of attorneys disciplined.

FOURTH CIRCUIT

Almost all judges reported disciplinary proceeding.
1 judge reported 2 disciplinary proceedings;
2 judges, about 1 every 3 years;
1 judge, 1 or 2 every 12 years;
1 judge, about 3 in 18 years;
1 judge, less than 1 per year;
1 chief judge, 4 cases out of 11 in 1971 calendar year were based on non-state grounds.

There were few replies to this question; those that replied indicated either that the court, chief judge, or the U.S. Attorney dealt with disciplinary matters.

**Fifth Circuit**

(a) *Who initiates disciplinary proceedings?*

<table>
<thead>
<tr>
<th>Institution</th>
<th>Number</th>
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<tbody>
<tr>
<td>Bar</td>
<td>7</td>
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<tr>
<td>Court</td>
<td>21</td>
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<tr>
<td>U. S. Attorney</td>
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(b) *Who conducts proceedings?*

<table>
<thead>
<tr>
<th>Institution</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Special Master</td>
<td>1</td>
</tr>
<tr>
<td>U. S. Attorney</td>
<td>3</td>
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<tr>
<td>Bar</td>
<td>6</td>
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<tr>
<td>Court</td>
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</tr>
<tr>
<td>Federal Ethics Committee</td>
<td>1</td>
</tr>
</tbody>
</table>

(c) *Approximate annual number of non-state based proceedings:*

- Less than 1 per year to 2 per year: 7
- 4-5 per year: 1
- 6-12 per year: 1
- "very few": 3
- less than 10 per year: 1
- "several pending": 1
- "practically none": 1
- "very rare": 1

The remainder were blank or "0". Note that one with 4-5 per year stated: "Discipline is a minor problem here. I have little occasion for concern."

There were several who expressed uncertainty about procedure.

Judge B (N.D. Fla.) stated:

Specifically, with respect to question 8, we follow Florida in its action of disbarring or suspending from practice in all cases. At other times, if some disciplinary proceedings were needed, I assume I would initiate them, although the occasion has not yet arisen. I have been United States District Judge since 1968, and during that period of time have had no occasion to discipline any attorney in proceedings before me, other than some few times when I felt discussion with or warning to the attorney appropriate, because I thought he was getting a little out of line.

**Sixth Circuit**

(a) *Who initiates disciplinary proceedings?*

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<thead>
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<td>Attorneys</td>
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<tr>
<td>Chief Judge</td>
<td>2</td>
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<tr>
<td>U.S. Attorney</td>
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<tr>
<td>State bar</td>
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<tr>
<td>&quot;Not uniform&quot;</td>
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</table>

(b) *Who conducts disciplinary proceedings?*

<table>
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<tr>
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<th>Number</th>
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</tr>
<tr>
<td>State Bar</td>
<td>2</td>
</tr>
<tr>
<td>Judge or Court</td>
<td>5</td>
</tr>
</tbody>
</table>

Judge assigned to disciplinary proceedings - 1.
Federal Admissions and Discipline

(c) Approximate annual number disciplined on non-state grounds:
Some did not reply, but 19 said "0"; other responses: "almost zero;"
"rarely;" "do not know [2];" "very few;" 3 in last 6 months; 0-3; 3 or
4 per year.

SEVENTH CIRCUIT

(a) Who initiates disciplinary proceedings?
Executive Committee 2 Anyone 2
Court or U.S. Attorney 2 Bar Committee 1
Court or Judge 7

(b) Who conducts disciplinary proceedings?
Chief Judge 1 Executive Committee 3
Court or Judge 9 U.S. Attorney 1

(c) Approximate annual number of non-state based proceedings:
11 responded none or left space blank; don’t know [1], 1 or less [1];
1 in past 5 years [1]; 1 in 7 years [1]; 2 or 3 [1]; 2 [1]; 6-12 [1];
10-15 [1]; 36 since 1964 [1]; 10-15 [1].

EIGHTH CIRCUIT

(a) Who initiates disciplinary proceedings?
Judge or Court 6 Committee 2
State Bar 1
 Bd. of Admissions 2 It varies 1
U.S. Attorney 3

(b) Who conducts disciplinary proceedings?
Judge or Court 7 Bd. of Admissions 3
State Bar 2 U.S. Attorney 2

(c) Approximate annual number of non-state based proceedings:
No proceedings or left blank [11]; 1 [2]; 2-3 [1]; 2 [2]; 3 [1]; 1 in 15
years [1]; procedure unknown “except as individual judges act” [1].

NINTH CIRCUIT

(a) Who initiates disciplinary proceedings?
Client 1 Judge or Court 22
Panel 1 Committee on
Bar 10 Discipline 5

(b) Who conducts disciplinary proceedings?
Panel 1 Committee 9
Bar 7 Judge or Court 17
Volunteer Atty. 1

(c) Approximate annual number disciplined on non-state grounds:
None reported [24 judges]; 1 [4]; 1-2 [1]; 2 [1]; 3 or less [1]; 2-3
[1]; 3 [1]; 6 or less [1]; 5 [1]; 10 [1]; proceedings handled “on a
rather informal basis, generally imposing monetary penalties. We have
had few serious problems” [1].

TENTH CIRCUIT

(a) Who initiates disciplinary proceedings?
Judge or Court 8 U.S. Attorney 1

(b) Who conducts disciplinary proceedings?
Judge or Court 6 Commission 3

(c) Approximate annual number disciplined on non-state grounds:
Blank or reported “none” [7]; 1-2 [1]; 2-3 [4]; very few [1].
Disciplinary Proceedings:

(a) Who initiates disciplinary proceedings?
- Grievance Committee 5
- Court or Judge 2

(b) Who conducts disciplinary proceedings?
- Grievance Committee 6
- Court or Judge 4

(c) Approximate annual number disciplined on non-state grounds:
Reference to Grievance Committee statistics "about a dozen"; "1-2."

**COMBINATION OF RESPONSES TO QUESTION #9**

9. Would the following significantly improve your disciplinary procedures:

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<td>b. Investigation by a central judiciary agency</td>
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<td>c. Factual determination by such agency (hearings)</td>
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<td>d. Imposition of disciplinary sanctions by such agency</td>
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*See Additional Responses, infra, page 391.
† answered only a, b, or c and did so in the affirmative.
RESPONSES TO QUESTION #10

10. Does the court conduct its own inquiry with respect to applicants for admission to practice?

Yes [71]
No [190]

If "yes", who conducts the inquiry and how is it conducted?

<table>
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<tr>
<th>Circuit</th>
<th>Yes</th>
<th>No</th>
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</thead>
<tbody>
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<tr>
<td>DC</td>
<td>4</td>
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</table>

Note that the responses to this question represent information received from the district court judges and may not reflect the actual procedures or numbers.

If "yes", who conducts the inquiry and how is it conducted?

FIRST CIRCUIT

No response.

SECOND CIRCUIT

One judge states: "We are an urban-rural area. Know our members of the Bar very well. Have faith in the screening done by the character committee of the New York courts before admission. Have faith in the sponsorship remarks of local attorneys concerning the background and competence of out-of-state attorneys."

Another judge stated: "It is assumed that the State Court (County) Committee on Character and Fitness has done its job.

It should be noted some judges referred to reliance on affidavits, and the one judge who stated the court makes an inquiry referred to the inquiry made "at time of appearance before court with sponsor."

THIRD CIRCUIT

3 judges stated that they rely on the moving attorney's certification. One of these judges notes that such practice is pro forma.

Another judge stated that he conducts the inquiry himself.

One response stated: "We rely on state inquiry — of which I suspect there is precious little. The state and the bureau in [the state] seem adequate."

FOURTH CIRCUIT

One judge reports that the "applicant appears before a Commission appointed by the Court, which Committee makes a recommendation to the Court as to the fitness of the applicant for admission to the District Court Bar."
Another judge:

"Character should be determined Before the individual enters Law School But Law Schools will not accept responsibility and the ABA has set no mandate. *Anybody* can become a lawyer and that is Bad!"

Another judge makes the following general observations:

Until bad moral character or misconduct is shown, I would admit without certification any lawyer licensed to practice in any federal court or any state court of general jurisdictions — and hold all those admitted to the same standards of performance as the old settlers who are familiar with local practice. Also, and in totally unresponsive character, I would like to see local rules of court kept to the bare minimum that might be made necessary by geographic and logistic requirements of local districts. We don’t need a hundred different federal procedures and licensing requirements.

Other judges:

- Reliance on affidavits of sponsoring attorneys 2
- Reliance on state 1
- Reliance on state judge and attorneys 2
- Investigation by bar member 1

**FIFTH CIRCUIT**

- Local attorneys vouching 6
- Probation officer 1
- Clerk of Court 2
- Local bar or similar committee 16
- Judge 2

Judge B. (W.D. Fla.) stated:

With respect to question 10, the ones who are allowed by my rule to appear before us have all, I assume, been already subjected to character checkout. In addition, as you will note, our rule requires certificates from two members in good standing of the Bar of this Court attesting to the character and reputation of petitioner.

**SIXTH CIRCUIT**

- Vouched for by member of bar 3
- Reliance on state investigation 1
- Reliance on written application 1
- Court 3
- Committee 5
- Local bar 2

**SEVENTH CIRCUIT**

- Court inquiry of sponsor and applicant 8
- Clerk of Court 1
- Executive Committee of Court 1
- Recommendation of judge or bar member 1

**EIGHTH CIRCUIT**

- Court 3
- Clerk 2
- Sponsoring attorney’s refer. 2
- Board of Admissions 5
II. ADDITIONAL RESPONSES OF FEDERAL DISTRICT COURT JUDGES

Note: additional responses for Questions 2, 8, and 10 are incorporated in the schematic diagrams and analyses at 378, 384, 389, supra.

FIRST CIRCUIT

Question No.

1. One judge who checked first two boxes would also require residence in district of admission.

3. One judge states that local counsel is not necessary in criminal and patent cases, although needed for all purposes in other cases; another judge states local counsel is “seldom” needed for purposes listed in question.

4. Failure to appear at pretrial conference [1]. Improper arguments to juries and court [1].

5. One judge states that “U.S. Attorney attends to this before application to court.”

6. One judge objects to absolute right to practice “primarily because (local) . . . counsel would be eliminated in many cases.”

7. One judge suggests a uniform rule which would simplify pro hac vice admissions.

9. One judge comments “a waste of time and money . . . I think the whole problem of lawyer discipline is exaggerated. Most problems are due to the judge — not the lawyer.”

SECOND CIRCUIT

Question No.

3. One judge added the need for local counsel to substitute in case the out-of-town lawyer fails to appear when directed.

4. One judge reports that some non-local attorneys have presented the problem of withdrawal in criminal cases because of defendant’s refusal to increase fee.

6. One judge stated his answer would depend on the content of the uniform admission requirements; another judge stated it depended on the admission requirements of the first federal court relied on for admission to all federal courts. Another stated that with respect to uniform admission requirements it depends on “who sets them and whether they are any more restrictive than local state membership and with respect to absolute right to practice in all federal courts, no objection if he is admitted in some state and has local counsel.”
9. 5 "no opinion" (explicit or not answered)
   1 "not qualified to answer, but doubt necessity of any" of the pro-
   posed procedures.
   Other suggestions:
   1 Hearing before a judge of the district court in which offense oc-
   curred.
   1 Disciplinary proceeding should be conducted by bar association
   with report and recommendation to court.
   1 Restoration of power of U.S. Attorney to conduct proceedings.
   1 "Better arrangement with bar associations".

THIRD CIRCUIT

Question No.
1. One judge suggested applicant should be “eligible for admission to
   the bar of any state”.
3. Necessity of local counsel in all cases.
   Not in criminal cases
   Not in all criminal cases
   Not necessary, but “is usual and helpful”
   No, “e.g., certain aspects Chapter X”
   Yes, except in transferred multi-district cases.
Purposes of local counsel:
   a. One judge modified the question to state designation is “often
      desirable.”
   b. Another judge noted that the necessity of local counsel for familiar-
      iarity with local law and custom “because of the great volume of
      diversity cases in our court,”
   c. Another judge would require local counsel “to be available for
      status reports and informal conferences on motions, etc. on short
      notice.
   d. Another judge would require local counsel because of familiarity
      with pretrial rules and procedure and local rules and for attend-
      ance at pre-trial conferences.
   e. Another judge crossed out “needed” and substituted “very help-
      ful”, noting “The real value of local counsel lies in the insuring
      of general availability of counsel which significantly aids judicial
      management of the case.”
4. Special discipline problems of pro hac vice attorneys: (each is the
   statement of one judge).
   a. Lack of diligence
   b. Failure to respond to communications from the court
   c. In a bankruptcy case and a criminal case, there were failures to
      respond to order setting brief and hearing schedules.
   d. Tardiness; Do not adhere to local rules of court.
   e. “One was jailed for four days for contempt. Another's privilege
      was revoked for filing questionable affidavits. In fact they were
      untrue.”
   f. “Lack of courtesy to the court; difficulty in obtaining appearance
      at scheduled times; lack of familiarity with rules.”
5. One judge stated he never examines, “but it's a good idea and ought
   to and will at least call to their attention their duty to familiarize
   themselves with local rules.”
6. One judge stated no objection to absolute right to practice in all federal courts “providing he has local counsel enter an appearance for the purposes set out in [question] #3 supra.” One judge added the comment, “good idea,” to absolute right to practice in all federal courts.

7. One judge suggested: “There should be a uniform card of admission given each lawyer so admitted in any Federal Court for use in other Federal Courts in which he wants to practice.”

9. One judge explained that all “no” meant “not at present”; 4 judges did not check anything, of which 1 said “no change”. One would want the “central information bureau” for “special admission situations”. Another suggested that a “central information bureau” could raise “serious ‘due process’ problems.”

Other suggestions for improvement:
“fewer restrictions on right to exercise contempt powers” [1]; “better state bar procedures” because of actual reliance on the state bar [1]; “a detached agency operating nation-wide could probably act with better impartiality” [1]; “in addition to all “yes”, added “utilization of the state disciplinary body” [1]; 2 noted that Pennsylvania has adopted a central agency for its bar [noted by 2 judges]; “close cooperation with local bar associations for district and state courts” plus four “yes” [1]; require referral to court after factual determination by central agency [1].

FOURTH CIRCUIT

Question
No.

1. One judge would require admission in any state subject to designating local counsel in every case. Another, a state in which federal court is located and who is a resident of and maintains an office in that state. Another, a state in which the federal court is located plus three years practice or examination. Another would require residence in state where federal court is located.

3. Necessity limited to civil cases; another stated local counsel is necessary “in most cases — exceptions rarely asked for or granted.”

4. Disciplinary problems of pro hac vice counsel.
One judge stated:
In criminal cases, non-resident counsel have failed to appear in anticipation that a continuance will be granted. Even if continuance is denied, this raises a serious question where non-resident counsel is prime counsel in case. We advise all resident counsel that they must be prepared to try the case. Also: Non-resident counsel frequently plead ignorance of local rules and request adoption of practices in their own jurisdictions, such as New York where pleadings are filed before examiner in violation of Federal Rules of Civil Procedure.

Another judge:
“Failure to comply with local rules (ignorance).”

Another judge:
“Withdraw without permission, fail to appear, fail to comply with Local Rules.”
Another judge:
"Sometimes there is a problem of getting them to court at the appointed time."

Another judge:
"We frequently have had trouble with non-resident counsel in criminal cases, in contacting them for conferences because of their lack of knowledge of local procedure and rules, etc."

Another judge:
"not mis-conduct — however, local practice and law sometimes neglected by pro hac vice counsel."

5. Examination on law, etc.
One reports "we have a committee to examine applicant."

6. Uniform admission requirements:
One judge: "I would welcome it."
Another judge: Would object because "they [admission requirements] would be too easy."

Absolute right to practice in all federal courts:
No objection, "barring misconduct."

7. One judge, who prefers "a model rule," also favors "requirement of three years practice and/or other requisites to assure counsel could properly represent the client."

9. One chief judge who rejected all four procedures reported the district was using the ABA National Discipline Data Bank.
Another judge who preferred the last three choices "if uniform system is adopted," preferred a three-judge court if no uniform system is adopted.

FIFTH CIRCUIT

Question No.

1. One judge would require admission to a state court where applicant now resides.

3. One judge reported that he does not require appointment of local counsel;
Another requires it only in pro hac vice admissions and of counsel outside district and this would depend on the distance from his office to the district.
Another would require local counsel except for routine motions; others note (1) appointment is not necessary, but is desirable; (2) perhaps not absolutely necessary, but helpful for disciplinary means. One judge states:
"On account of difficulty with out-of-state counsel, where local counsel have not been appointed, I am strongly considering a local rule requiring appointment for specific purposes."
With respect to purposes, one judge would add, "discovery."

4. One judge reports "lack of knowledge of local rules and procedure."
Another judge reports "indifference to local rules and order of the Court, particularly in the post-trial period where the ruling has been contrary to their asserted claim."
Another, "failure to appreciate relationship between court, local bar and procedure."
Another judge reports: "Failure to appear or be available on short notice — and general disciplinary problems, as lack of respect for local rules and practice."
Another judge reports: failure to answer calendar; to attend pre-trial hearings; to respond on time to pre-trial orders.
Another judge: “Failure to understand local rules and geographic problems” occasioning time and expense in contacting.

One judge states:
“Being from another jurisdiction and seldom practicing in our area, they feel beyond the reach of disciplinary measures. If bail on appeal from contempt citations was discretionary with the trial judge the problem would be solved.”

[It should be noted that this judge would answer “no” to the second part of #6, infra, if the trial judge had some unreviewable disciplinary power.]

Another judge reports that he had a “serious question as to whether or not a man is a lawyer anywhere and whether or not he has acted properly regarding disposal of proceeds of suit.”

5. One judge reports: rules are furnished applicant.

6. One reports no objection to uniform admission requirements, or “if local courts could qualify requirements.” Another objects to uniform admission requirements because “I think different localities have different characteristics which should be taken into account.” Four indicate they would have to know the requirements to reply.

One reports as objecting to “absolute right” (second part of #6); he states objection is to one who is “a disruptive force.” One would not object to “absolute right” if there were uniform admission requirements.

One who objects to uniform requirements would not object to “absolute right” “as a regular practice, as when two courts are near each other, but in different states. There are cases when attorneys have offices acting as a feeder for cases in another jurisdiction.”

Another: no objection to “absolute right”; “providing we had meaningful disciplinary control with sanctions that could be imposed by the trial judge without interference from the appellate courts.”

Another: “If answerable to discipline satisfactorily.”

7. One prefers a model rule with minimum standards.

One checked the fifth box, prefers it “provided he is a licensed attorney in the state of his residence and can produce a certificate showing he is not under suspension or otherwise being disciplined by his state or local bar association.”

Another prefers box #5, if original admitting court is “court of domicile.”


Several expressed confidence in the Florida bar. Some checked no spaces, and of those, two stated a general objection to another “federal” or “central” agency; another stated “discipline no problem now”; another stated he wanted to handle discipline in his court.

One judge who was affirmative on first two boxes and negative on last two expressed concern about cost and efficiency of central hearings (transportation, etc.).

SIXTH CIRCUIT

Question
No.

1. One would require one year practice before local courts as condition of admission.

3. One judge said “yes”, “initially.” Another, who answered “yes”, would excuse for good cause. One who answered “no”, stated it was “desirable”. Another, “local counsel must be able to carry on trial of case.”
Disciplinary problems with pro hac vice attorneys.

One judge states: "A smart alec lawyer is not completely obliterat-ed by the modern rules of practice and decorum."

Another judge who reported no discipline problems, noted: "They usually appear of counsel to local attorneys. Biggest problem: communication gap between local and foreign attorneys and clients in settlement, pre-trial problems."

Another judge: "For some reason such attorneys are less courteous and more contentious."

Another designated as a discipline problem: "Just one — by designating local counsel with no knowledge of the field involved."

Another: "More dilatory tactics are practiced."

Another who answered "no", noted that "one occasion of lack of respect for local rules of court."

One judge stated: "We have regular examinations for admission to practice in our court."

Uniform Admission requirements:

One judge who objected, stated: "I would strenuously object to some of the involved procedure which I am sure some judges, especially in metropolitan areas, might feel to be imperative for the protection of the court." This judge did not object to the "absolute right" aspect of the second part of #6.

Another judge had no objection to uniform admission, if local counsel could be required for "service of papers and easy communication." This judge and another would object to the "absolute right," unless there were uniform admission requirements.

Another judge, no objection to uniform admission requirements if court could "be sure applicants are familiar with our local rules." Another, no objection "providing it would insure capable practitioners to appear before the court."

One response: "Our present procedures are quite adequate."

Another: "A committee on professional ethics would be beneficial if the need arose."

SEVENTH CIRCUIT

Question No.

1. One response: A state in which the federal court is located "or Illinois — state line 5 blocks from court house." Another would require "experience."

3. "Yes" for civil, but not criminal [2];
   "Yes", because of local rule requirement [1].

4. Disciplinary problems of pro hac vice attorneys.
   Once an attorney knowingly cited reversed case;
   "Failure to appear and lack of communication with clients;"
   "Discipline or misconduct are not descriptive of the problems with out-of-district counsel. There is much loss of time in dealing with such counsel. Chief reason I believe to be the lack of uniformity of judges in conducting the affairs of the court. Also local counsel advise that they are unable to obtain cooperation;"
   "One instance. Failed to cooperate with court;"
   "Too complex for this space."

6. No objection to "absolute right" if admission requirements were uniform [1], or if local counsel retained [1].
9. "No problems"
   "I don't know. I prefer authority in local judge."
   "A fixed procedure would be helpful. Now, we know how to admit
   a lawyer, but it is not clear how to remove him."

EIGHTH CIRCUIT

Question No.

1. One response: A state in which federal court is located “or another
district within the state.”

3. One judge who answered “Yes”, stated:
   “If uniform rules of admission and discipline (effective) were
adopted this would not be necessary except in special circumstances.”
   An additional purpose noted was that local counsel is required to
   participate in the trial.
   One judge would term local counsel “helpful”, not “needed.”

4. Disciplinary problems of pro hac vice attorneys
   “Failure to follow local rules and delay proceedings;”
   “Don’t show up when directed;”
   “On rare occasions” [did not check “yes” or “no”].

6. No objection to “absolute right,” “if effective discipline could be
   established.”
   Objection to uniform admission requirements “only because I see no
   necessity for it.”

9. “Yes” with respect to all choices, “subject to authority of court to
take immediate temporary action of suspension.”
   “Assumes a great need for change which I have not found to exist.”
   “I don’t need any change — Please leave me alone.”
   “Yes” with respect to first three choices, “but only if a national,
   uniform admission and discipline policy were adopted.”
   “I have never had a formal problem — in 18½ years of state and
   5 years U.S. — I have been fortunate.”

NINTH CIRCUIT

Question No.

3. Several judges answered in terms of what their local rule requires,
making it unclear if this was what they thought should be the rule.
   Purposes:
   “For proper control of the case by the court.”

4. Disciplinary problems of pro hac vice attorneys.
   “Lack of discipline, unfamiliar with local practice, unavailability,
continually seek special privilege and/or continuances.”
   “Failure to appear and prepare for trial.”
   “They often ignore notices; fail to reply promptly or appear on
appointed pre-trial days; fail to answer interrogatories on time;
or notify local counsel adequately.”
   “Failure to appear.”
   “Absent, dilatory.”
   “They are less likely to abide by our local rules and they are some-
times less truthful.”
   “It is too expensive for them to appear when required, so they don’t
do it.”
   “Lack of familiarity with local rules and their desire that court
should adjust dates to suit their convenience.”
"None, except [one case] of contempt."
"Lack of knowledge of local rules; lack of knowledge of state law."
"Unruly."
"Only on one occasion — caused courtroom disruption.

6. Objection to "uniform admission requirements" unless they adequately meet some problems [1], or because "conditions vary" [1].
No objection to "absolute privilege", if affiliated with local counsel [1] or subject to rule of district [1].
One would require all out of state attorneys be vouched for by local counsel.
One objects to "absolute right" because attorneys "should be licensed in some state."
One did not reply to "uniform admission requirements" — "it depends on what they were."

7. One judge would prefer a uniform rule in the districts in the state.

9. Four stated there were no serious problems.
Another: "Judge should be given proper power to impose discipline."
Another: "Reason for checking all four is that disciplinary procedures to be effective must extend beyond local jurisdiction."

TENTH CIRCUIT

Question No.

3. One noted local counsel is required except in extra ordinary conditions; another said most of the time there is no need.

4. Disciplinary problems of pro hac vice attorneys
One reported: "Failure to appear personally at scheduled hearings. Disregard of local rules."
Another: "Withdrawals without leave. Irresponsible advice leading to possible contempt by client."

6. One objects to "uniform admission requirements" on grounds they are "unnecessary."

9. One requests, in addition: "A written rule with respect to discipline. Two prefer: "as is."

DISTRICT OF COLUMBIA CIRCUIT

Question No.

1. One prefers: "Special federal admission for all courts."

3. Some indicate "rule of court" requires local counsel.

6. One states no objection to "absolute right", "if admission requirements uniform."
Another, who answered "yes" to first two parts and "less" to third part, stated: "Believe discipline by one federal judge should cover entire system.

9. "National Conference does most of this."
Another, referring to last three choices, states: "This now being done."

III. ADDITIONAL COMMENTS OF FEDERAL DISTRICT COURT JUDGES.

Judge C (E.D.N.Y.) stated:
In my eleven years on the Federal Bench I have never experienced any problems in relation to trial representation, discipline, or otherwise, in consequence of a most liberal ad hoc and regular admission to practice in my part of the Court. I think, having in mind what we are trying
to accomplish, namely adequate representation of clients, an attorney should carry his State ID card, and that should suffice. If his procedures appear too amateurish, one can always inquire discreetly elsewhere about the attorney without the embarrassment that would result from inquiry in the presence or absence of his underrepresented client as to his status as attorney.

Judge D (W.D. Pa.) stated:

A Grievance Committee composed of 9 members of the Bar in the western District is not a satisfactory way to deal with disciplinary problems concerning lawyers.

First, the members of the Committee are busy lawyers who can ill afford the time required to meet and hear the complaints.

Second, they usually are acquainted professionally, and sometimes socially and politically, with the lawyers against whom complaints have been filed or who have been convicted of crimes.

Third, there is no way to pay the reporter who takes and transcribes the testimony produced at the hearings and which in due course will be submitted to the court along with the recommendation of the Committee. In the past members of the Committee paid the reporter out of their personal funds; this is not fair or right; such expense should be treated as a court expense inasmuch as the Committee is a branch of the court. The Administrative Office has informed me there is no authority to pay a reporter who transcribes testimony taken before a Grievance Committee with respect to disciplining lawyers.

Fourth, the delay involved is enormous. The last two matters referred to our Committee were on March 9, 1971 and February 14, 1972. As of this date, September 29, 1972, no recommendation has been received by this court in either case.

Judge E (W.D. Va.) stated:

As in most federal courts, we have a great many cases filed in which the government is a party. Most, or many, of the government departments are loathe to employ a United States Attorney unless they are required so to do by local rules. I note particularly that the TVA in this district is very insistent about this matter, and, instead of allowing the United States Attorney to appear for them, employs private counsel. This is one of the reasons why I take the position that a lawyer who practices in the courts of this district at least have an office in Virginia.

Another reason is that not only the government lawyers but many other lawyers are terribly busy these days. They are hard enough to get hold of in this State, and if they are scattered all over the country, it is absolutely impossible to get anything set unless some kind of local rules of court are put into effect which are so strict that they make for a much more impersonal kind of court administration than we have in this district.

I definitely object to a uniform admission requirement for all federal courts. This court operates very well on the rule which we now have, and the only thing that needs changing about it, if at all, is a slight modification of paragraph 8 to provide that an attorney also may not be a principal on a bond.

I also object to lawyers admitted to practice in other federal courts having the absolute right to practice here. It is inconceivable that the court can properly function if a case is filed by a lawyer in Seattle and defended by a lawyer in Dallas. It just would not work.
Any strengthened power to discipline attorneys would not make my objections any less strenuous. You can't go around disciplining attorneys all the time. The object is to have the attorneys close enough at hand so that they will do what you ask them to do, rather than having to compel them to do something or threatening them if they don't do it.

We have, I believe, the best bar of any district in the country. There has not been any disciplinary problem with a lawyer in this district the three years I have been on the bench, and, except for matters such as committing a crime, no disciplinary problem with a lawyer in the federal courts of this district has taken place, to my knowledge, since I started practicing law in 1953.

I enclose for your information a form which we use to comply with our rule of court. Admissions are made in open court on motion of a member of the bar of the court.

As a matter of practice, attorneys from other states are admitted on oral motion for the purposes of a case.

I cannot express to you how strongly I feel that there should not be any uniform rule and that there should not be any requirement that an attorney who practices in one federal court may practice in any federal district court without the association of a member of the bar of that district court. Local customs and practices vary as widely from district to district as they do from State to State. The crowded court calendars of today demand that a judge have the lawyers within easy calling or driving distance. No sufficient reason is given for denying the district courts the right to make their own rules concerning the admission of attorneys.

I suspect that this matter has been brought about by complaints of attorneys who have not been allowed to practice in some districts without associating counsel, such as we require here, or by administrative counsel, such as we require here, or by administrative agencies, such as the TVA, who do not want local counsel. I consider what little, if any, inconvenience it is to the foreign lawyers to be far outweighed by the general good effect on the administration of justice that local counsel have.

Judge F (S.D. Fla.) stated:

We are beginning to experience problems with attorneys from out of state who are not members of the Florida Bar. This problem is probably being experienced by other district courts. The problem arises where attorneys representing various nonprofit associations appear to represent persons in criminal cases and related matters. It is obvious when they appear that they do not know their clients and have had no personal contact with the named clients. As was pointed out in recent comments by Chief Justice of the United States, these people represent causes and not people. They are more interested in pursuing some issue than in representing the individuals that they purport to represent. I feel that it is imperative that attorneys appearing in the United States District Court either be members of the Bar of the state in which the litigation is pending, or have associated with them counsel admitted to the Bar of the state in which the litigation is pending, so that some control can be maintained by the court. As I see many problems with uniform admission requirements for all federal courts, it would be my feeling that one of the requirements for admission would be admission to the Bar of a state in which the federal court is located.
Judge G (D. Ariz.) stated:

A disciplinary matter against an out-of-state attorney was just completed in our Court which posed certain problems that I feel can't be covered by short answers on the enclosed form.

The chief problem seemed to be what sanctions to impose upon an out-of-state lawyer who made one special appearance in the District Court of this state.

Based on my experience in this case, it would appear that what is needed is a uniform rule covering all federal courts, with sanctions having effect in all federal courts. Any sanctions imposed ought then to be referred to the State Bar of any state where such lawyer practices, and they in turn could act to discipline him in full accordance with due process standards.

Still, this is a cumbersome procedure, which might require more than one hearing on the same issues. The best solution, of course, is one charge, one hearing, and one final decision. Of course, this still leaves open the matter of a right to appeal and to which court — federal and/or state.

I don't feel prepared without further study and discussion to suggest an immediate answer to all these questions.

Judge H (10th Cir.) stated:

I would like to see the federal courts take the initiative in establishing appropriate standards to assure competency in the trial of cases in addition to standards for admission for other purposes. Every judge has seen attorneys try cases who are simply not qualified by training and experience to do so. Specific standards for an admission which include the right to try cases would do a world of good, I think.