



UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

CHAMBERS OF
PATRICK J. SCHILTZ
CHIEF JUDGE
UNITED STATES COURTHOUSE
300 SOUTH FOURTH STREET
MINNEAPOLIS, MINNESOTA 55415
(612) 664-5480

August 1, 2023

I write regarding amendments to LR 83.5 and LR 83.7 that take effect today (August 1, 2023). The amendments address two important aspects of the Court's pro hac vice practice: the role of local counsel and the residency requirement.

The requirement for a non-member of this Court's bar to associate with a member of this Court's bar for the duration of a case remains in place. The bench recognizes, however, that LR 83.5(d)(2)(A)'s former requirement that local counsel "participate in the preparation and presentation of the case" was somewhat ambiguous as to exactly what role local counsel was expected to play. The amendments make clear that, going forward, the client will determine the precise involvement and responsibilities that a member of this Court's bar will have in a particular case and that this discretion will remain with the client unless the presiding judge requires a greater degree of involvement by local counsel. These amendments reflect the bench's view that, in most cases, deciding on the scope of local counsel's role is best left to the client.

Regarding the residency requirement, the Court will no longer require that a member of the Court's bar who moves for the pro hac vice admission of a non-admitted lawyer be a resident of Minnesota. Thus, any active member in good standing of this Court's bar—including a member who does not reside in Minnesota—may move for a nonresident attorney's admission pro hac vice. Thus, the term "local counsel" will become a bit of a misnomer, as the local rules will no longer require that a resident of Minnesota be involved in every case; instead, as described above, the local rules will merely require the involvement of a member of this Court's bar (whether or not that member resides in Minnesota).

I encourage you to review the newly amended rules and the 2023 Advisory Committee Notes for further information about the changes to LR 83.5 and LR 83.7. An updated *Motion for Admission Pro Hac Vice* form can also be found on the Court's website.

I would like to thank the members of the Federal Practice Committee for their diligent work over the past two years on these important amendments.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick J. Schiltz".

Patrick J. Schiltz
Chief Judge



United States District Court

District of Minnesota

Patrick J. Schiltz, Chief Judge

Kate Fogarty, Clerk of Court

612-664-5000

Warren E. Burger Federal
Building and U.S.
Courthouse
316 North Robert Street
Suite 100
St. Paul, MN 55101

Edward J. Devitt U.S.
Courthouse and Federal
Building
118 South Mill Street
Suite 212
Fergus Falls, MN 56537

Gerald W. Heaney
Federal Building and U.S.
Courthouse and
Customhouse
515 West First Street
Suite 417
Duluth, MN 55802

Diana E. Murphy United
States Courthouse
300 South Fourth Street
Suite 202
Minneapolis, MN 55415

August 1, 2023

PUBLIC NOTICE REGARDING AMENDMENTS TO LOCAL RULES EFFECTIVE AUGUST 1, 2023

The United States District Court for the District of Minnesota has approved amendments to Local Rules 83.5 and 83.7. After issuing for public comment proposed amendments to the rules and reviewing the recommendations of the Federal Practice Committee, chaired by Rebekah Bailey, the Court approved the amendments to take effect on August 1, 2023. A summary of the amendments is provided below. To view the amended Local Rules, please visit the Court's website at www.mnd.uscourts.gov.

LR 83.5 Bar Admission – The amendments to LR 83.5(d) clarify the responsibilities of a member of this court's bar who moves for the admission pro hac vice of nonresident counsel. Unless otherwise ordered by the court, that member need only participate in the preparation and presentation of the case to the extent directed by the client. The amendments remove the requirement that, absent leave of court, a member of this court's bar who moves for the admission pro hac vice of a nonresident attorney must be a Minnesota resident. The amendments also revise LR 83.5(e) to be consistent with LR 83.5(d) in those cases in which pro hac vice counsel representing the government associates with an attorney from the United States Attorney's Office of the District of Minnesota.

LR 83.7 Withdrawal of Counsel – The amendments revise LR 83.7 to be consistent with the amendments to LR 83.5. Except in cases governed by LR 83.5(e)(1), a member of this court's bar may withdraw from a case without filing a motion only if counsel of record for that party will continue to include an active member in good standing of this court's bar.