AN ANALYSIS OF UNITED STATES FEDERAL DISTRICT COURT ADMISSION REQUIREMENTS

Chad G. Marzen[*†]

I. INTRODUCTION

Admission to a state bar is an honor and a privilege; it requires an attorney to be of "good moral character."[1] Admission allows the newly admitted lawyer not only to obtain clients with legal questions within that state, but allows the attorney to practice law and, more importantly, strive to seek and promote justice.[2] Admission to the state bar also carries the solemn responsibility to support the United States Constitution and

---

* Associate Professor of Legal Studies in Business, Florida State University, College of Business—Department of Risk Management/Insurance, Real Estate, and Legal Studies. The author can be reached at cmarzen@fsu.edu.

† To Laura Elizabeth Grice—yours always.

1. *See* Keith Swisher, *The Troubling Rise of the Legal Profession's Good Moral Character*, 82 ST. JOHN'S L. REV. 1037, 1043 (2008) ("Every state requires applicants to prove good moral character before admission to the bar.").

2. *See* Jennifer M. Granholm, *All Lawyers Are Public Interest Lawyers*, 85 MICH. B.J. 20, 21 (2006) ("Promoting justice is bigger than winning or losing a particular case, or making or breaking a particular deal.").

faithfully discharge the duties of the legal profession in an ethical manner to the best of one's ability.[3] For example, for Iowa attorneys the "Iowa Lawyer's Oath" specifically provides:

> I do solemnly swear:
>
> I will support the Constitution of the United States and the Constitution of the State of Iowa;
>
> I will maintain the respect due to courts of justice and judicial officers;
>
> I will not counsel or maintain any suit or proceeding which shall appear to me to be unjust, nor any defense except the defense of a person charged with a public offense;
>
> I will employ for the purpose of maintaining the causes confided to me such means only as are consistent with truth, and will never seek to mislead the judges by any artifice or false statement of fact or law;
>
> I will maintain the confidence, and, at any peril to myself, will preserve the secret of my client;
>
> I will abstain from all offensive personality, and advance no fact prejudicial to the honor or reputation of a party or witness, unless required by the justice of the cause with which I am charged;
>
> I will refuse to encourage either the commencement or continuance of an action proceeding from any motive of passion or interest;
>
> I will never reject, from any consideration personal to myself, the cause of the defenseless or oppressed; and
>
> I will faithfully discharge the duties of an attorney and counselor at law to the best of my ability and in accordance with the ethics of my profession, So Help Me God.[4]

Along with the privilege of practicing in that state's courts, so long as one is a member in good standing of that state's bar, one can generally apply for admission to practice before the federal district court(s) located

3. *Iowa Lawyer's Oath*, L. OFF. WILLIAM MONROE, http://attorneymonroe.com/the_lawyers_oath (last visited May 1, 2018).

4. *Id.*

within that state.[5] The question then arises: can an attorney licensed in one state jurisdiction be admitted to the federal district courts of another state when he or she is not licensed in that state's courts? There is a lack of uniformity among federal district courts regarding this question—some federal district courts permit admittance of attorneys licensed to the highest court of any state, while other federal district courts only generally permit admittance of attorneys licensed in the state courts of that state.[6] Attorneys seeking admission have challenged the requirement that an attorney be licensed in the state courts of a state in order to be admitted to the federal courts of that same state. The National Association for the Advancement of Multijurisdiction Practice (NAAMJP), a public-benefit corporation, is the primary organization advocating for full admission on rules privileges for all state and federal courts in the United States.[7] In two recent challenges to restrictive federal district court admission rules, the NAAMJP lost in the United States Court of Appeals for the Fourth Circuit in *NAAMJP v. Lynch*,[8] as well as the United States Court of Appeals for the Third Circuit in *NAAMJP v. Simandle*.[9]

This Article examines the issue of whether an attorney who is not licensed in the state courts of a state, but is otherwise a member in good standing of another state bar, can be licensed in the federal district courts of the former state—irrespective of the fact they are not admitted to that state court's bar. Part II of this Article briefly outlines whether the various federal courts require an attorney to be a member of the state court bar where the federal district court is located. Part III of this Article discusses and analyzes the constitutional challenges to the rules of federal district courts that require an admitted attorney to be a member of the state court bar where the federal district court is located. Essentially all of the constitutional challenges have been unsuccessful thus far. In the wake of

---

5. *See* Carol A. Needham, *Splitting Bar Admission into Federal and State Components: National Admission for Advice on Federal Law*, 45 KAN. L. REV. 453, 488 (1997) (explaining the concept of derivative admission, which allows those admitted to the state bar to apply "to practice before the federal court in that state").

6. *Compare* N.D. OHIO CIV. R. 83.5(b) (allowing any lawyer admitted to practice before the highest court of any state to be admitted to the United States District Court for the Northern District of Ohio), *with* JOINT KY. CIV. PRAC. R. 83.1(a) (requiring admission to the Supreme Court of Kentucky to practice in the Eastern and Western Districts of Kentucky).

7. *See About Us*, NAT'L ASS'N FOR ADVANCEMENT MULTIJURISDICTION PRAC., http://www.mjplaw.org/about_us.html (last visited May 1, 2018) (describing the purpose and goals of NAAMJP).

8. *See* Nat'l Ass'n for the Advancement of Multijurisdiction Practice v. Lynch, 826 F.3d 191, 198 (4th Cir. 2016) (holding that Maryland local admission rules violate neither the First Amendment nor the Supremacy Clause).

9. *See* Nat'l Ass'n for the Advancement of Multijurisdiction Practice v. Simandle, 658 F. App'x 127, 130 (3d Cir. 2016) (describing the NAAMJP's unsuccessful history).

these unsuccessful court challenges, Part IV of this Article recommends that, in examining their local admission rules, federal district courts should reflect on the standards they set for qualifications for United States magistrate judges. Such reflection inexorably leads to the outcome that attorneys properly admitted and in good standing with the state courts of at least one state should be permitted admission before any federal district court.

II. FEDERAL DISTRICT COURT ADMISSION RULES AND ATTORNEYS LICENSED FROM DIFFERENT STATES

As conveyed in the Appendix, federal district courts throughout the country vary on whether an attorney is required to be a member of the state bar of the state in which the federal court is seated.[10] Table 1 indicates that 59 out of 94 federal district courts require a local state bar admission as a prerequisite for being admitted to the federal district court located within the same state.[11] Only 35 federal district courts do not require local bar admission in the state where the federal district court is located.[12] Some states have multiple federal district courts located within that state.[13] Even among states with multiple federal district courts, the federal district courts within the state vary on admission requirements. This currently is the case with states such as Missouri, New York, Ohio, Pennsylvania, and Tennessee.[14] In January 2015, the United States District Court for the District of Maryland conducted a survey of all federal district court admission rules.[15]

Since the 2015 survey, federal district courts have begun to change their admission rules. For example, before a local rules amendment in 2015, an attorney who was a member of the Florida bar or the bar of any state could be admitted to the bar of the United States District Court for the Northern District of Florida if he or she "successfully completed the tutorial on [the] court's local rules, located on the district's Internet Home

---

10. *See infra* Appendix (listing federal court local rules on admission).

11. *See infra* Table 1 (showing the number of district courts requiring local state bar admission).

12. *Id.*

13. *See* John Okray, *Attorney Admission Practices in the U.S. Federal Courts*, FED. L., Sept. 2016, at 40, 43 (describing inconsistent admission practices across federal districts within the same state).

14. *See infra* Appendix (listing federal court local rules).

15. *See* U.S. DIST. COURT FOR THE DIST. OF MD., SURVEY OF ADMISSION RULES IN FEDERAL DISTRICT COURTS (2015), http://www.msba.org/uploadedFiles/MSBA/Member_Groups/Sections/Litigation/USDCTMDSurvey0115.pdf (providing detailed results of the survey).

Page . . . ."[16] After November 24, 2015, the rule became more restrictive—new members of the bar of the United States District Court for the Northern District of Florida must also be members of the Florida bar.[17] With many federal district courts maintaining restrictive admission rules, the NAAMJP continues to challenge these limitations.

Table 1: Federal District Court Local Admission Rules

Number of District Courts That Require Local State Bar Admission	Number of District Courts That Do Not Require Local State Bar Admission
59	**35**

III. THE CONSTITUTIONAL CHALLENGES TO FEDERAL DISTRICT COURT ADMISSION RULES

Several federal courts have issued rulings on challenges to federal district court rules that require state court admission in the state where the federal district court is located. Since the United States Court's of Appeals for the Third Circuit decision in *In re Roberts*, federal courts have essentially rejected every constitutional challenge to the admission rules of federal district courts.[18]

A. In re Roberts *and* NAAMJP v. Gonzales

In one of the early cases challenging federal district court admission rules in 1982, the United States Court of Appeals for the Third Circuit

16. *See* U.S. DIST. COURT FOR THE N. DIST. OF FLA., NOTICE OF REVISION OF THE LOCAL RULES OF THE NORTHERN DISTRICT OF FLORIDA 14 (2004), http://www.flnd.uscourts.gov/sites/default/files/general-ordes/AdmOrdLocalRules.pdf (explaining the qualifications for admission before 2015); U.S. DIST. COURT FOR THE N. DIST. OF FLA., NOTICE OF REVISION OF THE LOCAL RULES OF THE NORTHERN DISTRICT OF FLORIDA 1–2 (2015), http://www.flnd.uscourts.gov/sites/default/files/news/15%20NDFL%20Final%20Notice%20of%20Revision%20to%20Local%20Rules%20November%2024%2C%202015.pdf (explaining that, before the 2015 revision of the local rules, "an attorney who was a member in good standing of another state's bar could become a member of the District's bar, even without being a member of the Florida Bar").

17. *See* N.D. FLA. R. 11.1(A) (allowing members who were previously admitted and not members of the Florida bar to remain admitted "so long as (1) the attorney does not violate Florida law on the unauthorized practice of law and (2) there are no other grounds for the attorney's removal from the District's bar").

18. *See* In re Roberts, 682 F.2d 105, 108 (3d Cir. 1982) (holding that the District Court for the District of New Jersey could constitutionally restrict admission to members of the New Jersey bar).

upheld federal district court admission rules in *In re Roberts*.[19] In the *Roberts* case, a lawyer admitted to the state courts of New York sought admission to practice before the District Court for the District of New Jersey.[20] He allegedly only sought admission to litigate federal tax cases.[21] The District Court for the District of New Jersey had a rule that permitted admission of: (1) attorneys licensed with the state bar of New Jersey; (2) lawyers who practice patent law that limit their practice to patent cases; and (3) attorneys who represent the United States.[22] However, there was not an exemption from the state bar licensing requirement for attorneys not admitted in the state courts of New Jersey.[23]

The plaintiff primarily claimed the federal district court admission rules violated the Fifth Amendment's Due Process Clause as well as the Equal Protection Clause.[24] To establish a Fifth Amendment Due Process Clause violation, a plaintiff must show that a protected property interest or a liberty interest was infringed upon.[25] The *Roberts* court was not persuaded by these arguments, noting that the plaintiff did not cite any authority in support of a violation of the Fifth Amendment.

On the equal protection claim, the court utilized a rational basis standard of review.[26] The plaintiff argued that no rational basis existed between practicing federal tax law in the federal district court in New Jersey and being an admitted member of the state bar in New Jersey.[27] In responding to the equal protection argument, the *Roberts* court indicated the federal district court rule has a rational basis in that it is meant to protect members of the public in a situation where there is a question as to whether a state or federal forum can be utilized.[28] The *Roberts* court noted that, if individuals who were not members of the state bar could practice in the federal court, then "an attorney admitted only to the federal court may choose that forum solely for that reason, possibly disregarding the interests

---

19. *Id.* at 106–07.
20. *Id.* at 107.
21. *Id.*
22. *Id.* at 107–08.
23. *Id.*
24. *Id.* at 107–08, 107 n.2.
25. *See* U.S. CONST. amend. V ("No person shall . . . be deprived of life, liberty, or property, without due process of law . . . ."); *see also* Joel Hugenberger, Note, *Redefining Property Under the Due Process Clause:* Town of Castle Rock v. Gonzales *and the Demise of the Positive Law Approach*, 47 B.C. L. REV. 773, 778 (2006) (discussing the evolution of the definition of "property" in Due Process analyses).
26. *In re Roberts*, 682 F.2d at 108; *see* Richard B. Saphire, *Equal Protection, Rational Basis Review, and the Impact of* Cleburne Living Center, Inc., 88 KY. L.J. 591, 602–03 (2000) (stating that courts apply the rational basis standard when reviewing "social or economic legislation").
27. *In re Roberts*, 682 F.2d at 108.
28. *Id.*

of his client."[29] Furthermore, the *Roberts* court also mentioned that patent lawyers must pass a uniform national exam and, regarding attorneys representing the United States, "the court's interest in ensuring competence of lawyers appearing before it is satisfied by its reliance on the government to exercise care in the selection and supervision of its lawyers."[30] Thus, no equal protection violation existed with the federal district court admission rule.[31]

In *NAAMJP v. Gonzales*, three attorneys and the NAAMJP filed suit in the United States District Court for the Eastern District of Pennsylvania, challenging the federal court admission rules of approximately 55 federal district courts.[32] The United States Court of Appeals for the Third Circuit upheld the District Court's for the Eastern District of Pennsylvania dismissal of the lawsuit.[33] In reaching its decision, the Court of Appeals found that the plaintiffs did not suffer a "legally redressable injury."[34] A key fact in the case was that the three attorneys who filed suit did not show that they would seek to practice in all 55 of the federal district courts in spite of the local federal district court rules.[35] More importantly, all three were actually eligible to practice before the United States District Court for the Eastern District of Pennsylvania.[36] The *Gonzales* court was then left with an easy decision—it simply upheld the dismissal based upon lack of standing.[37]

B. The Arguments in NAAMJP v. Lynch *and* NAAMJP v. Simandle

Unlike the *Gonzales* case, the United States Court of Appeals for the Fourth Circuit in *NAAMJP v. Lynch*[38] and United States Court of Appeals for the Third Circuit in *NAAMJP v. Simandle*[39] did not find any threshold issue with standing or lack of injury. However, both courts rejected several constitutional and statutory arguments.

---

29. *Id.*
30. *Id.*
31. *Id.*
32. *See* Nat'l Ass'n for the Advancement of Multijurisdiction Practice v. Gonzales, 211 F. App'x 91, 93 (3d Cir. 2006) (explaining the procedural history of the case).
33. *Id.* at 94.
34. *Id.*
35. *Id.* at 95
36. *Id.*
37. *Id.* at 96.
38. *See* Nat'l Ass'n for the Advancement of Multijurisdiction Practice v. Lynch, 826 F.3d 191, 194 n.1 (4th Cir. 2016) (discussing the issue of standing).
39. *See* Nat'l Ass'n for the Advancement of Multijurisdiction Practice v. Simandle, 658 F. App'x 127, 134 (3d Cir. 2016) (holding that individual plaintiffs and NAAMJP possessed standing).

1. First Amendment Claims

Both the plaintiffs in the *Lynch* and *Simandle* cases argued that federal district court admission rules that do not allow members of the state bar of another state outside of where the federal district court is seated violate the First Amendment. In particular, in the *Simandle* case, the plaintiffs alleged the local rules for the District of New Jersey were "overbroad, discriminate based upon the content and viewpoint of their speech, constitute an illegal prior restraint on speech, violate their freedom of association, and infringe upon their right to petition the government for a redress of grievances."[40] The First Amendment of the United States Constitution prohibits Congress from enacting any law "abridging the freedom of speech, . . . or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."[41]

The difficulty with First Amendment challenges to the admission rules of federal district courts is that they do not expressly limit attorney speech, but rather are rules regulating the legal profession—a point emphasized by the courts in both the *Lynch*[42] and *Simandle*[43] cases. The admission rules of federal district courts also do not target the content of speech.[44] As the *Lynch* court noted, the federal district court admission rule does not restrict an attorney from speaking, but rather is a "generally applicable licensing provision."[45] In addition, the *Simandle* court remarked that, with the case of the admission rules of the United States District Court for the District of New Jersey, an attorney still could represent him or herself pro se in proceedings, apply for admission to the New Jersey state bar after fulfilling New Jersey's state requirements, or pursue limited practice through pro hac vice admission.[46] Both the *Lynch*[47] and *Simandle*[48] courts did not find any violations of the First Amendment.

---

40. *Id.* at 135.

41. U.S. CONST. amend. I.

42. *See Lynch*, 826 F.3d at 196 (dismissing First Amendment claims by the NAAMJP on professional speech doctrine grounds).

43. *See Simandle*, 658 F. App'x at 136 (explaining that local rules do not limit a lawyer's right to free speech, but regulate the legal profession).

44. *Id.*; *Lynch*, 826 F.3d at 196.

45. *Lynch*, 826 F.3d at 196.

46. *Simandle*, 658 F. App'x at 136.

47. *Lynch*, 826 F.3d at 196.

48. *Simandle*, 658 F. App'x at 136 (explaining why local rules do not limit lawyers' free speech).

2. Equal Protection Clause Claims

Just like the court in the *Roberts* case, both the Fourth Circuit in *Lynch* and the Third Circuit in *Simandle* rejected constitutional claims based upon the Equal Protection Clause. Both courts applied rational basis review[49] to the federal district court admission rules because the rules do not infringe upon fundamental rights or target any suspect class of persons.[50] In the *Lynch* case, the court noted that the plaintiffs did not cite a single case in support of an equal protection violation,[51] and that the rule "clearly passes constitutional muster."[52] The *Simandle* court followed the prior ruling of the United States Court of Appeals for the Third Circuit in *Roberts* and noted with approval that "federal courts often sit in diversity and apply state substantive law, so familiarity with state law is a rational basis on which to admit attorneys to the federal bar of that same state."[53]

3. Claims Based upon Rules Enabling Act

As a statutory argument, the NAAMJP has also argued that federal court admission rules that prohibit attorneys licensed in states other than the state where the federal court sits violate the Rules Enabling Act. Under the Rules Enabling Act, outlined in 28 U.S.C. § 2071, "[t]he 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 under section 2072 of this title."[54] In essence, the Rules Enabling Act is a congressional grant that specifically allows United States federal district courts to delineate their rules regarding attorney admissions. The statute also specifically notes that the rules must be consistent with the "practice and procedure" outlined in § 2072.[55] In turn, 28 U.S.C. § 2072 provides that "[t]he Supreme Court shall have the power to prescribe general rules of practice and procedure and rules of evidence for cases in the United States district courts (including proceedings before magistrate

---

49. *Lynch*, 826 F.3d at 196; *see also Simandle*, 658 F. App'x at 137–38 (detailing how and why a court decides to use rational basis scrutiny).

50. *See* FCC v. Beach Commc'ns, Inc., 508 U.S. 307, 313 (1993) ("In areas of social and economic policy, a statutory classification that neither proceeds along suspect lines nor infringes fundamental constitutional rights must be upheld against equal protection challenge if there is any reasonably conceivable state of facts that could provide a rational basis for the classification.").

51. *Lynch*, 826 F.3d at 197.

52. *Id.* at 196.

53. *Simandle*, 658 F. App'x at 137 (citing Giannini v. Real, 911 F.2d 354, 360 (9th Cir. 1990)).

54. 28 U.S.C. § 2071(a) (2012).

55. *Id.*

judges thereof) and courts of appeals."[56] It also notes that "[s]uch rules shall not abridge, enlarge or modify any substantive right."[57]

Both the plaintiffs in the *Lynch* and *Simandle* cases proffered the argument that 28 U.S.C. § 2071 is subject to the rule in 28 U.S.C. § 2072(b), which notes that the rules must not "abridge, enlarge or modify any substantive right."[58] However, the *Lynch* court specifically noted that the provisions in § 2072 refer to the rules of the United States Supreme Court, which, when read together, essentially place United States District Courts on notice that they cannot enact rules that expressly conflict with the Supreme Court's rules of procedure.[59] The *Simandle* court also adopted this reasoning in dismissing the challenge based on the Rules Enabling Act.[60]

Even assuming arguendo that the "substantive right" provision in 28 U.S.C. § 2072(b) applies to 28 U.S.C. § 2071(a), and thus the local admission rules of United States federal district courts (going against the *Lynch* and *Simandle* courts' rationales), a challenge based upon the Rules Enabling Act would still fail. No federal district courts have found that admission to a federal district court bar (when that attorney is licensed in a state court outside of the federal district court bar) involves a "substantive right" for purposes of the Due Process and Equal Protection clauses.

4. Supremacy Clause Claims

Finally, both the plaintiffs in *Lynch* and *Simandle* proffered constitutional claims based upon the Supremacy Clause.[61] Under the Supremacy Clause, the United States Constitution, treaties, and federal laws are "the supreme Law of the Land" and take precedence in a conflict with state law.[62] The Supremacy Clause argument is by far the weakest argument of the constitutional challenges to federal district court admission rules. The general basis of the Supremacy Clause argument is that federal district court admission rules are unconstitutional because the federal district court

---

56. *Id.* § 2072(a).

57. *Id.* § 2072(b).

58. Nat'l Ass'n for the Advancement of Multijurisdiction Practice v. Lynch, 826 F.3d 191, 197 (4th Cir. 2016) (quoting 28 U.S.C. § 2072(b)); *see also Simandle*, 658 F. App'x at 134 (explaining how the federal rules work together).

59. *Lynch*, 826 F.3d at 197.

60. *Simandle*, 658 F. App'x at 134–35 (agreeing with the *Lynch* court regarding conflicts between the local rules and the Rules Enabling Act).

61. *Lynch*, 826 F.3d at 198; *see also Simandle*, 658 F. App'x at 135 (rejecting plaintiff's arguments "that the District Court's local rule somehow allows New Jersey state law to control federal courts because it incorporates the state's attorney admission rules").

62. U.S. CONST. art. VI, cl. 2.

admission rules incorporate state attorney licensing requirements.[63] As the United States Court of Appeals for the Fourth Circuit noted in the *Lynch* case, the United States District Court's for the District of Maryland admission rule is a "federal rule prescribed pursuant to a federal statute."[64] Not only did the United States Court of Appeals for the Fourth Circuit dismiss the Supremacy Clause argument, but the *Lynch* court implied that such an argument is "borderline frivolous."[65] In addition, in rejecting the Supremacy Clause argument, the United States Court of Appeals for the Third Circuit in *Simandle* also suggested that the Supremacy Clause argument is "borderline frivolous."[66]

IV. AN ARGUMENT FEDERAL DISTRICT COURTS SHOULD CONSIDER: THE QUALIFICATIONS FOR UNITED STATES MAGISTRATE JUDGES

Given the lack of success of any legal challenges to federal district court admission rules, constitutional arguments have not held weight with the federal courts. Constitutional arguments have also been unsuccessful for claims involving an out-of-state attorney seeking licensure to another state bar through reciprocity in situations where the other state does not recognize reciprocity.[67] Despite the fact that constitutional arguments have

---

63. *See, e.g.*, *Lynch*, 826 F.3d at 198 ("NAAMJP focuses on the fact that Rule 701 incorporates Maryland state licensing requirements, but ignores the fact that nothing prohibits federal law from incorporating state standards.").

64. *Id.*

65. *Id.*

66. *Simandle*, 658 F. App'x at 135 (quoting *Lynch*, 826 F.3d at 198).

67. *See, e.g.*, Nat'l Ass'n for the Advancement of Multijurisdiction Practice v. Castille, 799 F.3d 216, 218 (3d Cir. 2015) ("We consider here a constitutional challenge to Pennsylvania Bar Admission Rule 204, which allows experienced attorneys to be admitted to the Pennsylvania bar without taking the Pennsylvania bar exam provided they are barred in a 'reciprocal state,' that is, a state that similarly admits Pennsylvania attorneys by motion without requiring them to take that state's bar exam. In a thorough and well-reasoned opinion, the District Court upheld Rule 204, and we will affirm."); Nat'l Ass'n for the Advancement of Multijurisdictional Practice v. Berch, 773 F.3d 1037, 1042 (9th Cir. 2014) ("Plaintiffs-Appellants (Plaintiffs) National Association for the Advancement of Multijurisdictional Practice (NAAMJP), Allison S. Girvin, and Mark Anderson filed suit against justices of the Arizona Supreme Court challenging Arizona Supreme Court Rule 34(f) (the AOM Rule), which describes how experienced attorneys can be admitted on motion to the State Bar of Arizona (Arizona Bar). The AOM Rule permits admission on motion to the Arizona Bar for attorneys who are admitted to practice law in states that permit Arizona attorneys to be admitted to the bars of those states on a basis equivalent to Arizona's AOM Rule, but requires attorneys admitted to practice law in states that do not have such reciprocal admission rules to take the uniform bar exam (UBE) in order to gain admission to the Arizona Bar. Anderson, Girvin, and NAAMJP allege that the AOM Rule is unconstitutional under the First Amendment, the Dormant Commerce Clause, and the Privileges and Immunities Clauses of Article IV and the Fourteenth Amendment. We hold that the AOM Rule is constitutional, and that the district court did not err in dismissing Plaintiffs' claims on summary judgment, or in denying leave to amend Plaintiffs' complaint to permit the joinder of John Doe."); Goldfarb v. Supreme Court of Va., 766 F.2d 859, 860 (4th Cir. 1985) ("The Supreme Court of Virginia will admit an out-of-state attorney

not found success, another argument may better convince the federal courts to open membership to the federal district court bar for an attorney in good standing admitted with any state—an argument based upon the qualifications set with the selection for United States magistrate judges.

In a September 2016 article briefly analyzing the question of federal court admissions, John Okray noted that the qualifications for United States district judges are minimal.[68] In fact, United States district judges are neither required to have passed a bar exam nor even have a law degree.[69] As Okray has aptly stated, "[t]he lack of formal requirements to become a federal judge has not created a public outcry or any mainstream effort to bolster the requirements."[70]

The comparison to Article III federal judges with essentially lifetime tenure is a striking one. In the case of an Article III federal judge, district judges are subject to a vetting process that not only includes "informal requirements," such as substantial practical experience and an outstanding ethical and professional record,[71] but a process that requires nomination by the President of the United States and confirmation for lifetime appointment by the United States Senate.[72]

The qualifications for federal magistrate judges are even more conspicuous: while the qualifications of United States magistrate judges are outlined generally by federal statute, their selection is made by United States district judges (who also currently set the requirements as to whether an attorney must be admitted to the state bar where the federal district court is located).[73]

---

to the Commonwealth bar without examination only if the applicant intends to practice full-time in Virginia. The plaintiff, alleging that this requirement violates the Commerce Clause and the Due Process Clause, filed suit for declaratory and injunctive relief. The district court held that the rule does not exceed the authority of the Commonwealth or abridge the rights of the plaintiff, and it dismissed the complaint for failure to state a claim upon which relief could be granted. We affirm.").

68. *See* Okray, *supra* note 13, at 44 ("[T]he technical requirements to become a federal district court judge, or even Supreme Court Justice, are minimal . . . .").

69. *Id.*

70. *Id.*

71. *See* DENIS STEVEN RUTKUS, CONG. RESEARCH SERV., R43762, THE APPOINTMENT PROCESS FOR U.S. CIRCUIT AND DISTRICT COURT NOMINATIONS: AN OVERVIEW 7–8, 15 (2016) https://fas.org/sgp/crs/misc/R43762.pdf (explaining the informal requirements for federal judge appointments).

72. U.S. CONST. art. II, § 2, cl. 2; *see also* David S. Law, *Appointing Federal Judges: The President, the Senate, and the Prisoner's Dilemma*, 26 CARDOZO L. REV. 479, 481–82 (2005) (describing the federal judicial appointments process, as well as its historical and political context).

73. *See* 28 U.S.C. § 631 (2012) (listing the process by which district court judges select magistrate judges).

A. Qualifications and the Role of United States Magistrate Judges

In contrast to United States district court judges, who have lifetime appointments, United States magistrate judges only serve terms of eight years.[74] Magistrate judges have served in a variety of capacities: former state judges,[75] prosecutors,[76] litigators,[77] law professors,[78] and even a former United States Congressman from Tennessee, Ed Bryant.[79]

There are a number of statutory qualifications for an individual to be appointed as a United States magistrate judge. Most significantly, an individual must have been a member of a state bar, or the bar of the District of Columbia, Puerto Rico, Guam, Northern Mariana Islands, or the United States Virgin Islands for at least five years.[80] The individual must also be a member in good standing of that bar.[81] Individuals appointed to a magistrate judge position must also be "competent to perform the duties of the office,"[82] and cannot be "related by blood or marriage to a [United States district judge] of the appointing court" at the time of initial appointment.[83]

Magistrate judges play an integral part in the federal court system[84] in ensuring the expeditious movement of federal court dockets.[85] Magistrate

---

74. *Id.* § 631(e).

75. One example is Judge Stephen Jackson, Jr., United States Magistrate Judge for the Southern District of Iowa. Trish Mehaffey, *6th Judicial District Judge Headed to Federal Court*, GAZETTE (Dec. 5, 2014, 6:40 PM), http://www.thegazette.com/subject/news/6th-judicial-district-judge-headed-to-federal-court-20141205.

76. One example is Judge C.J. Williams, United States Magistrate Judge for the Northern District of Iowa, and nominee for United States District Judge for the Northern District of Iowa. Trish Mehaffey, *Assistant U.S. Attorney C.J. Williams Chosen as Next Federal Magistrate*, GAZETTE (Oct. 28, 2015, 11:01 AM), http://www.thegazette.com/subject/news/public-safety/assistant-us-attorney-cj-williams-chosen-as-next-federal-magistrate-20151028.

77. One example is Alice Senechal, United States Magistrate Judge for the District of North Dakota. *See Senechal Named Magistrate Judge for ND District*, WASH. TIMES (Oct. 2, 2014), https://www.washingtontimes.com/news/2014/oct/2/senechal-named-magistrate-judge-for-nd-district/ (announcing Senechal's appointment).

78. One example is Herman "Rusty" Johnson, Jr., United States Magistrate Judge for the Northern District of Alabama. Ivana Hrynkiw, *New Magistrate Judge Takes the Bench in Huntsville's Federal Courthouse*, AL.COM (Aug. 1, 2017, 2:18 PM), http://www.al.com/news/index.ssf/2017/08/new_magistrate_judge_takes_the.html.

79. *See* Emily Cahn, *Life After Congress: Ed Bryant*, ROLL CALL (Dec. 13, 2012, 12:44 PM), https://www.rollcall.com/news/life_after_congress_ed_bryant-219987-1.html (detailing Ed Bryant's life after Congress).

80. 28 U.S.C. § 631(b)(1) (2012).

81. *Id.*

82. *Id.* § 631(b)(2).

83. *Id.* § 631(b)(4).

84. In the last several years, a number of commentators have published law review articles on the role of magistrate judges in the federal court system. These articles include: Kelly Holt, Comment, *Congressional Guidance on the Scope of Magistrate Judges' Duties*, 84 U. CHI. L. REV. 909 (2017);

judges often hear pretrial matters, such as dispositive motions in civil cases and preliminary evidentiary motions in criminal cases.[86] Magistrate judges also can preside over a civil jury trial with the consent of all the litigants.[87] As the Honorable Tim A. Baker, United States Magistrate Judge for the Southern District of Indiana, has contended, the increased role of magistrate judges in the federal court system "can ultimately improve federal courts' ability to address the demands of modern federal court practice."[88]

B. Vacancies for Magistrate Judges, Selection by District Judges, and Judicial Estoppel

One of the important responsibilities of United States district judges is to appoint qualified United States magistrate judges.[89] Vacancy announcements for United States magistrate judges are often posted on the website for the United States Courts.[90] As of mid-December 2017, there were several United States magistrate judge positions posted: announcements for open magistrate judgeships for the United States District Court for the District of Nevada in Reno, Nevada;[91] United States District Court for the Northern District of West Virginia in Wheeling, West

---

Adrienne Arnold, Comment, *Magistrates and Misdemeanors: Examining Magistrate Judges' Petty-Offense Jurisdiction*, 54 HOUS. L. REV. 209 (2016); Douglas A. Lee & Thomas E. Davis, *"Nothing Less than Indispensable": The Expansion of Federal Magistrate Judge Authority and Utilization in the Past Quarter Century*, 16 NEV. L.J. 845 (2016); Nancy A. Welsh, *Magistrate Judges, Settlement, and Procedural Justice*, 16 NEV. L.J. 983 (2016); Andrew Chesley, Note, *The Scope of United States Magistrate Judge Authority After* Stern v. Marshall, 116 COLUM. L. REV. 757 (2016); Joshua R. Hall, *The FMA and the Constitutional Validity of Magistrate Judges' Authority to Accept Felony Guilty Pleas*, 38 CAMPBELL L. REV. 131 (2016); Tomi Mendel, Note, *Efficiency Run Amok: Challenging the Authority of Magistrate Judges to Hear and Accept Felony Guilty Pleas*, 68 VAND. L. REV. 1795 (2015); Richard J. Pierce, Jr., *District Court Review of Findings of Fact Proposed by Magistrates: Reality Versus Fiction*, 81 GEO. WASH. L. REV. 1236 (2013).

85. *See* Tim A. Baker, *The Expanding Role of Magistrate Judges in the Federal Courts*, 39 VAL. U. L. REV. 661, 667 ("[H]eavy demands of the federal court docket have forced Congress and the district courts to search for new ways to manage the workload, and magistrate judges provide a potent and available source for this task.").

86. 28 U.S.C. § 636(b)(1)(A)–(B) (2012).

87. *Id.* § 636(c)(1).

88. Baker, *supra* note 86, at 682.

89. *See* 28 U.S.C. § 631(a) (2012) ("The judges of each United States district court and the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands shall appoint United States magistrate judges in such numbers and to serve at such locations within the judicial districts as the Judicial Conference may determine under this chapter."); *id.* § 631(b) (outlining the requisite qualifications of a U.S. magistrate judge).

90. *See Search Judiciary Jobs*, U.S. COURTS, http://www.uscourts.gov/careers/search-judiciary-jobs (last updated Apr. 19, 2018) (listing U.S. magistrate judge positions currently available).

91. *United States District Court District of Nevada Public Notice for Appointment of United States Magistrate Judge Reno, Nevada*, U.S. COURTS, https://www.nvd.uscourts.gov/files/Public%20Notice%20for%20Appointment%20of%20Magistrate%20Judge%20Reno.pdf (last visited May 3, 2018).

Virginia;[92] United States District Court for the Eastern District of California in Redding, California;[93] and United States District Court for the Southern District of Texas in Laredo, Texas.[94] Consistent with the statutory requirement outlined in 28 U.S.C. § 631(b)(1), an individual must have been a member in good standing of a state bar or the bar of the District of Columbia, Puerto Rico, Guam, Northern Mariana Islands, or United States Virgin Islands. Each of the vacancy announcements allowed a member of the bar of any state to apply for a magistrate judgeship.

In essence, an individual who is not even a member of the federal district court bar of a given state may become a federal magistrate judge in that federal district court. This is the case even in the event that the same individual is not qualified for regular admission to the bar of that federal district court.

For several reasons, 28 U.S.C. § 631(b)(1) should lead federal district courts to conclude that an attorney in good standing of any state bar should be admitted to any federal district court. First, 28 U.S.C. § 631(b)(1) is evidence of clear congressional intent to allow any member of a state bar who is in good standing, and who has met the time-of-membership requirement and other qualifications, to serve as a United States magistrate judge in any federal district court. Thus, as an example, it is clear that a member of the state bar in North Dakota, who has met all the requirements outlined in the statute, could theoretically serve as a United States magistrate judge for the Southern District of Florida, even if that individual is not a member of the Florida bar.

Second, federal district courts should also consider the ethical standards and responsibilities of both attorneys and judges. Attorneys must uphold professional standards of conduct and be zealous advocates for their clients,[95] and judges must be fair and impartial in their rulings.[96] In fact, judges are held to an even higher and more solemn standard of ethical

---

92. U.S. Dist. Court for the N. Dist. of W.Va., *Appointment of Full-Time Magistrate Judge (Wheeling)*, U.S. COURTS, http://www.wvnd.uscourts.gov/sites/wvnd/files/Public%20Notice%20-%20WHG%20Magistrate%20Judge.pdf (last visited May 3, 2018).

93. *United States District Court Eastern District of California Public Notice Appointment of U.S. Magistrate Judge*, U.S. COURTS (Nov. 13, 2017), www.txs.uscourts.gov/sites/txs/files/Laredo%20Magistrate%20Judge%20Public%20Notice%20Nov%2013%202017%20rev%2012.17.pdf.

94. *Full-Time U.S. Magistrate Judge, Southern District of Texas Laredo, Texas*, U.S. COURTS (Nov. 13, 2017), http://www.txs.uscourts.gov/content/full-time-us-magistrate-judge-southern-district-texas-laredo-texas.

95. *See* Paula Schaefer, *Harming Business Clients with Zealous Advocacy: Rethinking the Attorney Advisor's Touchstone*, 38 FLA. ST. U. L. REV. 251, 253–54 (2011) ("In the United States, lawyers, commentators, and courts understand 'zealous advocacy' to be the lawyer's highest duty and believe it to be synonymous with client loyalty.").

96. *See generally* Debra Lyn Bassett & Rex R. Perschbacher, *The Elusive Goal of Impartiality*, 97 IOWA L. REV. 181 (2011) (discussing the importance of a fair and impartial judiciary).

behavior as "judges are often equated with justice itself . . . ."[97] As judges are held to a higher ethical standard than attorneys, it makes perfect sense for bar admission standards in federal district courts to reflect this principle. Since attorneys in good standing of any state bar can be appointed as a federal magistrate judge, this principle should be reflected by permitting the admission of any attorney in good standing of any state bar to any federal district court.

Finally, in examining the question on whether to open federal district court bar membership to any member of a state bar in good standing, the doctrine of judicial estoppel can provide insight to the federal courts. The doctrine of judicial estoppel is commonly applied in cases to prevent a party in litigation from asserting inconsistent positions in separate judicial proceedings.[98] The purpose of this rule is "to prevent parties from making a mockery of justice by inconsistent pleadings."[99] Although the adoption of federal district court bar admission rules does not involve a question of inconsistency in a litigation setting, it does involve questions of inconsistency with the admission rules.

The policy rationale behind the doctrine of judicial estoppel is to, in essence, prevent inconsistency. The bar admission rules of many federal district courts are currently inconsistent: an individual who is not admitted to the state bar where the federal court is located can serve as a United States magistrate judge, but cannot be admitted as a practitioner without state bar licensure. All of these reasons inexorably lead to the conclusion that attorneys admitted and in good standing with the state courts of at least one state should be permitted admission before any federal district court.

V. CONCLUSION

There are a number of arguments today to allow an attorney admitted and in good standing in any state court the privilege of membership of the bar of any federal district court. Amidst this discussion—whatever one argues the individual federal district courts should do in terms of their admission rules—one thing seems certain: the membership of federal district court bars, just like the membership of state bars, needs to reflect the values of honesty, hard work, ethical behavior, and professional competence.

---

97. David Cleveland & Jason Masimore, *The Ermine and Woolsack: Disciplinary Proceedings Involving Judges, Attorney-Magistrates, and Other Judicial Figures*, 14 GEO. J. LEGAL ETHICS 1037, 1038 (2001).

98. *See* Blumberg v. USAA Cas. Ins. Co., 790 So. 2d 1061, 1066 (Fla. 2001) (explaining the principle of judicial estoppel).

99. Am. Nat'l Bank of Jacksonville v. Fed. Deposit Ins. Corp., 710 F.2d 1528, 1536 (11th Cir. 1983).

APPENDIX: FEDERAL COURT ADMISSION REQUIREMENTS[100]

Federal Court	Do the Federal Court Local Rules Require Admission with the State Bar Where the Federal Court Is Located?	Applicable Federal Court Local Rule
Northern District of Alabama	Yes	N.D. ALA. CIV. R. 83.1(a)(1)
Middle District of Alabama	Yes	M.D. ALA. CIV. R. 83.1(a)(1)
Southern District of Alabama	Yes	S.D. ALA. R. 83.3(b)
District of Alaska	Yes	D. ALASKA CIV. R. 83.1(a)(1)
District of Arizona	Yes	D. ARIZ. R. 83.1(a)
Eastern District of Arkansas	No	E.D. & W.D. ARK. R. 83.5(b)(2)
Western District of Arkansas	No	E.D. & W.D. ARK. R. 83.5(b)(2)
Central District of California	Yes	C.D. CAL. R. 83-2.1.2.1
Eastern District of California	Yes	E.D. CAL. R. 180(a)
Northern District of California	Yes	N.D. CAL. CIV. R. 11-1(b)

100. This information was compiled by the author after a personal review of the local rules of all of the federal district courts listed.

Southern District of California	Yes	S.D. CAL. CIV. R. 83.3(c)(1)(a)
District of Colorado	No	D. COLO. ATT'Y R. 3
District of Connecticut[101]	No	D. CONN. CIV. R. 83.1(a)
District of Delaware	Yes	D. DEL. CIV. R. 83.5(c)–(d)
District of Columbia	No	D.D.C. CIV. R. 83.8(a)
Middle District of Florida	Yes	M.D. FLA. R. 2.01(b)
Northern District of Florida	Yes	N.D. FLA. R. 11.1(A)
Southern District of Florida	Yes	S.D. FLA. ATT'Y R. 1
Middle District of Georgia	Yes	M.D. GA. CIV. R. 83.1.1(B)
Northern District of Georgia	Yes	N.D. GA. CIV. R. 83.1(A)(1)
Southern District of Georgia	Yes	S.D. GA. CIV. R. 83.2
District of Guam	Yes	D. GUAM R. 17.1(a)

101. The United States District Court for the District of Connecticut will allow admission to "[a]ny attorney of the Bar of the State of Connecticut or of the bar of any United States District Court" (assuming they are of good professional character). D. CONN. CIV. R. 83.1(a).

District of Hawaii[102]	No	D. HAW. R. 83.1(a)–(b)
District of Idaho	Yes	D. IDAHO CIV. R. 83.4(a)
Northern District of Illinois	No	N.D. ILL. CIV. R. 83.10(a)
Central District of Illinois	No	C.D. ILL. R. 83.5(A)
Southern District of Illinois	No	S.D. ILL. R. 83.1(a)
Northern District of Indiana	No	N.D. IND. R. 83-5(c)(1)
Southern District of Indiana	No	S.D. IND. R. 83-5(c)(1)
Northern District of Iowa	Yes	N.D. & S.D. IOWA CIV. R. 83(b)(1)(A)
Southern District of Iowa	Yes	N.D. & S.D. IOWA CIV. R. 83(b)(1)(A)
District of Kansas[103]	Yes	D. KAN. R. 83.5.2(a)
Eastern District of Kentucky	Yes	JOINT KY. CIV. PRAC. R. 83.1(a)
Western District of Kentucky	Yes	JOINT KY. CIV. PRAC. R. 83.1(a)

102. Admission to the United States District Court for the District of Hawaii depends on when the attorney was admitted: if admitted prior to October 1, 1997, the lawyer only had to be a member of the highest court of any state; however, if admitted after October 1, 1997, an attorney must be a member of the bar of the state courts of Hawaii. D. HAW. R. 83.1(a)–(b).

103. Interestingly, attorneys "admitted to practice in the courts of the State of Kansas and/or the United States District Court for the Western District of Missouri" are eligible for admission to the bar of the United States District Court for the District of Kansas. D. KAN. R. 83.5.2(a).

Eastern District of Louisiana	Yes	E.D. LA. CIV. R. 83.2.1
Middle District of Louisiana	Yes	M.D. LA. CIV. R. 83(b)(2)
Western District of Louisiana	Yes	W.D. LA. CIV. R. 83.2.2
District of Maine	Yes	D. ME. R. 83.1(a)
District of Maryland	No	D. MD. R. 101.1(a)
District of Massachusetts	Yes	D. MASS. R. 83.5.1(a)
Eastern District of Michigan	No	E.D. MICH. R. 83.20(c)(1)
Western District of Michigan	No	W.D. MICH. CIV. R. 83.1(c)(i)
District of Minnesota	Yes	D. MINN. R. 83.5(b)
Northern District of Mississippi	Yes	N.D. & S.D. MISS. CIV. R. 83.1(a)(1)
Southern District of Mississippi	Yes	N.D. & S.D. MISS. CIV. R. 83.1(a)(1)
Eastern District of Missouri	No	E.D. MO. R. 83-12.01
Western District of Missouri[104]	Yes	W.D. MO. R. 83.5(b)

104. An attorney admitted to practice before the United States District Court for the District of Kansas may also practice in the Western District of Missouri. W.D. MO. R. 83.5(b).

District of Montana	Yes	D. MONT. R. 83.1(b)(1)
District of Nebraska	No	D. NEB. GEN. R. 1.7(d)
District of Nevada	Yes	D. NEV. CIV. R. 11-1(a)(1)
District of New Hampshire	Yes	D.N.H. CIV. R. 83.1(a)
District of New Jersey	Yes	D.N.J. CIV. R. 101.1(b)
District of New Mexico	No	D.N.M. CIV. R. 83.2(a)
Eastern District of New York[105]	Yes	S.D. & E.D.N.Y. R. 1.3(a)
Northern District of New York[106]	No	N.D.N.Y. R. 83.1(a)
Southern District of New York[107]	Yes	S.D. & E.D.N.Y. R. 1.3(a)

105. In addition to members of the New York State bar, the United States District Court for the Eastern District of New York will allow admission to a member of the bar of the United States District Court in either "Connecticut or Vermont and of the bar of the State in which such district court is located, provided such district court . . . extends a corresponding privilege to members of the bar of this Court . . . ." S.D. & E.D.N.Y. R 1.3(a). Currently, both districts' local rules provide a reciprocal privilege. *See* D. CONN. CIV. R. 83.1(a) (allowing admission to a member of any United States District Court bar); D. VT. R. 83.1(a) (allowing admission to a member of any United States District Court bar within the First or Second Circuit).

106. The United States District Court for the Northern District of New York will allow admission to any attorney of the State Bar of New York or of the bar of any United States District Court (assuming they are of good professional character). *See* N.D.N.Y. R. 83.1(a) (stating the eligibility requirements for permanent admission).

107. The United States District Court for the Southern District of New York, like the Eastern District, will allow admission to any attorney of the State Bar of New York or "in good standing of the bar of the United States District Court in Connecticut or Vermont and of the bar of the State in which such district court is located, provided such district court by its rule extends a corresponding privilege to members of the bar of this Court . . . ." *See* S.D. & E.D.N.Y. R. 1.3(a) (stating the eligibility requirements for permanent admission).

Western District of New York[108]	No	W.D.N.Y. CIV. R. 83.1(b)(2)
Eastern District of North Carolina	Yes	E.D.N.C. CIV. R. 83.1(b)
Middle District of North Carolina	Yes	M.D.N.C. CIV. R. 83.1(b)
Western District of North Carolina	Yes	W.D.N.C. CIV. R. 83.1(a)
District of North Dakota	No	D.N.D. GEN. R. 1.3(B)
District of the Northern Mariana Islands	Yes	D. N. MAR. I. CIV. R. 83.5(a)
Northern District of Ohio	No	N.D. OHIO CIV. R. 83.5(b)
Southern District of Ohio	Yes	S.D. OHIO CIV. R. 83.3(b)
Eastern District of Oklahoma	No	E.D. OKLA. CIV. R. 83.2(d)
Northern District of Oklahoma	No	N.D. OKLA. CIV. R. 83.2(d)
Western District of Oklahoma	No	W.D. OKLA. CIV. R. 83.2(d)
District of Oregon	Yes	D. OR. CIV. R. 83-2

108. The United States District Court for the Western District of New York will allow admission to any attorney of the State Bar of New York, or to any member in good standing of any United States District Court and of the bar of the State in which the District Court is located (assuming they are of good professional character). *See* W.D.N.Y. CIV. R. 83.1(b) (explaining how attorneys may be permanently admitted).

Eastern District of Pennsylvania	Yes	E.D. PA. CIV. R. 83.5(a)
Middle District of Pennsylvania	Yes	M.D. PA. CIV. R. 83.8.1.2
Western District of Pennsylvania[109]	No	W.D. PA. CIV. R. 83.2(A)(2)
District of Puerto Rico	No	D.P.R. CIV. R. 83A
District of Rhode Island	Yes	D.R.I. R. 202(a)
District of South Carolina	Yes	D.S.C. CIV. R. 83.I.02
District of South Dakota	Yes	D.S.D. CIV. R. 83.2(B)
Eastern District of Tennessee	No	E.D. TENN. R. 83.5(a)(1)
Middle District of Tennessee	Yes	M.D. TENN. R. 83.01(b)
Western District of Tennessee[110]	No	W.D. TENN. CIV. R. 83.4(b)
Eastern District of Texas	No	E.D. TEX. CIV. R. 83.5(a)(1)
Northern District of Texas	No	N.D. TEX. CIV. R. 83.7(a)

109. The United States District Court for the Western District of Pennsylvania will allow admission to any attorney of the Bar of the Supreme Court of Pennsylvania, any United States District Court, or the Supreme Court of the United States (assuming they are of good professional character). W.D. PA. CIV. R. 83.2(A)(2).

110. The United States District Court for the Western District of Tennessee will allow admission to any attorney of the Bar of the Supreme Court of Tennessee or to any member in good standing of any United States District Court. W.D. TENN. CIV. R. 83.4(b).

Southern District of Texas[111]	No	S.D. TEX. CIV. R. 83.1(A)
Western District of Texas	No	W.D. TEX. ATT'Y R. 1(a)(1)
District of Utah	Yes	D. UTAH CIV. R. 83-1.1(b)(1)
District of Vermont[112]	No	D. VT. R. 83.1(a)(1)
District of the Virgin Islands	Yes	D.V.I. CIV. R. 83.1(b)(1)
Eastern District of Virginia	Yes	E.D. VA. CIV. R. 83.1(A)
Western District of Virginia	Yes	W.D. VA. R. 6(a)
Eastern District of Washington	Yes	E.D. WASH. R. 83.2(a)(1)
Western District of Washington	Yes	W.D. WASH. CIV. R. 83.1(b)
Northern District of West Virginia	Yes	N.D. W. VA. GEN. R. 83.01
Southern District of West Virginia	Yes	S.D. W. VA. CIV. R. 83.1(a)
Eastern District of Wisconsin	No	E.D. WIS. GEN. R. 83(c)(1)

111. The United States District Court for the Southern District of Texas will allow admission to any attorney of the Bar of the Supreme Court of Texas or to any member in good standing of any United States District Court. S.D. TEX. CIV. R. 83.1(A).

112. The United States District Court for the District of Vermont will allow admission to any attorney of the Bar of the State of Vermont or to any member of a federal district court bar in the First or Second Circuit. D. VT. R. 83.1(a)(1).

Western District of Wisconsin	No	W.D. WIS. R. 83.5(A)
District of Wyoming	Yes	D. WYO. CIV. R. 84.2(a)