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Via email: RulesCommittee_Secretary@ao.uscourts.gov

Committee on Rules of Practice and Procedure
c/o Rules Committee Staff
Judicial Conference of the United States
Administrative Office of the United States Courts
One Columbus Circle, NE
Washington, DC 20544

Submission of a Proposal to Adopt a Rule for Unified Bar Admission
for All Federal Circuit Courts of Appeal; and
Comment on Proposal to Adopt a Rule for Unified Bar Admission for
All Federal District Courts, Submitted February 23, 2023, and Pending
Considered on January 7, 2025, at San Diego, CA

Dear Committee Members:

I am writing on behalf of the National Women's Law Center ("NWLC") to propose a change to the rules for appellate attorney admissions across the federal circuit courts. I understand the Committee on Rules of Practice and Procedure ("Committee") is already considering a proposal (23-CV-E) to adopt a uniform rule for bar admission across the federal district courts. I am writing to urge that you expand this important project to include the courts of appeals.

NWLC fights for gender justice—in the courts, in public policy, and in our society—working across the issues that are central to the lives of women and girls. We use the law in all its forms to change culture and drive solutions to the gender inequity that shapes our society and to break down the barriers that harm all of us—especially women of color, LGBTQIA+ people, and low-income women and families. For over forty years, NWLC has routinely participated in lawsuits in cases involving gender-justice issues in state and federal courts across the United States.

Like many litigating nonprofits, our practice is nationwide. Each filing brings new challenges as we attempt to comply with the disparate admission and appearance rules across the district and circuit courts. And those rules are indeed disparate: for example, some circuits, like the Tenth, require all attorneys on a brief (even an amicus brief) to be

admitted to that court and file an appearance, while others, like the Eighth and the Sixth, only require the attorney filing the brief to be admitted—and still others, like the Fifth, require at least one attorney from each organization involved to be admitted. Moreover, these nuances are frequently not disclosed in the respective local rules of each court, so we find ourselves scrambling to call each clerk’s office before filing to try to get the answers we need. At least once, we have received conflicting information from different clerks in the same courthouse about whether all attorneys on an amicus brief needed to be admitted *pro hac vice*. These myriad rules create confusion and frustrate the idea of a unified system of federal appellate courts.

Also, since the Committee is already considering standardizing admission in the federal district courts—a move that NWLC strongly supports—we wanted to share an issue we have encountered there for the Committee’s consideration. With our nationwide practice, we are frequently in the position of needing to seek admission *pro hac vice* in jurisdictions that are new to us. This is another area where courts have multiple inconsistent requirements. For example, some want a certificate of good standing (“CGS”) from one jurisdiction per attorney; others want one for *each* jurisdiction in which the attorney is barred; and still others don’t require one at all. The requirements also differ widely as to how long the CGS is valid, varying from as little as 30 days to 90 days or longer. And many states (and the District of Columbia) charge fees to obtain CGSs, so the expense of obtaining multiple CGSs multiple times in a single year adds tremendous costs. It seems entirely reasonable, and not all that difficult, for the Committee to adopt a standard rule in this area that would provide needed clarity and simplicity for attorneys.

We thank the Committee sincerely for its hard work on these issues and for its time and consideration. For the convenience of the Committee, any questions or communications may be addressed to me at etheran@nwlc.org.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Elizabeth E. Theran', written over a horizontal line.

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