



Attorney Appearances, Substitutions & Withdrawals

Docket Events

- How do I know which docketing event to use for my appearance?

You must determine the party you represent and your role in order to select the correct docket event.

Defendant/Respondent*

Initial Lead Counsel - Notice of Appearance
New Lead Counsel - DOJ Notice of Substitution
Co-Counsel - Notice of Appearance

Pro Hac Vice - Motion for *Pro Hac Vice* Appearance**

Plaintiff/Petitioner

Lead Counsel - based on the initial pleading
New Lead Counsel - Motion to Substitute
Co-Counsel - Notice of Appearance

*Counsel for Respondent must use the HHS DOJ Notice of Appearance event for Initial Lead Counsel, New Lead Counsel and Co-Counsel, remembering to terminate current lead counsel if necessary.

**An attorney of record must file the motion for *Pro Hac Vice* Appearance. (See *Pro Hac Vice* Section below for more information.)

- What is the difference between a Notice of Substitution and a Motion to Substitute?

A Notice of Substitution is to be used by counsel for defendant only and the change is automatic. A Motion to Substitute is to be used by attorneys representing a party other than the United States/HHS and must be granted before any changes are made.

Lead Counsel

- When do I un-check the "Lead" box when entering a notice of appearance?

If you are counsel for defendant/respondent and filing an initial Notice of Appearance as lead counsel or filing a Notice of Substitution as lead counsel, leave the "Lead" box checked. When entering a Notice of Appearance as co-counsel for any party, uncheck the "Lead" box.

- What happens if I docket a Lead Counsel appearance incorrectly?

Contact the Clerk's Office at 202-357-6406.

- As lead counsel, am I responsible for each *Pro Hac Vice* admission.

You or any other active attorney of record in the case must file a motion for *pro hac vice* admission.



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Pro Hac Vice Counsel

- How do I request *pro hac vice* admission?

An attorney of record for the party you represent must file a motion requesting *Pro Hac Vice* admission.

- If the *pro hac vice* request is granted, what do I do?

Your first step is to request attorney admission/e-filing privileges via PACER. Once your request is approved, you will file a Notice of Appearance using the appropriate event in CM/ECF: if the court waived the *pro hac vice* fee, use the event Notice of Appearance (*Pro Hac Vice - Fee Waived*); otherwise use the event Notice of Appearance (*Pro Hac Vice - Fee Pay*), which will prompt electronic payment of the fee. See Fee Schedule at <https://www.uscfc.uscourts.gov/fee-schedule>.

- Once I am admitted to appear *pro hac vice* in a case, am I able to appear *pro hac vice* in other cases before the court?

Yes, you may appear *pro hac vice* in other cases once an attorney of record in each case has filed a motion in each case and the court has granted each motion.

General

- Will I be able to file in cases in which I've entered an appearance?

Yes, you will be permitted to file in any case in which you have entered an appearance and are still an active attorney of record in the case.

- Will I be able to view sealed material?

With the exception of bid protest cases, if you are an active attorney of record in a case, you will be granted immediate access to view sealed documents in that case. In a bid protest case, you will be granted access if (a) you represent the United States or (b) you have filed the required Application for Access to Protected Material and there is no opposition.



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Withdrawals

- If I no longer wish to appear in a case, what do I need to do?

If you are lead counsel for a party, you must file a Motion to Withdraw. If you are an active attorney in a case, you may file a Notice of Withdrawal.