

Robert S. Bernstein, Esq.

Bernstein-Burkley

707 Grant Street, Suite 2200 Gulf Tower - Pittsburgh, PA 15219

rbernstein@bernsteinlaw.com

T: 412-456-8101 / F: 412-456-8135

www.bernsteinlaw.com

Local Counsel – When “Local” Isn’t So Local

- I. Your Honor, I am Only Local Counsel!
 - a. Local Counsel. Generally done with direct client involvement, permission and agreement.
 - i. Appearance counsel
 - ii. Client awareness
 - iii. Compensation
 - iv. Local counsel with limited knowledge and authority
 - b. What local counsel sees
 - i. Agreed to show up in court
 - ii. Enters her “appearance”
 - c. When does a lawyer-client relationship exist?
 - i. Agent of the client asks local to act on behalf of the client
 - ii. Local counsel is responsible to comply with the applicable RPC
 - d. Local rules of Court on appearance
 - i. RPC 1.16 (c)
- II. But, She Was Only Supposed to be “Local Counsel!”
 - a. Lead lawyer
 - b. Needs a lawyer to make appearances, while Lead does the work
 - c. Lawyer Jones, counsel for the Plaintiff.
 - i. Client approval
 - ii. Fees
 - iii. Professional liability risks
 - iv. Conflicts of interest
 - d. Informed consent?
 - e. Who is on the hot seat?
- III. Sorry, Local Counsel, You Are COUNSEL!”
 - a. What does the Judge want?
 - i. Move the case along
 - ii. Civility and responsiveness, prepared and present positions in an organized, cogent fashion

Robert S. Bernstein, Esq.

Bernstein-Burkley

707 Grant Street, Suite 2200 Gulf Tower - Pittsburgh, PA 15219

rbernstein@bernsteinlaw.com

T: 412-456-8101 / F: 412-456-8135

www.bernsteinlaw.com

- iii. Court generally doesn't care who the lawyer is that is representing any particular party
- b. Court may become concerned when:
 - i. Inadequate preparation or knowledge on the part of the lawyer
 - ii. Failure to act timely
 - iii. Disrespect or actual contempt
- c. Court wants to be able to influence behavior of the client or the lawyer.
 - i. Usually Local is the one the Judge is going to try to influence
- d. Appearance.
 - i. Entering an appearance
 - ii. Written. Hearings start with "enter your appearance"
 - iii. Court and ethics rules govern withdrawal
- e. Local counsel is still "counsel"