

Rule 14-806. Admission pro hac vice.

(a) An attorney who is not a member of the Bar but who is admitted to practice law in another state or in any court of the United States or Territory or insular possession of the United States shall apply to be admitted pro hac vice in accordance with this rule prior to appearing as counsel before any state or local court or administrative or governmental body in the State of Utah.

(b) Application of rule. This rule applies to:

(b)(1) All actions or proceedings pending before a court of this state:

(b)(2) All actions or proceedings pending before an administrative or governmental body in this state, unless the rules of that body provide otherwise;

(b)(3) All arbitration or alternative dispute resolution procedures in this state that are court annexed, court ordered, or mandated by statute or administrative rule; and

(b)(4) All services incident to any of the proceedings in Subsections (b)(1) through (b)(3), including, but not limited to, discovery and settlement negotiations.

(b)(5) This rule does not apply to arbitration or alternative dispute resolution procedures in which the parties engage voluntarily or by private agreement.

(c) Nonresident counsel may be permitted to appear in a particular case or proceeding if the court or administrative or governmental body in which the matter is pending determines that admission pro hac vice will serve the interests of the parties and the efficient and just administration of the case. Resident counsel may be permitted only if he or she has received a Practice Pending Admission Certificate.

(d) Admission pro hac vice under this rule is discretionary with the court or administrative or governmental body in which the application for admission is made. Admission pro hac vice may be revoked by the court or administrative or governmental body upon its own motion or the motion of a party if, after notice and a hearing, the court or administrative or governmental body determines that admission pro hac vice is inappropriate. Admission pro hac vice shall be denied or, if granted, shall be revoked if the court or administrative or governmental body determines that the process is being used to circumvent the normal requirements for the attorneys to the practice of law in Utah.

(e) Eligibility. Nonresident counsel who has been retained to represent a client in an action or proceedings described in section (b) of this rule may file a written application to appear as counsel in that action or proceedings if the following conditions are met:

(e)(1) The lawyer is not a member of the Utah State Bar;

(e)(2) The lawyer is not a resident of Utah;

(e)(3) The lawyer is not regularly employed in Utah;

(e)(4) The lawyer is an active member licensed and in good standing in another state, territory or insular possession of the United States;

(e)(5) The lawyer associates with an active member lawyer in good standing of the Utah State Bar who is a resident of the State of Utah and whose law office is in the State of Utah, hereinafter called "local counsel."

(f) In determining whether to enter or revoke the order of admission pro hac vice, the court or administrative or governmental body may consider any relevant information, including whether nonresident counsel:

(f)(1) is familiar with Utah rules of evidence and procedure, including applicable local rules;

(f)(2) is available to opposing parties;

(f)(3) has particular familiarity with the legal affairs of the party relevant to the case;

(f)(4) complies with the rulings and orders of the court or administrative or governmental body;

(f)(5) has caused delay or been disruptive; and

(f)(6) has been disciplined in any other jurisdiction within the prior 5 years.

(g) *Application Procedure.* The non-member attorney seeking admission pro hac vice must complete under oath and submit to the Bar an application form available from the Utah State Bar. The applicant must complete a separate application for each matter in which the applicant wants to appear. The application must include the following:

(g)(1) identify the court or administrative or governmental body for which the applicant wishes to appear, and the case number or other identifying information for the matter in which the applicant wishes to appear;

(g)(2) the name of the party on whose behalf the applicant wishes to appear;

(g)(3) the name, number, court or administrative or governmental body of other cases pending or closed within the prior five years for which the applicant appeared pro hac vice;

(g)(4) a statement whether the applicant is currently suspended or disbarred from the practice of law in any state, or whether the applicant has been disciplined within the prior five years, or is the subject of any pending disciplinary proceedings in any state;

(g)(5) a statement that the applicant submits to the disciplinary authority and procedures of the Utah State Bar, is familiar with the rules or procedure and evidence, including applicable local rules, will be available for depositions, hearings, and conferences, and will comply with the rulings and orders of the court;

(g)(6) the name, address, Bar identification number, telephone number, and e-mail address of the member of the Utah State Bar to serve as local counsel;

(g)(7) an original certificate of good standing from the jurisdiction or jurisdictions in which the applicant is admitted dated no more than 60 days prior to the date of application; and

(g)(8) an application fee equal to the current dues paid by active members of the Utah State Bar for the licensing year in which the application is filed. The fee must be paid to the Utah State Bar.

(h) *Limited Exception to Original and Annual Fee.* The application fee and annual fee will be waived for:

(h)(1) non-member attorneys providing legal services without compensation or an expectation of compensation through a charitable, religious, civic, community, governmental, or educational organization in a matter designed primarily to address the needs of people of limited means. A non-member seeking a fee waiver to provide pro bono representation shall include in the application a verification that all clients represented in the action are of limited means and that no attorney fee shall be paid by the client.

(h)(2) attorneys who are employees of and representing the United States of America or any of its departments or agencies.

(i) *Acknowledgment of Supporting Documentation and Receipt of Filing Fee.* Upon receipt of a complete application and fee, the Bar shall issue an Acknowledgement of Supporting Documentation and Receipt of Filing Fee (hereinafter "Acknowledgement"). In making the Acknowledgement, the Bar may attach copies or comment on any submitted material that may be appropriate for a tribunal to consider with an application for pro hac vice admission.

(j) *Filing with the Tribunal.* Once the Bar issues an Acknowledgement, local counsel must file the original Acknowledgement along with the following documents: (1) an original motion for

admission pro hac vice; (2) a copy of the application and all supporting documents; (3) a copy of the certificate of good standing; (4) an original proposed order; and (5) any submissions from the Bar together with proof of service on all parties in accordance with the Utah Rules of Civil Procedure or, to the extent they differ from the civil rules, the governing rules of the administrative or governmental body.

(k) *Names and Appearances.* The name, bar number, and address of local counsel must appear on all notices, orders, pleadings and other documents filed in the case or proceeding in which the non-member attorney is appearing pursuant to this rule. Local counsel is required to personally appear and participate in pre-trial conferences, hearings and other proceedings before the court or the administrative or governmental body if the court or administrative or governmental body, or agency deems such appearances or participation appropriate. Local counsel shall accept joint responsibility with the non-member attorney to the client, opposing counsel and parties and to the court or administrative or governmental body. Local counsel must continue as the local counsel of record in the case unless another member of the Utah State Bar is substituted as local counsel.

(l) *Appearances by non-member attorneys.* An applicant shall not appear in a proceeding subject to this rule until the court or administrative or governmental body where the action is pending enters an order granting the motion for pro hac vice.

(m) *Continuing Duty to Advise of Changes in Status.* Out-of-state counsel admitted pro hac vice has a continuing duty during the period of such admission to promptly advise the Bar of a disposition made of pending charges or the institution of any new disciplinary proceedings or investigations. The Bar shall then advise any court or administrative or governmental body where the attorney has been admitted pro hac of any such information. Out-of-state counsel shall promptly advise the Bar if permission to appear pro hac vice pursuant to this rule is revoked by any court or administrative or governmental body.

(n) *Annual Renewal.* On or before the anniversary date of the filing of the initial application with the Bar, the local counsel must certify to the Bar that the non-resident attorney continues to act as counsel in the cause or that the cause has been finally adjudicated. In the event that non-

member attorney shall remit to the Bar an annual fee equal to the current dues paid by active members of the Utah State Bar for the licensing year in which the renewal is filed within 30 days of the anniversary date.

(o) *Failure to Renew.* Any non-member attorney, who continues to appear pro hac vice in a cause and fails to pay the renewal fee set forth in (n) of this rule, shall be suspended from appearing in any proceeding subject to the rule after 30 days of the anniversary date. The Executive Director of the Utah State Bar shall notify the non-member attorney and local counsel of the suspension and shall file a certified copy of the notice with the court or administrative or governmental body, or agency that approved the pro hac vice application. The non-member may be reinstated upon payment of the fees set forth in paragraph (n) of this rule and a \$50 late penalty. Upon payment of all accrued fees and late penalty, the Executive Director shall reinstate the non-member attorney and shall certify reinstatement to the appropriate court or administrative or governmental body.

(p) *Appellate Matters and Other Forms of Review.* Out-of-state counsel admitted in a lower tribunal on a case or matter that is appealed must file a notice of appearance in the appellate court or reviewing tribunal. A new application to the Bar is not required.

(q) An attorney admitted pro hac vice shall comply with and is subject to Utah statutes, rules of the Supreme Court, including the Rules of Professional Conduct and Article 5, Lawyer Discipline and Disability, the rules of the court in which the attorney appears, and the rules of the Code of Judicial Administration.

Effective May 1, 2019