

1 **Rule 14-806. Admission pro hac vice.**

2
3 (a) An attorney who is not a member of the Bar but who is admitted to practice law in
4 another state or in any court of the United States or Territory or insular possession of
5 the United States ~~must shall~~ apply to be admitted pro hac vice in accordance with this
6 rule prior to appearing as counsel before any state or local court or administrative or
7 governmental body in the State of Utah.

8
9 (b) Application of rule. This rule applies to:

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

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

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

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

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

19
20 (c) ~~Nonresident-A non-Utah licensed attorney counsel~~ may be permitted to appear in a
21 particular case or proceeding if the court or administrative or governmental body in
22 which the matter is pending determines that admission pro hac vice will serve the
23 interests of the parties and the efficient and just administration of the case. ~~Resident-A~~
24 ~~non-Utah licensed attorney who resides in Utah counsel~~ may be permitted only if he or
25 she has received a Practice Pending Admission Certificate.

26
27 (d) Admission pro hac vice under this rule is discretionary with the court or administrative
28 or governmental body in which the application for admission is made. Admission pro
29 hac vice may be revoked by the court or administrative or governmental body upon its

30 own motion or the motion of a party if, after notice and a hearing, the court or
31 administrative or governmental body determines that admission pro hac vice is
32 inappropriate. Admission pro hac vice ~~shall will~~ be denied or, if granted, ~~shall will~~ be
33 revoked if the court or administrative or governmental body determines that the
34 process is being used to circumvent the normal requirements for the admission of
35 attorneys to the practice of law in Utah.

36
37 (e) *Eligibility.* ~~Nonresident-Non-Utah licensed attorneys counsel~~ who ~~has~~have been
38 retained to represent a client in an action or proceedings described in section (b) of this
39 rule may file a written application to appear as counsel in that action or proceedings if
40 the following conditions are met:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

75 (g)(5) a statement that the applicant submits to the disciplinary authority and
76 procedures of the Utah ~~Office of Professional Conduct State Bar~~, is familiar with the rules
77 of procedure and evidence, including applicable local rules, will be available for
78 depositions, hearings, and conferences, and will comply with the rulings and orders of
79 the court, or administrative or governmental body;

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

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

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

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

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

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

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

105
106 (j) *Filing with the Tribunal.* Once the Bar issues an Acknowledgement, local counsel must
107 file the ~~original~~ Acknowledgement along with the following documents: (1) a ~~n original~~
108 motion for admission pro hac vice; (2) a copy of the application and all supporting
109 documents; (3) a copy of the certificate of good standing; (4) a ~~n original~~ proposed

110 order; and (5) any submissions from the Bar together with proof of service on all parties
111 in accordance with the Utah Rules of Civil Procedure or, to the extent they differ from
112 the civil rules, the governing rules of the administrative or governmental body.

113
114 (k) *Names and Appearances.* The name, bar number, and address of local counsel *must*
115 appear on all notices, orders, pleadings and other documents filed in the case or
116 proceeding in which the non-~~member~~-Utah licensed attorney is appearing pursuant to
117 this rule. Local counsel is required to personally appear and participate in pre-trial
118 conferences, hearings and other proceedings before the court or the administrative or
119 governmental body if the court of administrative or governmental body, or agency
120 deems ~~such~~-the appearances or participation appropriate. Local counsel ~~shall~~-must
121 accept joint responsibility with the non-member attorney to the client, opposing
122 counsel and parties and to the court or administrative or governmental body. Local
123 counsel must continue as the local counsel of record in the case unless another member
124 of the Utah State Bar is substituted as local counsel.

125 (l) *Appearances by non-Utah licensed ~~non-member~~ attorneys.* An applicant ~~shall~~-must not
126 appear in a proceeding subject to this rule or have his or her name placed on any
127 pleadings or proceeding documents until the court or administrative or governmental
128 body where the action is pending enters an order granting the motion for pro hac vice.

129
130 (m) *Continuing Duty to Advise the Changes in Status.* ~~Out-of-state counsel~~-Non-Utah licensed
131 attorneys admitted pro hac vice ~~has~~-have a continuing duty during the period of ~~such~~
132 admission to promptly advise the Bar of a disposition made ~~of~~-for any pending
133 disciplinary charges or the institution of any new disciplinary proceedings or
134 investigations. The Bar ~~shall~~-will then advise any court of administrative or
135 governmental body where the attorney has been admitted pro hac of any ~~such~~-new
136 disciplinary information. ~~Out-of-state~~-Non-Utah licensed counsel ~~shall~~-smust promptly
137 advise the Bar if permission to appear pro hac vice pursuant to the rule is revoked by
138 any court or administrative or governmental body.

139

140 (n) *Annual Renewal.* On or before the anniversary date of the filing of the initial application141 with the Bar, ~~the local counsel must certify to the Bar that~~ the non-resident Utah142 licensed attorney must certify that he or she continues to act as counsel in the cause or143 that the cause has been finally adjudicated. In the event that ~~non-member~~the non-Utah144 licensed attorney ~~shall~~must remit to the Bar an annual fee equal to the current dues

145 paid by active members of the Utah State Bar for the licensing year in the which the

146 renewal is filed within 30 days of the anniversary date.

147

148 (o) *Failure to Renew.* Any non-~~member~~Utah licensed attorney, who continues to appear

149 pro hac vice in a cause and fails to pay the renewal fee set forth in (n) of this rule,

150 ~~shall~~will be suspended from appearing in any proceeding subject to the rule after 30151 days of the anniversary date. The Executive Director of the Utah State Bar ~~shall~~will152 notify the non-~~member~~Utah licensed attorney and local counsel of the suspension and153 ~~shall~~will file a certified copy of the notice with the court or administrative or154 ~~governmental body, or agency that approved the pro hac vice application. The non-~~155 ~~member~~Utah licensed attorney may be reinstated upon payment of the fees set forth in

156 paragraph (n) of this rule and a \$50 late penalty. Upon payment of all accrued fees and

157 late penalty, the Executive Director ~~shall~~will reinstate the non-~~member~~Utah licensed158 attorney and ~~shall~~will certify reinstatement to the appropriate court or administrative

159 or governmental body.

160

161 (p) *Appellate Matter and Other Forms of Review.* ~~Out of state counsel~~Non-Utah licensed162 attorneys admitted in a lower tribunal on a case or matter that is appealed must file a

163 notice of appearance in the appellate court or reviewing tribunal. A new application to

164 the Bar is not required.

165

166 (q) An attorney admitted pro hac vice ~~must~~shall comply with and is subject to Utah167 statutes, rules of the Supreme Court, including the Rules of Professional Conduct, ~~and~~

168 ~~Article 5,~~ the Rules of Lawyer Discipline and Disability, the rules of the court or tribunal
169 in which the attorney appears, and the rules of the Code of Judicial Administration.

170
171 ~~(e)~~(r) A court in this state may allow a non-Utah licensed attorney who is admitted and
172 in good standing in another United States jurisdiction to appear for the limited purpose
173 of participating in a child custody proceeding pursuant to the Indian Child Welfare Act of
174 1978, while representing a tribe, without being subject to the requirements of this rule.

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176 Effective May 1, 2019