

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

2 *Effective: 11/1/2020*

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

8 (b) **Rule application.**

9 (1) This rule applies to:

10 (A) All actions or proceedings pending before a court of Utah:

11 (B) All actions or proceedings pending before a Utah administrative or
12 governmental body, unless the rules of that body provide otherwise;

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

15 (D) All services incident to any of the proceedings in paragraphs (b)(1)(A)
16 through (b)(1)(C), including, but not limited to, discovery and settlement
17 negotiations.

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

20 (c) **Permission to appear.** A non-Utah licensed attorney may be permitted to appear in a
21 particular case or proceeding if the Utah tribunal in which the matter is pending
22 determines that admission pro hac vice will serve the interests of the parties and the
23 efficient and just administration of the case. A non-Utah licensed attorney who resides
24 in Utah may be permitted only after receiving a Practice Pending Admission Certificate.

25 (d) **Admission is discretionary.** Admission pro hac vice under this rule is discretionary
26 with the Utah tribunal in which the application for admission is made. The Utah

27 tribunal may revoke admission pro hac vice upon its own motion or the motion of a
28 party if, after notice and a hearing, the Utah tribunal determines that admission pro hac
29 vice is inappropriate. Admission pro hac vice will be denied or, if granted, will be
30 revoked if the Utah tribunal determines that the process is being used to circumvent the
31 normal requirements for attorneys to practice law in Utah.

32 (e) **Eligibility.** A non-Utah licensed attorney who has been retained to represent a client
33 in an action or proceedings described in paragraph (b) may file a written application to
34 appear as counsel in that action or proceedings if the following conditions are met:

35 (1) The lawyer is not a Bar member;

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

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

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

40 (5) The lawyer associates with an active Bar member in good standing ~~who is a Utah~~
41 ~~resident and whose law office is in Utah~~ (“local counsel”).

42 (f) **Factors in determining admission and revocation.** In determining whether to enter
43 or revoke the order of admission pro hac vice, the Utah tribunal may consider any
44 relevant information, including whether the non-Utah licensed attorney:

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

47 (2) is available to opposing parties;

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

49 (4) complies with the Utah tribunal’s rulings and orders;

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

51 (6) has been disciplined in any other jurisdiction within the prior five years.

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

56 (1) identify the Utah tribunal for which the applicant wishes to appear, and the case
57 number or other identifying information for the matter in which the applicant
58 wishes to appear;

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

60 (3) the case or matter name, case or matter number, and Utah tribunal name for
61 other cases pending or closed within the prior five years for which the applicant
62 appeared pro hac vice;

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

67 (5) a statement that the applicant submits to the disciplinary authority and
68 procedures of the Utah Office of Professional Conduct, is familiar with the rules or
69 procedure and evidence, including applicable local rules, will be available for
70 depositions, hearings, and conferences, and will comply with the Utah tribunal's
71 rulings and orders;

72 (6) the name, address, Bar identification number, telephone number, and email
73 address of the Bar member to serve as local counsel;

74 (7) a certificate of good standing from the jurisdiction or jurisdictions in which the
75 applicant is admitted dated no more than 60 days before the application date; and

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

78 (h) **Limited exception to original and annual fee.** The application fee and annual fee
79 will be waived for:

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

87 (2) Attorneys who are employees of and representing the United States of America
88 or any of its departments or agencies.

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

95 (j) **Filing with the Utah tribunal.** Once the Bar issues an Acknowledgement, local
96 counsel must file the Acknowledgement along with the following documents:

97 (1) a motion for admission pro hac vice;

98 (2) a copy of the application and all supporting documents;

99 (3) a copy of the certificate of good standing;

100 (4) a proposed order; and

101 (5) any submissions from the Bar together with proof of service on all parties in
102 accordance with the Utah Rules of Civil Procedure or, to the extent they differ from
103 the civil rules, the governing rules of the Utah tribunal.

104 (k) **Names and appearances.** The name, bar number, and address of local counsel must
105 appear on all notices, orders, pleadings and other documents filed in the case or
106 proceeding in which the non-Utah licensed attorney is appearing pursuant to this rule.
107 Local counsel is required to personally appear and participate in pre-trial conferences,
108 hearings and other proceedings before the Utah tribunal if the Utah tribunal deems the
109 appearances or participation appropriate. Local counsel must accept joint responsibility
110 with the non-Utah licensed attorney to the client, opposing counsel and parties and to
111 the Utah tribunal. Local counsel must continue as the local counsel of record in the case
112 unless another Bar member is substituted as local counsel.

113 (l) **Appearances by non-Utah licensed attorneys.** An applicant may not appear in a
114 proceeding subject to this rule or have the applicant's name placed on any pleadings or
115 proceedings documents until the Utah tribunal where the action is pending enters an
116 order granting the motion for pro hac vice.

117 (m) **Continuing duty to advise of changes in status.** A non-Utah licensed attorney
118 admitted pro hac vice has a continuing duty during the period of admission to
119 promptly advise the Bar of a disposition made for any pending disciplinary charges or
120 the institution of any new disciplinary proceedings or investigations. The Bar must then
121 advise any Utah tribunal where the attorney has been admitted pro hac of any new
122 disciplinary information. The non-Utah licensed attorney must promptly advise the Bar
123 if permission to appear pro hac vice under this rule is revoked by any Utah tribunal.

124 (n) **Annual renewal.** On or before the anniversary date of filing the initial application
125 with the Bar, a non-Utah licensed attorney must certify that the non-Utah licensed
126 attorney continues to act as counsel in the cause or that the cause has been finally
127 adjudicated. To renew, within 28 days of the anniversary date the non-Utah licensed
128 attorney must remit to the Bar an annual fee equal to the current dues paid by active
129 members of the Bar for the licensing year in which the renewal is filed.

130 (o) **Failure to renew.** Any non-Utah licensed attorney who continues to appear pro hac
131 vice in a cause and fails to pay the renewal fee set forth in paragraph (n), will be

132 suspended from appearing in any proceeding subject to the rule after 28 days of the
133 anniversary date. The Bar's executive director must notify the non-Utah licensed
134 attorney and local counsel of the suspension and file the notice with the Utah tribunal
135 that approved the pro hac vice application. The non-Utah licensed attorney may be
136 reinstated upon paying the fees set forth in paragraph (n) of this rule and a \$50 late
137 penalty. Upon paying all accrued fees and late penalty, the Executive Director will
138 reinstate the non-Utah licensed attorney and will certify reinstatement to the
139 appropriate Utah tribunal.

140 (p) **Appeals and other forms of review.** A non-Utah licensed attorney admitted in a
141 lower tribunal on a case or matter that is appealed must file a notice of appearance in
142 the appellate court or reviewing tribunal. A new application to the Bar is not required.

143 (q) **Applicable laws.** An attorney admitted pro hac vice must comply with and is
144 subject to Utah statutes, Supreme Court rules, the rules of the Utah tribunal in which
145 the attorney appears, and the Utah Code of Judicial Administration.

146 (r) **Tribal representation.** A Utah tribunal may allow a non-Utah licensed attorney who
147 is admitted and in good standing in another United States jurisdiction to appear for the
148 limited purpose of participating in a child custody proceeding under the Indian Child
149 Welfare Act of 1978, while representing a tribe, without being subject to the
150 requirements of this rule.

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