

1 Rule 11-302. Admission pro hac vice.

2 Intent:

3 To provide a uniform method for the qualification of out of state counsel to practice
4 before the courts of Utah.

5 Applicability:

6 This rule shall apply to any attorney who is not a member of the Utah State Bar
7 appearing as counsel before a court of record or not of record.

8 Statement of the Rule:

9 (a) An attorney who is not a member of the Utah State Bar but who is admitted to
10 practice law in another state or in any court of the United States or Territory or Insular
11 Possession of the United States shall apply to be admitted pro hac vice in accordance
12 with this rule prior to appearing as counsel in a court of record or not of record.

13 (b) Nonresident counsel may be permitted to appear in a particular case if the court
14 in which the case is pending determines that admission pro hac vice will serve the
15 interests of the parties and the efficient and just administration of the case. Admission
16 pro hac vice under this rule is discretionary with the court in which the application for
17 admission is made. Admission pro hac vice may be revoked by the court upon its own
18 motion or the motion of a party if, after notice and a hearing, the court determines that
19 admission pro hac vice is inappropriate. Admission pro hac vice shall be denied or, if
20 granted, shall be revoked if the court determines that the process is being used to
21 circumvent the normal requirements for the admission of attorneys to the practice of law
22 in this state.

23 (c) In determining whether to enter or revoke the order of admission pro hac vice,
24 the court may consider any relevant information, including whether non resident
25 counsel:

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

28 (c)(2) is available to opposing parties;

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

30 (c)(4) complies with the rulings and orders of the court;

31 (c)(5) has caused delay or been disruptive; and

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

33 (d) The attorney seeking admission pro hac vice shall complete under oath and
34 submit to the Utah State Bar an application form available from the Utah State Bar or
35 court clerks' office . The applicant shall attach to the application form a Certificate of
36 Good Standing from the licensing state in which the applicant resides. The applicant
37 shall complete a separate application for each case in which the applicant wants to
38 appear. The fee for each application is \$175, which shall be paid to the Utah State Bar.
39 Fees paid under this rule shall be used for attorney discipline investigations and
40 proceedings. The following are exempt from the fee:

41 (d)(1) attorneys who are employees of and representing the United States of
42 America or any of its departments or agencies; and

43 (d)(2) attorneys representing indigent clients on a pro bono basis.

44 (e) A copy of the application and a receipt showing payment of the fee shall be filed
45 in the court in which the case is pending, with a motion by a member of the Utah State
46 Bar to admit the applicant pro hac vice and a consent by that member of the Utah State
47 Bar to appear as associate counsel. Associate counsel shall be a resident of the state of
48 Utah. The application form shall include:

49 (e)(1) the name, address, telephone number, fax number, e-mail address, bar
50 identification number(s), and state(s) of admission of the applicant;

51 (e)(2) the name and number of the case in which the applicant is seeking to appear
52 as the attorney of record or, if the case has not yet been filed, a description of the
53 parties;

54 (e)(3) the name, number, and court of other cases pending or closed within the prior
55 5 years in any state or federal court of Utah in which the applicant or a member of the
56 applicant's firm appears pro hac vice;

57 (e)(4) a statement whether, in any state, the applicant:

58 (e)(4)(A) is currently suspended or disbarred from the practice of law;

59 (e)(4)(B) has been disciplined within the prior 5 years; or

60 (e)(4)(C) is the subject of any pending disciplinary proceedings;

61 (e)(5) a statement that the applicant:

62 (e)(5)(A) submits to the disciplinary authority and procedures of the Utah State Bar;

63 (e)(5)(B) is familiar with the rules of procedure and evidence, including applicable
64 local rules;

65 (e)(5)(C) will be available for depositions, hearings, and conferences; and

66 (e)(5)(D) will comply with the rulings and orders of the court;

67 (e)(6) the name, address, Utah State Bar identification number, telephone number,
68 fax number, and e-mail address of the member of the Utah State Bar to serve as
69 associate counsel; and

70 (e)(7) any other information relevant to the standards for the admission of the
71 applicant.

72 (f) Utah counsel associated with nonresident counsel seeking admission pro hac
73 vice shall:

74 (f)(1) file a motion for admission of the applicant pro hac vice;

75 (f)(2) serve the motion by mail, hand-delivery or facsimile on the Utah State Bar's
76 General Counsel on or before filing with the court and include a certificate of service
77 with the motion evidencing service on the Utah State Bar's General Counsel and upon
78 the opposing parties, or, if represented, their counsel;

79 (f)(3) file a written consent to appear as associate counsel;

80 (f)(4) sign the first pleading filed;

81 (f)(5) continue as one of the counsel of record in the case unless another member of
82 the Utah State Bar is substituted as associate counsel; and

83 (f)(6) be available to opposing counsel and the court for communication regarding
84 the case and the service of papers.

85 (g) The court may require Utah counsel to appear at all hearings. Utah counsel shall
86 have the responsibility and authority to act for the client in all proceedings if the
87 nonresident attorney fails to appear or fails to respond to any order of the court .

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

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