

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

2 (a) An attorney who is not a member of the Bar but who is admitted to practice law in
3 another state or in any court of the United States or territory or insular possession of the
4 United States shall apply to be admitted pro hac vice in accordance with this rule prior
5 to appearing as counsel in a court of record or not of record.

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

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

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

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

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

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

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

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

26 (d) The attorney seeking admission pro hac vice shall complete under oath and
27 submit to the Bar an application form available from the Utah State Bar or court clerks'
28 office . The applicant shall attach to the application form a Certificate of Good Standing
29 from the licensing state in which the applicant resides. The applicant shall complete a
30 separate application for each case in which the applicant wants to appear. The fee for
31 each application is ~~\$175~~ \$250, which shall be paid to the Utah State Bar. Fees paid

32 under this rule shall be used for attorney discipline investigations and proceedings. The
33 following are exempt from the fee:

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

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

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

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

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

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

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

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

52 (e)(4)(B) has been disciplined within the prior five years; or

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

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

55 (e)(5)(A) submits to the disciplinary authority and procedures of the Bar;

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

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

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

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

62 and

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

65 (f) Utah counsel associated with nonresident counsel seeking admission pro hac
66 vice shall:

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

68 (f)(2) serve the motion by mail, hand-delivery or facsimile on the Utah State Bar's
69 general counsel on or before filing with the court and include a certificate of service with
70 the motion evidencing service on the Bar's general counsel and upon the opposing
71 parties, or, if represented, their counsel;

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

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

74 (f)(5) continue as one of the counsel of record in the case unless another member of
75 the Bar is substituted as associate counsel; and

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

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

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

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