

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

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

7 (b) Rule Application of rule.

8 (1) This rule applies to:

9 (1A) All actions or proceedings pending before a court of ~~this state~~ Utah:

10 (2B) All actions or proceedings pending before ~~an~~ Utah administrative or
11 governmental body ~~in this state~~, unless the rules of that body provide otherwise;

12 (3C) All arbitration or alternative dispute resolution procedures in ~~this state~~ Utah
13 that are court annexed, court ordered, or mandated by statute or administrative
14 rule; and

15 (4D) All services incident to any of the proceedings in ~~Subsections paragraphs~~
16 (b)(1)(A) through (b)(31)(C), including, but not limited to, discovery and
17 settlement negotiations.

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

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

26 (d) Admission is discretionary. Admission pro hac vice under this rule is discretionary with the
27 ~~court~~ Utah tribunal in which the application for admission is made. The Utah tribunal may
28 revoke ~~A~~ admission pro hac vice ~~may be revoked by the court~~ upon its own motion or the motion

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

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

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

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

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

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

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

46 (f) **Factors in determining admission and revocation.** In determining whether to enter or
47 revoke the order of admission pro hac vice, the ~~court or administrative or governmental body~~
48 Utah tribunal may consider any relevant information, including whether ~~nonresident counsel~~ the
49 non-Utah licensed attorney:

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

52 (2) is available to opposing parties;

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

54 (4) complies with the Utah tribunal’s rulings and orders ~~of the court or administrative or~~
55 ~~governmental body~~;

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

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

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

62 (1) identify the ~~court or administrative or governmental body~~Utah tribunal for which
63 the applicant wishes to appear, and the case number or other identifying information for
64 the matter in which the applicant wishes to appear;

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

66 (3) the case or matter name, case or matter number, ~~court or administrative or~~
67 ~~governmental body~~and Utah tribunal name ~~of~~for other cases pending or closed within the
68 prior five years for which the applicant appeared pro hac vice;

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

72 (5) a statement that the applicant submits to the disciplinary authority and procedures of
73 the Utah ~~State Bar~~Office of Professional Conduct, is familiar with the rules or procedure
74 and evidence, including applicable local rules, will be available for depositions, hearings,
75 and conferences, and will comply with the Utah tribunal's rulings and orders ~~of the court~~;

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

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

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

84 (h) **Limited E**~~exception to O~~**original and A**~~annual F~~**fee**. The application fee and annual fee
85 will be waived for:

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

93 (2) ~~a~~Attorneys who are employees of and representing the United States of America
94 or any of its departments or agencies.

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

100 (j) **Filing with the Utah T**~~ribunal~~**ribunal**. Once the Bar issues an Acknowledgement, local counsel
101 must file the ~~original~~-Acknowledgement along with the following documents:

102 (1) ~~an original~~ a motion for admission pro hac vice;

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

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

105 (4) ~~an original~~ a proposed order; and

106 (5) any submissions from the Bar together with proof of service on all parties in
107 accordance with the Utah Rules of Civil Procedure or, to the extent they differ from the
108 civil rules, the governing rules of the ~~administrative or governmental body~~Utah tribunal.

109 (k) **Names and A**~~pp~~**appearances**. The name, bar number, and address of local counsel must appear
110 on all notices, orders, pleadings and other documents filed in the case or proceeding in which the
111 non-~~member~~Utah licensed attorney is appearing pursuant to this rule. Local counsel is

112 required to personally appear and participate in pre-trial conferences, hearings and
113 other proceedings before the ~~court or the administrative or governmental body~~ Utah tribunal if the
114 ~~court or administrative or governmental body, or agency~~ Utah tribunal deems ~~such~~ the
115 appearances or participation appropriate. Local counsel ~~shall~~ must accept joint responsibility with
116 the non-~~member~~ Utah licensed attorney to the client, opposing counsel and parties and to the
117 ~~court or administrative or governmental body~~ Utah tribunal. Local counsel must continue as the
118 local counsel of record in the case unless another ~~member of the Utah State~~ Bar member is
119 substituted as local counsel.

120 (l) **Appearances by non-~~member~~ Utah licensed attorneys.** An applicant ~~shall~~ may not appear in
121 a proceeding subject to this rule or have the applicant's name placed on any pleadings or
122 proceedings documents until the ~~court or administrative or governmental body~~ Utah tribunal
123 where the action is pending enters an order granting the motion for pro hac vice.

124 (m) **Continuing ~~D~~uty to ~~A~~advise of ~~C~~changes in ~~S~~status.** ~~Out-of-state counsel~~ A non-Utah
125 licensed attorney admitted pro hac vice has a continuing duty during the period of ~~such~~
126 admission to promptly advise the Bar of a disposition made ~~of~~ for any pending disciplinary
127 charges or the institution of any new disciplinary proceedings or investigations. The Bar
128 ~~shall~~ must then advise any ~~court or administrative or governmental body~~ Utah tribunal where the
129 attorney has been admitted pro hac of any ~~such~~ new disciplinary information. ~~Out-of-~~
130 ~~state counsel~~ The non-Utah licensed attorney shall must promptly advise the Bar if permission to
131 appear pro hac vice ~~pursuant to~~ under this rule ~~is~~ is revoked by any ~~court or administrative or~~
132 ~~governmental body~~ Utah tribunal.

133 (n) **Annual ~~R~~enewal.** On or before the anniversary date of ~~the filing of~~ filing the
134 initial application with the Bar, ~~the a non-Utah licensed attorney~~ local counsel must certify ~~to the~~
135 ~~Bar~~ that the non-~~resident~~ Utah licensed attorney continues to act as counsel in the cause or that
136 the cause has been finally adjudicated. ~~In the event that~~ To renew, within 28 days of the
137 anniversary date the non-~~member~~ Utah licensed attorney ~~shall~~ must remit to the Bar an annual fee
138 equal to the current dues paid by active members of the ~~Utah State~~ Bar for the licensing year in
139 which the renewal is filed ~~within 30 days of the anniversary date~~.

140 (o) **Failure to ~~R~~enew.** Any non-~~member~~ Utah licensed attorney, who continues to appear pro
141 hac vice in a cause and fails to pay the renewal fee set forth in paragraph (n) ~~of this rule~~,

142 ~~shall~~will be suspended from appearing in any proceeding subject to the rule after ~~30~~28 days of
143 the anniversary date. The ~~Executive Director of the Utah State Bar's executive director~~ shall~~must~~
144 notify the non-~~member~~Utah licensed attorney and local counsel of the suspension and ~~shall~~ file a
145 ~~certified copy of~~ the notice with the ~~court or administrative or governmental body, or~~
146 ~~agency~~Utah tribunal that approved the pro hac vice application. The non-~~member~~Utah licensed
147 attorney may be reinstated upon ~~payment of~~paying the fees set forth in paragraph (n) of this rule
148 and a \$50 late penalty. Upon ~~payment of~~paying all accrued fees and late penalty, the Executive
149 Director ~~shall~~will reinstate the non-~~member~~Utah licensed attorney and ~~shall~~will certify
150 reinstatement to the appropriate ~~court or administrative or governmental body~~Utah tribunal.

151 (p) ~~Appellate Matters~~Appeals and ~~Other~~ ~~F~~Forms of Rreview. ~~Out of state counsel~~A non-
152 Utah licensed attorney admitted in a lower tribunal on a case or matter that is appealed must file
153 a notice of appearance in the appellate court or reviewing tribunal. A new application to the Bar
154 is not required.

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

159 (r) Tribal representation. A Utah tribunal may allow a non-Utah licensed attorney who is
160 admitted and in good standing in another United States jurisdiction to appear for the limited
161 purpose of participating in a child custody proceeding under the Indian Child Welfare Act of
162 1978, while representing a tribe, without being subject to the requirements of this rule.

163 Effective November 1, 2020