

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
3 in another state or in any court of the United States or territory or insular
4 possession of the United States shall apply to be admitted pro hac vice in
5 accordance with this rule prior to appearing as counsel in a court of record or not
6 of record.

7 (b) Nonresident counsel may be permitted to appear in a particular case if the court
8 in which the case is pending determines that admission pro hac vice will serve the
9 interests of the parties and the efficient and just administration of the case.

10 Resident counsel may be permitted only if he or she has received a Practice
11 Pending Admission Certificate. Admission pro hac vice under this rule is
12 discretionary with the court in which the application for admission is made.
13 Admission pro hac vice may be revoked by the court upon its own motion or the
14 motion of a party if, after notice and a hearing, the court determines that admission
15 pro hac vice is inappropriate. Admission pro hac vice shall be denied or, if granted,
16 shall be revoked if the court determines that the process is being used to
17 circumvent the normal requirements for the admission of attorneys to the practice
18 of law in Utah.

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

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

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

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

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

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

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

29 (d) The attorney seeking admission pro hac vice shall complete under oath and
30 submit to the Bar an application form available from the Utah State Bar or court
31 clerks' office-. The applicant shall attach to the application form a Certificate of
32 Good Standing from the licensing state in which the applicant resides. The
33 applicant shall complete a separate application for each case in which the
34 applicant wants to appear. The fee for each application is \$250, which shall be
35 paid to the Utah State Bar. Fees paid under this rule shall be used for attorney
36 discipline investigations and proceedings. The following are exempt from the fee:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

66 (e)(7) for resident counsel only, a copy of the Practice Pending Admission
67 Certificate; and

68 (e)(~~8~~7) any other information relevant to the standards for the admission of the
69 applicant.

70 (f) Utah counsel associated with nonresident or resident counsel seeking
71 admission pro hac vice shall:

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

73 (f)(2) serve the motion by mail, hand-delivery or facsimile on the Utah State Bar's
74 general counsel on or before filing with the court and include a certificate of service

Rule 14-806

75 with the motion evidencing service on the Bar's general counsel and upon the
76 opposing parties, or, if represented, their counsel;

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

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

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

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

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

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