

Memorandum

SUPREME COURT OF WISCONSIN

OFFICE OF LAWYER REGULATION

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DATE: December 6, 2013
TO: Clerk of the Supreme Court and Court of Appeals
ATTN: Carrie Janto
FROM: Director, Office of Lawyer Regulation
SUBJECT: Rule Petition 13-11: Response to Request for Information

On November 11, 2013, Commissioner Julie Rich requested information regarding Rule Petition 13-11, Petition to Amend Rule 10.03(4)(b)2 Relating Pro Hac Vice Applications. This response is submitted with the approval of the Board of Administrative Oversight. Enclosed please find a chart from the ABA Center for Professional Responsibility with updated state by state information regarding pro hac vice fees. Recently, Illinois established a fee of \$250. Also, a few years ago, Michigan changed its fee from \$135 per year for up to 5 admissions to \$125 per admission.

OLR responds to the information requests as follows.

How many pro hac vice applications have been filed since the fee and application requirement commenced?

From the inception of the requirement on January 1, 2009, to November 18, 2013, OLR received 4,085 filings.

Describe the administrative expenses that warrant a fee increase.

The present fee [\$50.00] is adequate to cover OLR's administrative expenses.

OLR receives and maintains copies of the pro hac vice application forms. The office manager contacts applicants to correct errors or omissions in submissions, records application information, files applications, processes checks, and responds to an average of ten calls from applicants and other persons per week. The time required to perform these tasks takes an average of 2 to 3 hours per week. The director responds to questions from applicants, associated local counsel, and courts regarding filing status and rule compliance. The director receives a few calls per month and spends less than an hour a month responding to questions regarding pro hac vice rule compliance.

In addition, the court in which the application is filed must receive, approve, and file each request. OLR does not know the amount of time and expense required of the courts.

Should the form application for admission pro hac vice located in Appendix A to SCR ch. 10 be amended to add the "Wisconsin Supreme Court" in paragraph (7)?

Yes. Pro hac vice admission may involve matters before the Wisconsin Supreme Court; therefore, an acknowledgement and agreement to abide by Wisconsin Supreme Court rules is appropriate and advisable.

Does the OLR perceive lawyers misusing pro hac vice admission? If so, how would the proposed fee increase correct the situation?

No. During the first four years [2009 through 2012] over 80% of the lawyers filed only once. Only 12% filed twice. Less than 1% filed more than 6 times in the four-year period.

Can an attorney on inactive status in Wisconsin, who is licensed, in good standing, and actively practicing law in another state, seek admission pro hac vice in Wisconsin?

This question appears to be undecided. Supreme Court Rule 10.03(4)(b) provides that “[a] court or judge in this state may allow a nonresident counsel to appear and participate in a particular action or proceeding in association with an active member of the state bar of Wisconsin who appears and participates in the action or proceeding.” [Emphasis added.] It would be helpful to clarify whether “nonresident counsel” should include attorneys licensed in Wisconsin but not residing in Wisconsin. OLR takes no position on the substantive question.

The court is also considering revisions to the “Q & A” document located at <http://www.wicourts.gov/services/attorney/prohacvice.htm>. In particular, the court is advised that the following updates to the pro hac vice “Q & A” may facilitate the use and administration of the rule. Please comment on the following proposed questions and answers and provide other suggestions that may improve the document.

OLR agrees with the proposed questions and answers, except as provided in the following specific comments to the questions in Commissioner Rich’s memorandum.

Regarding question 3, OLR recommends amending the last sentence of the answer to read, “The OLR will return the duplicate application file stamped with the date the application and payment was received.”

Regarding question 4, OLR recommends that the certification be in the form of a statement signed by the applicant, and that the certification be filed with OLR and the court in which admission is sought.

Regarding question 5, OLR recommends that the answer read, “Applicants should notify the OLR and court in which admission was sought in writing of the change and the name of the new sponsoring attorney.

Regarding question 6, OLR recommends moving Question 21 of the “Q & A” before Question 3, and recommends that the answer include language stating that OLR is not responsible to approve the application. OLR also recommends adding clarifying emboldened language to Questions 3 and 4 of the “Q & A” that payment is made to OLR and not to the State Bar or to the court in which admission is sought.

AMERICAN BAR ASSOCIATION
 CENTER FOR PROFESSIONAL RESPONSIBILITY
 CPR POLICY IMPLEMENTATION COMMITTEE

COMPARISON OF ABA MODEL RULE FOR PRO HAC VICE ADMISSION WITH STATE VERSIONS
 AND AMENDMENTS SINCE AUGUST 2002

	Number of Appearances Limited ¹	Apply to State Administrative Proceedings ²	Service of Application on Lawyer Discipline Agency/ ³ State Bar	(a) Fee ⁴ Used by Lawyer Reg. Authority ⁵ (b) Waive for <i>pro bono</i> , indigent criminal ⁶ or others ⁷	Consent to Discipline in Host State ⁸	Associate with Local Counsel ⁹	In-State Counsel Duties	a) In-House Counsel Excluded ¹⁰ b) Applies to Foreign Lawyers	Reciprocity Required ¹¹	Amendments to Rule since August 2002
ABA Rule	Court discretion	Yes	Yes	(a) Yes (b) Yes (c) Yes	Yes	Yes	Appear of record. Advise client of judgment on contemplated actions that differ from <i>pro hac vice</i> counsel.	a) No b) No	No	N/A
AL	5 appearances in preceding 12 months	Yes	Alabama State Bar	(a) \$300 (b) Yes (c) No	Yes	Yes	Name on papers and personally appear at all proceedings.	a) Yes b) No	No	Amended to omit certain requirements for the pro hac vice admission of pro bono counsel. Fee increase.
AK	Court discretion	No	Alaska Bar Association	(a) \$620 (b) Yes (c) No	No	Yes	Name on papers; primary responsibility for proceeding.	a) No b) No	No	Fee increase from \$250 to \$620

	Number of Appearances Limited ¹	Apply to State Administrative Proceedings ²	Service of Application on Lawyer Discipline Agency/ ³ State Bar ³	Fee ⁴ Used by Lawyer Reg. Authority ⁵ (c) Waive for <i>pro bono</i> , indigent criminal ⁶ or others ⁷	Consent to Discipline in Host State ⁸	Associate with Local Counsel ⁹	In-State Counsel Duties	a) In-House Counsel Excluded ¹⁰ b) Applies to Foreign Lawyers	Reciprocity Required ¹¹	Amendments to Rule since August 2002
AZ	Court discretion	Yes	State Bar of Arizona	(a) Equal to Bar member annual fee, <i>per annum</i> (currently \$416). Fifteen percent of the non-refundable application fee shall be deposited into a civil legal services fund administered by the Arizona Foundation for Legal Services and Education. (b) Yes (c) Yes	Yes	Yes	Name on papers, personal appearance if required and joint responsibility for proceeding.	a) Yes b) No	No	1) The Application for admission <i>pro hac vice</i> is filed with the State Bar of Arizona. 2) A Certificate of Good Standing from each state or court in which the applicant has been admitted must accompany the Verified Application. 3) The AZ lawyer who associates with the out-of-state lawyer will be required to file a Motion to Associate Counsel <i>pro hac vice</i> and submit a Proposed Order. 4) Fifteen percent of the non-refundable application fee shall be deposited into a civil legal services fund administered by the Arizona Foundation for Legal Services and Education.
AR	Court discretion	No	No	(a) No (b) No (c) No	Yes	Yes	Court may require responsibility for progress of case.	a) No b) No	Yes	N/A

	Number of Appearances Limited ¹	Apply to State Administrative Proceedings ²	Service of Application on Lawyer Discipline Agency/ State Bar ³	(a) Fee ⁴ (b) Used by Lawyer Reg. Authority ⁵ (c) Waive for <i>pro bono</i> , indigent criminal ⁶ or others ⁷	Consent to Discipline in Host State ⁸	Associate with Local Counsel ⁹	In-State Counsel Duties	a) In-House Counsel Excluded ¹⁰ b) Applies to Foreign Lawyers	Reciprocity Required ¹¹	Amendments to Rule since August 2002
CA	Court discretion	No Separate rule for arbitration proceedings.	State Bar of California	(a) \$50 (b) Yes (c) No	Yes	Yes	Attorney of record.	a) Yes b) No	No	Rule 9.40 amended and renumbered effective January 1, 2007. See <i>Title Nine Rules</i>
CO	Court discretion	Yes. See, Rule 221.1	Yes	(a) \$250 per case (b) Yes; \$10 to CP Fund. (c) No	Yes	Yes	Name on papers and personally appear.	a) No. See, Rule 222. b) No	No	1) \$250 fee imposed 2) File verified petition w/trial court, copy to Clerk of Sup. Ct. 3) Notify client of petition filing 4) CO lawyer must appear personally at all proceedings and remain unless excused 5) Subject to CO Rules of Prof. Conduct, except Rule 1.15 6) Applies to administrative proceedings but CO lawyer not needed
CT	Special and Infrequent Occasion	No	No	(a) \$600 and (\$565 to Dept. of Rev.; \$75 to CP Fund) (b) Yes; \$75 to CP Fund (c) No	Yes	Yes	Name on papers and personally appear.	a) No b) No	No	N/A

	Number of Appearances Limited ¹	Apply to State Administrative Proceedings ²	Service of Application on Lawyer Discipline Agency/ ³ State Bar ³	Fee ⁴ Used by Lawyer Reg. Authority ⁵ (c) Waive for <i>pro bono</i> , indigent criminal ⁶ or others ⁷	Consent to Discipline in Host State ⁸	Associate with Local Counsel ⁹	In-State Counsel Duties	a) In-House Counsel Excluded ¹⁰ b) Applies to Foreign Lawyers	Reciprocity Required ¹¹	Amendments to Rule since August 2002
DE ¹²	Court discretion	See Rule 71.	Admitting court files application with lawyer regulatory agency.	(a) \$300 <i>per annum</i> (b) Yes (c) No	Yes	Yes	Name on papers and personally appear.	a) No b) No	No	N/A
DC	5 appearances in calendar year.	No	No	(a) \$100 (b) No (c) Yes	Yes	Yes	No	a) Yes b) Yes	No	N/A
FL	3 appearances within a 365-day period.	No. Applies to arbitration proceedings.	Yes	(a) \$250 (b) No (c) Yes	Yes	Yes	Sign <i>pro hac vice</i> motion.	a) No b) Yes	No	1) \$250 fee to Bar 2) 3 appearances per year 3) File a uniform motion for admission 4) Rule 1-3.11 applies to arbitration
GA ¹³	Court discretion	No	Yes	(a) \$200 (b) No (c) Yes	Yes	Yes	Sponsor motion, appear of record and advise client of judgment on contemplated actions that differ from <i>pro hac</i> counsel.	a) No b) Yes	No	1) \$200 fee required. 2) Defines "domestic lawyer" and "foreign lawyer". 3) Specifies in-state counsel duties. 4) Specifies application procedure. 5) Shall be subject to disciplinary action. 6) Service on state bar who can object. 7) Allows foreign lawyers and in-house counsel to be admitted <i>pro hac vice</i> .

	Number of Appearances Limited ¹	Apply to State Administrative Proceedings ²	Service of Application on Lawyer Discipline Agency/ ³ State Bar ³	(a) Fee ⁴ (b) Used by Lawyer Reg. Authority ⁵ (c) Waive for <i>pro bono</i> , indigent criminal ⁶ or others ⁷	Consent to Discipline in Host State ⁸	Associate with Local Counsel ⁹	In-State Counsel Duties	a) In-House Counsel Excluded ¹⁰ b) Applies to Foreign Lawyers	Reciprocity Required ¹¹	Amendments to Rule since August 2002
HI	Court discretion	No	No	(a) Yes, same as annual dues for Bar member. (b) Yes (c) No	No	Yes	No	a) No b) No	No	N/A
ID	Court discretion but reciprocal limitation on appearances.	No	Idaho State Bar	(a) \$200 (b) No (c) No	Yes	Yes	Personally appear.	a) Yes b) No	Reciprocal limitation on number of appearances.	N/A
IL	Court discretion	No	No	(a) No (b) No (c) No	No	No	No	a) No b) Yes	No	N/A
IN	Court discretion	No	No	(a) Yes, same as annual dues for Bar member, <i>per annum</i> . (\$145) (b) Yes (c) No	Yes	Yes	Co-counsel. Sign all papers.	a) Yes b) No	No	N/A

	Number of Appearances Limited ¹	Apply to State Administrative Proceedings ²	Service of Application on Lawyer Discipline Agency/ ³ State Bar ³	Fee ⁴ Used by Lawyer Reg. Authority ⁵ (c) Waive for <i>pro bono</i> , indigent criminal ⁶ or others ⁷	Consent to Discipline in Host State ⁸	Associate with Local Counsel ⁹	In-State Counsel Duties	a) In-House Counsel Excluded ¹⁰ b) Applies to Foreign Lawyers	Reciprocity Required ¹¹	Amendments to Rule since August 2002
IA ¹⁴	Court discretion but if 5 appearances in 24 months can be denied.	Yes	No	(a) No (b) No (c) No	Yes	Yes	Appear of record, actively participate, accept service, advice client on contemplated actions that differ from <i>pro hac</i> counsel.	a) No b) No	No	1) Increase duties of local counsel. 2) Limit number of appearances. 3) Establish application procedure.
KS ¹⁵	Court discretion	Yes	No	(a) \$100 (b) No (c) Yes	Yes	Yes	File motion for <i>pro hac vice</i> admission. Sign all papers. Personally appear.	a) No b) No	No	1) \$100 fee imposed 2) Motion for <i>pro hac vice</i> admission must be filed by KS lawyer 3) Shall be subject to disciplinary action.
KY	Court discretion	No	No	(a) \$100 (b) No (c) No	Yes	Yes	Personally appear.	a) No b) No	No	Imposed \$100 fee

	Number of Appearances Limited ¹	Apply to State Administrative Proceedings ²	Service of Application on Lawyer Discipline Agency/ State Bar ³	Fee ⁴ Used by Lawyer Reg. Authority ⁵ (c) Waive for <i>pro bono</i> , indigent criminal ⁶ or others ⁷	Consent to Discipline in Host State ⁸	Associate with Local Counsel ⁹	In-State Counsel Duties	a) In-House Counsel Excluded ¹⁰ b) Applies to Foreign Lawyers	Reciprocity Required ¹¹	Amendments to Rule since August 2002
LA ¹⁶	Court discretion	Yes. Applies to arbitration proceedings.	Yes	(a) \$250 to LA Atty. Disc. Bd. plus any fee assessed by court (b) \$250 (c) Yes	Yes	Yes	File motion for <i>pro hac</i> admission and advise client of judgment on contemplated actions that differ from <i>pro hac</i> counsel.	a) No b) No	No	1) Imposed \$250 fee 2) Motion by LA lawyer and verified application form by out-of-state lawyer 3) Submit to authority of courts and LA Atty. Disc. Bd. 4) Addresses out-of-state proceedings, potential in-state and out-of-state proceedings, and all ADR
ME	Court discretion	No	No	(a) \$600 (b) No (c) No	No	No	No	a) No b) Yes	No	Fee increase.
MD ¹⁷	Court discretion	Yes	No	(a) \$25 ¹⁸ (b) No (c) No	Yes	Yes	File motion for <i>pro hac vice</i> admission and appear at all proceedings.	a) No b) No	No	N/A
MA	Court discretion	No	No	(a) No (b) No (c) No	No	No	No	a) No b) No	Yes	N/A

	Number of Appearances Limited ¹	Apply to State Administrative Proceedings ²	Service of Application on Lawyer Discipline Agency/ ³ State Bar ³	Fee ⁴ Used by Lawyer Reg. Authority ⁵ (a) Waive for <i>pro bono</i> , indigent, criminal ⁶ or others ⁷	Consent to Discipline in Host State ⁸	Associate with Local Counsel ⁹	In-State Counsel Duties	a) In-House Counsel Excluded ¹⁰ b) Applies to Foreign Lawyers	Reciprocity Required ¹¹	Amendments to Rule since August 2002
MI	No more than five cases in a 365-day period.	Yes	Yes	(a) Yes (b) Yes (c) No	Yes	Yes	File motion for <i>pro hac vice</i> admission and appearance of record.	a) No b) Yes	No	1) No more than five cases in a 365-day period. 2) Applies to administrative tribunal/agency/private arbitration. 3) Copy of motion sent to Michigan Attorney Grievance Commission. 4) Fee equal to the discipline and client-protection portions of a bar member's dues. 5) Consent to discipline in MI
MN ¹²	Court discretion	No	No	(a) No (b) No (c) No	Yes	Yes	Sign papers and appear at first hearing.	a) No b) No	Yes	N/A
MS	5 appearances in 12 months	Yes	No	(a) \$200 (b) Indigent legal services (c) Yes	Yes	Yes	Sign application for <i>pro hac vice</i> admission. Name on papers, personal appearance and joint and several responsibility for proceeding.	a) Yes b) No	No	1) Imposed \$200 fee 2) Only 5 appearances in 12 months 3) File verified application 4) Obtain statement from Clerk of Sup. Ct. listing all prior <i>pro hac</i> appearances
MO	Court discretion	Yes	No	(a) \$100 (b) No (c) No	Yes	Yes	Enter appearance as attorney of record.	a) No b) No	No	1) \$100 fee imposed 2) Subject to discipline in MO

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MT	Total of 2 appearances, ever.	Yes	State Bar of Montana	(a) \$385 (or current bar dues) (b) State Bar of Montana	Yes	Yes	Attorney of record. Sign all papers and personally appear.	a) Yes b) No	No	Fee increase.
NE	Court discretion	No	No	(a) No (b) No (c) No	No	Yes	Resident of NE. Service on NE lawyer allowed.	a) No b) No	No	N/A

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NV	Court discretion. No more than 5 appearances in a 3-year period.	Yes	State Bar of Nevada. Annual renewal of application.	(a) \$550 per year, per case. (b) No (c) Yes	Yes	Yes	File motion to associate. Counsel of record. Present at all matters in open court. Ensure compliance with all state and local rules of practice.	a) Yes b) No	No	1) <i>Pro hac vice</i> admission includes court-annexed or statutorily-required arbitrations and mediations and to appearances before administrative agencies or governmental bodies (2) There can be no more than five (5) <i>pro hac vice</i> admissions within a three-year period except upon good cause shown. (3) The affiliated NV counsel shall be responsible to the Court or governmental entity for the administration of the case and for compliance with all state and local rules of practice. It is the responsibility of local counsel to ensure that the case is handled in accordance with all applicable NV rules.

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NH ²⁰	Court discretion	No	No	(a) \$250 (b) No (c) Yes	Yes	Yes	Responsible to the client and for the conduct of the proceeding before the court or agency. Advise client of the in-state lawyer's independent judgment on contemplated actions if that judgment differs from the out-of-state lawyer.	a) No b) No	No	Fee of \$225 imposed.

	Number of Appearances ¹ Limited	Apply to State Administrative Proceedings ²	Service of Application on Lawyer Discipline Agency/ ³ State Bar ³	(a) Fee ⁴ (b) Used by Lawyer Reg. Authority ⁵ (c) Waive for <i>pro bono</i> , indigent criminal ⁶ or others ⁷	Consent to Discipline in Host State ⁸	Associate with Local Counsel ⁹	In-State Counsel Duties	a) In-House Counsel Excluded ¹⁰ b) Applies to Foreign Lawyers	Reciprocity Required ¹¹	Amendments to Rule since August 2002
NJ	Court discretion	No	No	(a) Varies annually, maximum \$186 per year. (b) Lawyer Reg. (\$126); Client Protection Fund (\$50); and LAP (\$10) (c) lawyers representing the United States of America or a sister state	Yes	Yes	Sign papers.	a) No b) No	No	N/A
NM ²¹	No more than 5 proceedings per year.	No	Yes	(a) \$450 per case (\$275 each year to renew) (b) Civil legal services (c) Yes	Yes	Yes	Sign first motion or pleading.	a) No b) Yes	No	1) Imposed \$450 fee per case 2) File a registration certificate with the State Bar of New Mexico
NY ²²	Court discretion	No	No	(a) No (b) No (c) No	Yes	Yes	Attorney of record.	a) No b) Yes	No	N/A
NC	Court discretion	Yes	No	(a) \$125 (b) \$25 of \$125 (c) No	Yes	Yes	Personally appear and accept service of process.	a) No b) No	Yes	\$125 fee imposed

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ND	Occasional appearances	Yes	State Board of Law Examiners	(a) Same fee required of a lawyer licensed for 5 yrs. in ND. (b) Yes (c) No	Yes	Yes	Name appears on all papers and personally appear at all proceedings.	a) No b) No	No	1) Provides for registration in court actions, administrative proceeding and for in-house counsel 2) Appearance is not limited to actual physical presence in a court action. Also appearances by signing or otherwise being designated as counsel on a pleading, motion, or other paper served or filed in an action venued in a ND state court, administrative agency, or other tribunal. 3) Lawyer seeking to take a deposition within the state of ND for an action pending in another jurisdiction must comply with ND R. Prof. Conduct 5.5.

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OH	No more than 3 proceedings per year.	Yes	Supreme Court Office of Attorney Services	(a) \$150 (b) Yes (c) Yes	No	Yes	Name and Attorney registration number of active Ohio attorney	a) No b) Yes	No	1) Centralized pro hac vice admission through the Supreme Court's Office of Attorney Services 2) \$150 annual registration fee 3) No more than 3 proceedings per year 4) Administrative revocation if the rule is violated
OK ²³	Court discretion	Yes	Yes	(a) \$350 (b) No (b) Yes	Yes	Yes	File appearance, sign pleadings and appear at all hearings unless waived.	a) No b) Yes	No	1) Imposed \$350 fee 2) Submit application to OK Bar and motion with court 2) Subject to discipline in OK
OR	Court discretion	Yes	Oregon State Bar	(a) \$250 and obtain mal-practice insurance (b) All to Legal Services Program (c) No but exception for gov't body.	Yes	Yes	Participate meaningfully.	a) No b) Yes	No	N/A

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PA ¹⁴	Court discretion	No	No	(a) \$200 (proceeds to Loan Repayment Assistance Program). (a) No (b) Yes	Yes	Yes	Member of PA bar must file motion for admission and be attorney of record.	a) No b) Yes	No	1) Applies to lawyers admitted in non-U.S. jurisdictions. 2) \$100 fee to IOLTA and \$45 fee to CSF added. 3) Fee waived for <i>in forma pauperis status</i> . 4) Consent to discipline in PA.
RI	No more than 3 appearances in 5-year period.	Yes	No	(a) No (b) No (c) No	Yes	Yes	Present motion for admission. Sign all papers and assume responsibility for case. Client also signs.	a) Yes b) No	No	1) Limited to 3 appearances in 5-year period. 2) Applies to administrative proceedings 3) Subject to discipline in RI 3) Reciprocity requirement eliminated
SC	Court discretion	Yes. Limits appearances under Rule 5.5 (c) of Rules of Prof. Conduct	Supreme Court Office of Bar Admissions	(a) \$250 per case (b) No (c) No	Yes	Yes	Attorney of record. Sign papers and appear at all proceedings.	a) Yes b) No	No	1) Increased fee to \$250 from \$25 2) Submit application 3) Applies to arbitration, mediation and other alternative dispute resolution

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SD	Court discretion	Yes	No	(a) \$200 plus obtain SD Sales and Use Tax License (b) \$100 for Unified Judicial System and \$100 for State Bar. (c) No	Yes	Yes	Employed, associated with and personally participates. File motion recommending admission.	a) No b) No	No	1) Increased fee to \$200 from \$100 2) Subject to discipline in ND
TN	Court discretion	No	No	(a) \$125 (\$105 discipline; \$10 CPF; \$10 LAP) (b) Yes (c) No	Yes	Yes	Sign all papers and personally appear.	a) No b) No	No	1) Imposed \$125 fee 2) Number of appearances at court's discretion 3) Subject to TN RPC's and subject to court jurisdiction
TX	Court discretion	No	No	(a) \$250 per case (b) No (c) Yes	Yes	Yes	File motion in support of <i>pro hac</i> admission.	a) Yes b) No	No	Imposed \$250 fee

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UT	Court discretion	No	Utah State Bar	(a) \$250 (b) Yes (c) No	Yes	Yes	Resident of Utah. File motion for <i>pro hac</i> admission. Sign first pleading; may be required to attend all proceedings.	a) Yes b) No - trial courts. Yes - appellate courts. Rule 40 of the Utah Rules of Appellate Procedure allows foreign lawyers to be admitted.	No	Increased fee to \$250.
VT ¹²	Court discretion	No	No	(a) \$200 (b) No (c) Yes	Yes	Yes	File motion for <i>pro hac</i> admission. Sign papers and may be required to attend all proceedings.	a) No b) No	No	\$200 fee; consent to discipline

	Number of Appearances Limited ¹	Apply to State Administrative Proceedings ²	Service of Application on Lawyer Discipline Agency/ ³ State Bar ³	(a) Fee ⁴ Used by Lawyer Reg. Authority ⁵ (b) Waive for <i>pro bono</i> , indigent, criminal ⁶ or others ⁷	Consent to Discipline in Host State ⁸	Associate with Local Counsel ⁹	In-State Counsel Duties	a) In-House Counsel Excluded ¹⁰ b) Applies to Foreign Lawyers	Reciprocity Required ¹¹	Amendments to Rule since August 2002
VA	12 appearances in past 12 months	Yes	No	(a) \$250 (b) No (c) No	Yes	Yes	Sign all papers, accept ser-vice of all papers and file motion to associate	a) No b) No	No	1) Appearances limited to 12 in 12 months 2) Rule now applies to adm. proceedings 3) \$250 fee now 4) Consent to discipline in VA 5) Local counsel must file motion to associate 6) Abolished reciprocity requirement 7) Par. 10 sets forth what legal services an out-of-state lawyer may provide without the entry of a <i>pro hac vice</i> order.
WA	Court discretion	No	Yes	(a) \$250 and lawyer's fund for client protection assessment (b) No (c) Yes	No	Yes	Attorney of record and, at discretion of court, present at all proceedings.	a) Yes b) No	No	Imposed \$250 fee and lawyer's fund for client protection assessment. Waived fee for indigent criminal defense.
WV	Court discretion	No	West Virginia State Bar	(a) \$350 per case (b) No (c) No	Yes	Yes	Will be responsible local attorney.	a) No b) Yes	Yes	Increase fee to \$300

	Number of Appearances Limited ¹	Apply to State Administrative Proceedings ²	Service of Application on Lawyer Discipline Agency/ State Bar ³	(a) Fee ⁴ (b) Used by Lawyer Reg. Authority ⁵ (c) Waive for <i>pro bono</i> , indigent criminal ⁶ or others ⁷	Consent to Discipline in Host State ⁸	Associate with Local Counsel ⁹	In-State Counsel Duties	a) In-House Counsel Excluded ¹⁰ b) Applies to Foreign Lawyers	Reciprocity Required ¹¹	Amendments to Rule since August 2002
WI	Court discretion	Yes	No	(a) No (b) \$50 (c) Yes	Yes	Yes	Appear and participate.	a) No b) Yes	No	1) Applies to administrative hearings. 2) \$50 fee to Office of Lawyer regulation 3) fee waived for indigent or pro bono cases 4) In-house counsel may apply
WY	Court discretion	Yes	No	(a) No (b) No (c) No	No	Yes	Appear at all hearings and trial.	a) No b) No	No	N/A

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- ¹ Eight jurisdictions specifically limit the number of *pro hac vice* admissions. (Al, DC, FL, MI, MS, MT, NV and RI)
- ² In twenty jurisdictions, the *pro hac vice* admission rule applies to state administrative proceedings.
- ³ In eighteen jurisdictions, the application for *pro hac vice* admission is filed with the lawyer disciplinary agency/state bar.
- ⁴ Thirty-four jurisdictions require a fee for *pro hac vice* admission.
- ⁵ In sixteen jurisdictions, the *pro hac vice* admission fee is used in part by the lawyer regulatory agency.
- ⁶ Eleven jurisdictions waive a fee for *pro hac vice* admission in *pro bono* or indigent criminal cases.
- ⁷ Two jurisdictions waive fee for lawyers representing the United States of America, sister state or gov't body.
- ⁸ Thirty-nine jurisdictions require *pro hac vice* admission applicants to consent to discipline in the host state.
- ⁹ Forty-six jurisdictions require *pro hac vice* admission applicants to associate with local counsel.

¹⁰ Fifteen jurisdictions exclude in-house counsel from the provisions of their *pro hac vice* admission rule.

¹¹ Five jurisdictions will not admit an out-of-state lawyer *pro hac vice* unless the lawyer's home state admits lawyers *pro hac vice*.

¹² Delaware Supreme Court Rule 71

¹³ Uniform Superior Court Rule 4.4

¹⁴ Iowa Rule of Court 31.14 (Amended effective September 27, 2006).

¹⁵ Kansas Supreme Court Rule 1.10, effective July 1, 2005

¹⁶ La Sup. Ct. Rule XVII. Admission to the Bar of the State of Louisiana, Section 13. *Pro Hac Vice* Admission

¹⁷ Rules of the Maryland Court of Appeals Governing Admission to the Bar of Maryland, Rule 14

¹⁸ The fee is found in the Revised Schedule of Circuit Court Charges, Costs, and Fees Established Under Courts Article section 7-202, section IIA(2)(a). It can be found in the 2005 supplement to the Courts and Judicial Proceedings Article to the Michie's Annotated Code, page 254.

¹⁹ Minnesota Statutes § 481.02, Subd. 6.; Minnesota Rules of Appellate Procedure, Rule 143.05, Subd. 1; and Minnesota District Court Rules of Practice, Rule 5

²⁰ Rules of the Supreme Court of the State of New Hampshire. Rule 33(1)

²¹ NMRRA 24-106. Practice by non-admitted lawyers before state courts.

²² NYCRR § 520.11

²³ Oklahoma Supreme Court Rules Creating and Controlling the Oklahoma Bar, Article II, Section 5, Out-of-State Attorneys

²⁴ Pennsylvania Rules of Court, Rule 301 of the Pennsylvania Bar Admission Rules. Effective September 2007. "An attorney, barrister or advocate who is qualified to practice in the courts of another state *or of any foreign jurisdiction* may be specially admitted to the bar of this Commonwealth for purposes limited to a particular matter."

²⁵ Vermont Rules of Civil Procedure, Rule 79.1(e)