

Counsel Pro Hac Vice Program Proposed New Rules and Regulations

1.0 Purpose

The purpose of the Counsel Pro Hac Vice Program Rules and Regulations is to provide for the operation of a program for non-member out-of-state attorneys who appear in particular causes pending in the courts of California.

2.0 Definitions

- 2.1 An "Applicant for Counsel Pro Hac Vice" is an attorney who is not a member of the State Bar of California but who is in good standing and eligible to practice before the bar of a United States court or of a court of any state, territory, dependency or insular possession of the United States and who has been retained to appear in a particular cause pending in a court of this state and is eligible under section 3.0 of these Rules.
- 2.2 The "Rules" are the Counsel Pro Hac Vice Program Rules and Regulations.
- 2.3. The "State Bar" is the chief executive officer of the State Bar, or a person or persons designated by the chief executive officer, who shall have the authority to administer and interpret these Rules.
- 2.4 A "member" is a person admitted and licensed to practice law in this State except justices and judges of courts of California during their continuance in office.

3.0 Eligibility

To be eligible to be a Counsel Pro Hac Vice, an attorney **must not** be:

- 3.1 A resident of the State of California;
- 3.2 Regularly employed in the State of California;
- 3.3 Regularly engaged in substantial business, professional, or other activities in the State of California;
- 3.4 Disbarred, resigned with charges pending or suspended from practicing law in any jurisdiction;
- 3.5 Systematically or continuously present in California for the practice of law, or have established or maintained a resident office in California; or
- 3.6 Holding out to the public or otherwise that he or she is admitted to practice law in California.

4.0 Application

- 4.1 An applicant for Counsel Pro Hac Vice must submit to the San Francisco office of the State Bar of California a verified application on a form provided by the State Bar.

- 4.1.1 The application must be accompanied by the appropriate non-refundable processing fee.
- 4.2 The applicant must provide the following information on the application:
 - 4.2.1 Name, residence and office address, and telephone number of the applicant;
 - 4.2.2 Name of all state and federal courts where the applicant has been admitted to practice and dates of admission;
 - 4.2.3 Statement that the attorney is currently a member in good standing and eligible to practice law in a court where admitted;
 - 4.2.4 That the applicant is not currently suspended or disbarred in any court, and disclose discipline by any professional or occupational disciplinary agency or licensing board, whether in California or elsewhere;
 - 4.2.5 Title of all courts of California and causes in which the applicant has filed an application to appear as counsel pro hac vice in the preceding two years, the date of each application and whether or not it was granted;
 - 4.2.6 Name, office address, telephone number of the active member of the State Bar of California who is associated with applicant as the attorney of record;
 - 4.2.7 Statement of agreement to comply with all the requirements of this Rule; and
 - 4.2.8 Where the particular cause is pending in a trial court of this state, a statement of agreement to submit proof of service by mail, in accordance with section 1013a of the Code of Civil Procedure, of a copy of the application and of the notice of hearing of the application upon all parties who have appeared in the matter and upon the State Bar of California.
- 4.3 Upon receipt of verification by the State Bar that it has reviewed the application for compliance with the Eligibility and Application requirements of sections 3.0 and 4.0 of these Rules, applicant shall file the verified application with the trial court together with proof of service by mail in accordance with section 1013a of the Code of Civil Procedure.
 - 4.3.1 The notice of hearing to appear pro hac vice shall be given at the time prescribed in section 1005 of the Code of Civil Procedure unless the trial court has prescribed a shorter period;
- 4.4 Applications for appearance in the Supreme Court of California or a Court of Appeal shall be made as provided in rule 41, California Rules of Court, with proof of service upon all parties who have appeared in the cause and upon the State Bar of California at its San Francisco office.

5.0 Use of Title

Attorneys who have permission of the court to appear as Counsel Pro Hac Vice may only use the title "Counsel Pro Hac Vice" in the particular cause pending in the court that approved its use, and shall not hold themselves out as a member of the State Bar of California.

6.0 Duration

An attorney's permission to appear as Counsel Pro Hac Vice shall commence on the date specified by the court and shall continue for that particular cause unless sooner terminated in the discretion of the court that granted the permission.

7.0 Denial of Application

7.1 An application to appear as Counsel Pro Hac Vice may be denied by the court in its discretion for any reason including for repeated appearances by the attorney.

7.2 A copy of the court order denying the application and, if given, any reasons for the denial, shall be mailed by the applicant to the San Francisco office of the State Bar of California.

8.0 Contempt and other Court Sanctions; Discipline

Attorneys permitted to appear as Counsel Pro Hac Vice pursuant to this Rule shall be subject to the jurisdiction of the courts of this state with respect to the laws of this state governing the conduct of attorneys to the same extent as a member of the State Bar of California. The attorney shall become familiar and comply with the standards of professional conduct required of members of the State Bar of California and shall be subject to the disciplinary jurisdiction of the State Bar of California with respect to any acts occurring in the course of such appearance.

9.0 Public Records

Information about a Counsel Pro Hac Vice shall be public to the same extent that information about a member of the State Bar of California is public.