

Rule 983 [Counsel Pro Hac Vice] CALIFORNIA RULES OF COURT
(proposed revision)

(a) **[Definition]**

A “Counsel Pro Hac Vice” is an attorney who is not a member of the State Bar of California but who:

- (1) 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;
- (2) Has been retained to appear in a particular cause pending in a court of this state; and
- (3) In the discretion of the court of California where the cause is pending and upon written application by the attorney, has been permitted by the court to appear as Counsel Pro Hac Vice in the particular cause, provided that an active member of the State Bar of California is associated as attorney of record and that the written application was reviewed by the State Bar of California prior filing with the court.

(b) **[The State Bar Pro Hac Vice Program]**

The State Bar of California shall establish and administer a program for attorneys who appear as Counsel Pro Hac Vice in the courts of California under rules adopted by the Board of Governors of the State Bar.

(c) **[Eligibility to Appear as Counsel Pro Hac Vice]**

To be eligible to appear as a Counsel Pro Hac Vice, an attorney must comply with all of the following:

- (1) Associate an active member of the State Bar of California as attorney of record;
- (2) Not be a resident of the State of California;
- (3) Not be regularly employed in the State of California;
- (4) Not be regularly engaged in substantial business, professional, or other activities in the State of California;
- (5) Not be disbarred, resigned with charges pending or suspended from practicing law in any jurisdiction;
- (6) Be 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;
- (7) Be retained to appear in a particular cause pending in a court of California;
- (8) Qualify under the provisions of the rules adopted by the Board of Governors relating to the Counsel Pro Hac Vice Program;
- (9) Be subject to the jurisdiction of the courts of this state with respect to the laws of the State of California governing the conduct of an attorney, to the same extent as a member of the State Bar of California;

- (10) Not hold out to the public or otherwise that he or she is admitted to practice law in California;
- (11) Not establish or maintain a resident office or other systematic or continuous presence in California for the practice of law;
- (12) File an application with the State Bar of California along with the required filing fee, and receive written confirmation from the State Bar that it reviewed the application for compliance with the Pro Hac Vice program; and
- (13) File with the court the application reviewed by the State Bar of California.

(d) **[Discipline]**

An attorney who appears as a Counsel Pro Hac Vice but who fails to comply with the requirements of the Pro Hac Vice Program, or the rules governing the conduct of attorneys in California, shall be subject to discipline to the same extent as a member of the State Bar of California.

(e) **[Denial]**

- (1) At the discretion of the court, an attorney may be denied permission to appear as Counsel Pro Hac Vice for any reason including for repeated appearances.
- (1) A copy of the court's order denying the application, and the reasons for the denial, if any, shall be mailed by the applicant to the State Bar of California.

(f) **[Fee]**

The State Bar shall have the authority to set and collect appropriate fees for this program.

(g) **[Non-Preclusion]**

This rule does not preclude the Supreme Court or a Court of Appeal from permitting argument in a particular case from a person who is not a member of the State Bar, but who is licensed to practice in another jurisdiction and who possesses special expertise in the particular field affected by the proceeding.

(h) **[Inherent Power of Supreme Court]**

Nothing in these rules shall be constructed as affecting the power of the Supreme Court to exercise its inherent jurisdiction over the practice of law in California