

PRO HAC VICE INFORMATION SHEET

Can a non-Idaho lawyer appear in an Idaho case?

Yes, if the court enters an order granting a motion for the pro hac vice admission of that attorney. I.B.C.R. 227(a), (e).

Who can apply for pro hac vice admission?

A non-Idaho attorney who is an active member in good standing of the bar of another state or territory of the United State or the District of Columbia who currently maintains an ongoing law practice in another jurisdiction. I.B.C.R. 227(a).

Does a pro hac vice attorney need Local Counsel?

Yes. Under I.B.C.R. 227(b), a pro hac vice attorney must associate with Local Counsel. Local Counsel must be an active member of the Idaho State Bar with whom the court and opposing counsel may readily communicate regarding the conduct of the case. Unless specifically excused from attendance by the trial judge, Local Counsel shall personally appear with the pro hac vice attorney on all matters before the court.

How much does pro hac vice admission cost?

\$325 after April 1, 2013. I.B.C.R. 227(a)(4).

What is an attorney required to do to apply for pro hac vice admission?

File with the affected court a motion that: 1) designates Local Counsel (including the address and telephone number of Local Counsel); 2) includes the written consent of Local Counsel; and 3) identifies the bar of which the pro hac vice applicant is an active member in good standing, and whether that bar limits the number of pro hac vice admissions.

Submit to the Idaho State Bar: 1) the pro hac vice fee; 2) a certificate of good standing from the jurisdiction where the attorney maintains his or her law practice; and 3) a copy of the motion filed with the affected court.

The attorney must provide proof that all counsel of record in the case have been served with the motion, and must submit a copy of the proposed order to the affected court. I.B.C.R. 227(c).

What information must a pro hac vice attorney include on court filings?

On all court filings in which the name of an attorney seeking or granted pro hac vice admission appears, the attorney must state his or her current office address in the jurisdiction where the attorney is an active member. I.B.C.R. 227(f).

Does a non-Idaho attorney who wants to appear before an Idaho agency in an administrative matter need to be admitted pro hac vice?

Possibly. An Idaho agency may require an eligible non-Idaho attorney to be admitted pro hac vice. I.B.C.R. 227(i).

Are there any limits on the number of times an attorney can be admitted pro hac vice in Idaho?

There is no limit on the number of pro hac vice admissions that may be granted to an attorney, except to the extent that the jurisdiction in which the pro hac vice applicant maintains his or her active license limits the number of pro hac vice admissions for Idaho attorneys. I.B.C.R. 227(h).

If I apply for pro hac vice admission in Idaho, am I subject to discipline in Idaho?

An attorney who applies for pro hac vice admission consents to the exercise of disciplinary jurisdiction by the affected court and the Idaho State Bar over any alleged misconduct which occurs during the case in which that attorney participates. I.B.C.R. 227(d).

Where can I find information about pro hac vice applicants in Idaho?

The Idaho State Bar maintains a record of all pro hac vice admission motions as a public record. I.B.C.R. 227(g).

Does the Idaho State Bar have forms for the pro hac vice motion and proposed order?

Subsection (j) of Rule 227 provides a form for pro hac vice motions. Subsection (k) sets forth the form of proposed order.

If I follow the requirements of I.B.C.R. 227, will the affected court grant the motion for pro hac vice admission?

Under Subsection (e), the affected court may grant or deny the motion for pro hac vice admission.