

Rule 33(d), Rules of the Supreme Court

(d) Admission Pro Hac Vice.

- 1. Eligibility.** An attorney who is not a member of the State Bar of Arizona, but is currently a member in good standing of the bar of another state or eligible to practice before the highest court in any state, territory or insular possession of the United States (hereinafter called a nonresident attorney) and who is of good moral character and is familiar with the ethics, professionalism and practices of the legal profession in the State of Arizona, may appear as counsel pro hac vice in a particular case before any state or local court or administrative agency in the State of Arizona upon compliance with this rule. However, no person is eligible to appear as counsel pursuant to this rule if that person (a) is a resident of the State of Arizona, or (b) is regularly employed in the State of Arizona, or (c) is regularly engaged in substantial business, professional, or other activities in the State of Arizona.
- 2. Association of Local Counsel.** No nonresident attorney may appear pro hac vice before any court or administrative agency of this state unless the nonresident attorney has associated in that cause an attorney who is a member in good standing of the State Bar of Arizona (hereinafter called local

counsel). The name of local counsel shall appear on all notices, orders, pleadings, and other documents filed in the cause. Local counsel may be required to personally appear and participate in pretrial conferences, hearings, trials, or other proceedings conducted before the court or administrative agency when the court or administrative agency deems such requirement appropriate. Local counsel associating with a nonresident attorney in a particular cause shall accept joint responsibility with the nonresident attorney to the client, to opposing parties and counsel, and to the court or administrative agency in that particular cause.

3. Procedure for applying. Appearance pro hac vice in a cause is subject to the discretion and approval of the court or administrative agency where such cause is pending. A nonresident attorney desiring to appear pro hac vice under this rule shall comply with the procedures set forth herein for

each matter where pro hac vice status is requested.

(a) *Verified Application to State Bar of Arizona.* In order to appear as counsel in any matter pending before a court or administrative agency in the State of Arizona, a nonresident attorney shall file with the State Bar of Arizona an original and one (1) copy of a verified application together with a certificate from the state bar or from the clerk of the highest admitting court of each state, territory or insular possession of the United States in which the nonresident attorney has been admitted

to practice law certifying the nonresident attorney's date of admission to such jurisdiction and the current status of the nonresident attorney's membership or eligibility to practice therein and a non-refundable application fee equal to the current dues paid by active members of the State Bar of Arizona for the calendar year in which such application is filed.

(b) *State Bar of Arizona Certificate.* Upon receipt of the verified application and fee from the nonresident attorney as described above, the State Bar of Arizona shall issue to local counsel a certificate which states: (1) whether the nonresident attorney or other members of the firm with which the nonresident attorney is associated has previously made any application or motion pursuant to this rule within the preceding three (3) years; (2) the date of any such application or motion; and (3) whether the application or motion was granted or denied by the court or administrative agency. The State Bar of Arizona certificate shall include as exhibits: (1) the original verified application; and (2) the original certificate(s) of good standing. Copies of verified applications and certificates of good standing shall be retained by the State Bar of Arizona for three (3) years.

(c) *Motion to associate counsel pro hac vice.* Local counsel shall file a motion to associate counsel pro hac vice with the court or

administrative agency where the cause is pending, together with proof of service on all parties in accordance with Arizona Rules of Civil Procedure. The motion to associate counsel pro hac vice shall include as exhibits: (1) the original verified application; (2) the original certificates of good standing; and (3) the State Bar of Arizona certificate. The motion to associate counsel pro hac vice shall also be accompanied by a proposed order granting or denying the motion. A copy of each order granting or denying the motion as entered by the court or administrative agency shall be mailed by local counsel to the State Bar of Arizona.

(d) *Entry of Order.* The order granting or denying the motion to associate counsel pro hac vice shall be entered by the court or administrative agency no later than 20 days (exclusive of weekends and holidays) after the filing of such motion. A nonresident attorney shall make no appearance in a cause until the court or administrative agency where the cause is pending enters the order granting the motion to associate counsel pro hac vice. The order granting pro hac vice status shall be valid for a period of one (1) year from the date of entry, and shall be renewed for subsequent one (1) year periods upon compliance with renewal procedures as specified herein.

4. Verified Application. The verified application required by this rule shall be on a form approved by the Board of Governors of the State Bar of Arizona

and available at the clerk of the court or administrative agency where such cause is pending and shall state: (a) the nonresident attorney's residence and office address; (b) the court(s) to which the nonresident attorney has been admitted to practice and the date(s) of such admission; (c) that the nonresident attorney is a member in good standing of such court(s); (d) that the nonresident attorney is not currently disbarred or suspended in any court; (e) whether the nonresident attorney is currently subject to any pending disciplinary proceeding by any court, agency or organization authorized to discipline attorneys at law, and if so pending, the application shall specify the jurisdiction, the nature of the matter under investigation and the name and address of the disciplinary authority investigating the matter; (f) whether the nonresident attorney has ever been disciplined by any court, agency or organization authorized to discipline attorneys at law; (g) the title of the court and cause and docket number in which the nonresident attorney or any member of the firm of attorneys with which the nonresident attorney is associated has filed an application to appear as counsel under this rule in this state in the preceding three (3) years, the date of each application, and whether it was granted; (h) the name, address and telephone number of local counsel; (i) the name of each party in the cause and the name and address of counsel of record who is appearing for each party; (j) that the nonresident attorney certifies that he or she shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the

same extent as an active member of the State Bar of Arizona; (k) that the nonresident will review and comply with appropriate rules of procedure as required in the underlying cause; and (l) that the nonresident attorney understands and shall comply with the standards of professional conduct required of members of the State Bar of Arizona.

- 5. Discretion.** The granting or denial of a motion to associate counsel pro hac vice pursuant to this rule by the court or administrative agency is discretionary. The court or administrative agency may revoke the authority of a nonresident attorney to make continued appearances pursuant to this rule. Absent special circumstances, repeated appearances by any person or firm of attorneys pursuant to this rule may be the cause for denial of the motion to associate counsel pro hac vice. Such special circumstances may include, but are not limited to, the following: (a) a showing that the cause involves a complex area of law in which the nonresident attorney possesses a special expertise or (b) a lack of local counsel with expertise in the area of law involved in the cause.
- 6. Transfer.** The nonresident attorney shall be deemed admitted in the event venue in such action is transferred to another county or court or is appealed; provided, however, that the court having jurisdiction over such transferred or appealed cause may revoke the authority of the nonresident attorney to appear pro hac vice.
- 7. Supreme Court.** Appearance before the Supreme Court in the first instance

shall be by motion as provided in these rules.

- 8. Continuing Duties to Advise of Changes in Status.** A nonresident attorney admitted pro hac vice shall have the continuing obligation during the period of such admission to promptly advise the State Bar of Arizona of a disposition made of pending charges or the institution or any new disciplinary proceedings or investigations. The State Bar of Arizona shall then advise any court or administrative agency where the nonresident attorney has been admitted pro hac vice of any such information.
- 9. Renewal of Application.** On or before each anniversary date of the filing of the verified application with the State Bar of Arizona, local counsel must certify to the State Bar of Arizona, whether (a) the nonresident attorney continues to act as counsel in the cause; or (b) such cause has been adjudicated to a final conclusion or is otherwise concluded. Any nonresident attorney who continues to act as counsel in the cause shall remit to the State Bar of Arizona on or before each anniversary date a fee equal to the current dues paid by active members of the State Bar of Arizona for the calendar year in which such renewal is sought.
- 10. Failure to Renew.** Any nonresident attorney who continues to appear pro hac vice in a cause and fails to pay the renewal fees set forth in subsection 9 of this rule shall be suspended from appearance in any cause upon the expiration of a period of thirty (30) days from the anniversary date. The Executive Director of the State Bar of Arizona shall notify the nonresident

attorney and local counsel of the suspension and shall file a certified copy of the notice with the court or administrative agency where the cause is filed.

The nonresident attorney may be reinstated upon the payment of fees set forth in subsection 9 of this rule and a \$50. late penalty. Upon payment of all accrued fees and late penalty, the Executive Director shall reinstate the nonresident attorney and shall certify such reinstatement to the court or to the administrative agency where the cause is filed.

11. Annual Reporting. The State Bar of Arizona shall prepare an annual report which shall list: (a) all applications filed pursuant to this rule during the preceding twelve months; (b) the names of all applicants; and (c) whether the application was granted or denied. The report shall be available for inspection at the offices of the State Bar of Arizona, and shall be provided to the Supreme Court.

12. Disciplinary Jurisdiction of the State Bar of Arizona. A nonresident attorney admitted pro hac vice pursuant to these rules shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the laws and rules of this state governing the conduct and discipline of attorneys to the same extent as an active member of the State Bar of Arizona.