

SUPREME COURT OF LOUISIANA

ORDER

Acting in accordance with Article V, Sections 1 and 5 of the 1974 Louisiana Constitution, and the inherent power of this Court, and considering the need to amend the rule concerning *pro hac vice* admission of attorneys to state courts and agencies in Louisiana,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Louisiana Supreme Court Rule XVII, Section 13A(3) be and is hereby amended to read as follows:

(3) Procedure

(i) **Application.** The out-of-state attorney seeking *pro hac vice* admission shall first file the “Application for *Pro Hac Vice* Admission” described in subpart A4(i) below with the Louisiana Attorney Disciplinary Board. The Application shall be verified by both the out-of-state counsel and the in-state counsel and shall include the fee required by subpart A4(ii). The Louisiana Attorney Disciplinary Board shall forward the Application for review to the Disciplinary Counsel who shall issue a letter either approving or disapproving the Application. Any letter disapproving the Application shall state the reasons for such disapproval therein.

(ii) **Motion.** Following the receipt of a letter from the Disciplinary Counsel acting upon the Application for *Pro Hac Vice* Admission, the attorney licensed in this state and who thereafter chooses to pursue the *pro hac vice* admission shall file a written ex parte motion with the court or agency where the proceeding is pending, requesting that the out-of-state attorney be admitted *pro hac vice*. Absent extraordinary circumstances which are fully explained and described in the motion for *pro hac vice* admission, courts and agencies shall not entertain a motion for *pro hac vice* admission which is filed within 30 days of the scheduled trial or hearing date.

Appended to any such motion shall be the letter from the Disciplinary Counsel approving or disapproving the Application for *Pro Hac Vice* Admission. The motion and letter shall be served on all parties who have appeared in the matter and shall include proof of service. Where the Disciplinary Counsel has disapproved the application, the subsequent ex parte motion for *pro hac vice* admission shall also be served upon the Disciplinary Counsel. The court or agency has the discretion to grant or deny the motion and application summarily.

(iii) **Objection to Motion.** Within twenty days of service, the Disciplinary Counsel or any party to the proceeding may file an objection to the motion. The objecting party must file with its objection a verified affidavit containing or describing information establishing a factual basis for the objection. The Disciplinary Counsel or other objecting party may seek denial of

the motion or modification of it, and may request a hearing on the matter. If the motion has already been granted, any party may move that the *pro hac vice* admission be withdrawn.

(iv) Standard for Admission and Revocation of Admission. The courts and agencies of this state have discretion as to whether to grant motions and applications for admission *pro hac vice*. A motion seeking *pro hac vice* admission ordinarily should be granted unless the court or agency finds reason to believe:

- (a) the admission may be detrimental to the prompt, fair and efficient administration of justice;
- (b) the admission may be detrimental to legitimate interests of the parties to the proceedings other than the client(s) the applicant proposes to represent;
- (c) one or more of the clients the applicant proposes to represent may be at risk of receiving inadequate representation and cannot adequately appreciate that risk;
- (d) the applicant has engaged in frequent appearances as to constitute regular practice in this state;
- (e) the applicant attorney is not competent or ethically fit to practice; or
- (f) the applicant has failed to otherwise comply with the requirements of these rules.

(v) Revocation of Admission. Admission to appear as counsel *pro hac vice* in a suit may be revoked for any of the

reasons listed in subpart A(3)(iv) above, or for any other reason the court or agency, in its discretion, deems appropriate.

2. The “Application for *Pro Hac Vice* Admission in Louisiana” set forth in Part C of Rule XVII Appendix is hereby deleted in its entirety and replaced with the “Application for *Pro Hac Vice* Admission in Louisiana” attached hereto.

This rule shall become effective upon signing and shall remain in full force and effect thereafter until amended or changed through future Orders of this Court.

New Orleans, Louisiana, this _____ day of June 2009.

FOR THE COURT:

Catherine D. Kimball, Chief Justice