

**AMENDMENTS TO THE SUPREME COURT
RULES FOR THE GOVERNMENT OF THE BAR OF OHIO**

The following amendments to the Supreme Court Rules for the Government of the Bar of Ohio (Gov. Bar R. XII) were adopted by the Supreme Court of Ohio. The history of these amendments is as follows:

November 29, 2016 Final adoption by conference
January 1, 2017 Effective date of amendments

SUPREME COURT RULES FOR THE GOVERNMENT OF THE BAR OF OHIO

RULE XII. PRO HAC VICE ADMISSION

Section 1. Definitions

As used in this rule:

(A) *Tribunal*: A tribunal is defined as a court, legislative body, administrative agency, or other body acting in an adjudicative capacity. A legislative body, administrative agency, or other body acts in an adjudicative capacity when a neutral official, after the presentation of evidence or legal argument by a party or parties, will render a binding legal judgment directly affecting a party's interests in a particular matter.

(B) *Proceeding*: A proceeding is defined as an adjudicative matter pending before a tribunal.

Section 2. Requirements for Permission to Appear Pro Hac Vice

(A) A tribunal of this state may grant permission to appear pro hac vice to an attorney who is admitted to practice in the highest court of a state, commonwealth, territory, or possession of the United States or the District of Columbia, or who is admitted to practice in the courts of a foreign state and is in good standing to appear pro hac vice in a proceeding.

(1) An attorney is eligible to be granted permission to appear pro hac vice pursuant to this rule if any of the following apply:

(a) The attorney neither resides in nor is regularly employed at an office in this state;

(b) The attorney is registered for corporate status in this state pursuant to Gov. Bar R. VI, Section 3;

(c) The attorney resides in this state but lawfully practices from offices in one or more other states;

(d) The attorney maintains an office or other systematic and continuous presence in this state pursuant to Prof.Cond.R. 5.5(d)(2);

(e) The attorney has permanently relocated to this state in the last 120 days and is currently an applicant pending admission under Gov. Bar R. I;

(f) The attorney resides in this state, is the spouse of an active member of the United States armed forces assigned to a military installation within this state, and intends to practice law in this state only for the duration of the assignment of the spouse.

(2) A tribunal shall not grant permission to appear pro hac vice to an attorney who has taken and failed the Ohio bar examination, been denied admission without examination, or had an application for admission in this state denied on character and fitness grounds pursuant to Gov. Bar R. I within the last five years.

(3) Prior to being granted permission to appear pro hac vice by a tribunal, the attorney shall have applied for registration with the Supreme Court Office of Attorney Services, paid an registration fee of \$300.00, and been issued a certificate of pro hac vice registration. The application for registration shall include the following information:

(a) The attorney's residential address, office address, and the name and address of the attorney's law firm or employer, if applicable;

(b) The jurisdictions in which the attorney has ever been licensed to practice law, including the dates of admission to practice, resignation, or retirement, and any attorney registration numbers;

(c) An affidavit stating that the attorney has never been disbarred and whether the attorney is currently under suspension or has resigned with discipline pending in any jurisdiction the attorney has ever been admitted;

(d) A statement the attorney satisfies the requirements in Section 2(A)(1) and (2) of this rule;

(e) A statement that the attorney will comply with the applicable statutes, law and procedural rules of this state and the rules, policies, and procedures of the tribunal before which the attorney seeks to practice and will be familiar with and comply with the Ohio Rules of Professional Conduct and the Rules for the Government of the Bar.

(4) Of the \$300 pro hac vice registration fee collected pursuant to Section 2(A)(3) of this rule, \$150 shall be deposited into the Attorney Services Fund for use to fund civil legal aid services for low-income or disadvantaged populations in Ohio.

(5) An attorney representing an amicus curiae in support of an indigent defendant in a criminal matter may file with the Office of Attorney Services an application for a waiver of the pro hac vice registration fee. The waiver shall not apply to other proceedings in which the attorney seeks permission to appear pro hac vice.

(6)(a) An attorney listed in Section 2(A)(1)(a) through (e) of this rule who has been granted permission to appear pro hac vice may participate in no more than three proceedings under this rule in the same calendar year the application is filed. In the event a proceeding continues to the next or subsequent calendar years, the proceeding will not count toward the annual limitation. An appeal from a trial court or court of appeals, an appeal of an administrative agency order or ruling, a transfer of an action to a court of competent jurisdiction, or the consolidation of two or more cases, where the attorney participated in the initial proceeding, shall not be counted toward the annual limitation. Participation for the first time by an attorney at any stage during a proceeding shall count toward the annual limitation.

(b) An attorney listed in Section 2(A)(1)(f) of this rule who has been granted permission to appear pro hac vice shall be entitled to all rights and privileges and subject to all duties, obligations, and responsibilities otherwise applicable to licensed Ohio attorneys for a period of two years from the date the permission is granted. Permission to appear pro hac vice shall automatically terminate upon the occurrence of either of the following:

(i) The end of the two-year period for which the permission was granted and the attorney has not filed for a renewal pursuant to Section 5(B) of this rule;

(ii) The attorney is admitted to the practice of law in Ohio pursuant to Gov. Bar R. I.

(c) An attorney listed in Section 2(A)(1)(f) of this rule may not act as counsel for a client until granted permission to appear pro hac vice under this rule.

(7) The attorney may file a motion for permission to appear pro hac vice accompanied by a copy of the certificate of pro hac vice registration furnished by the Office of Attorney Services, and includes the following information:

(a) The attorney's residential address, office address, and the name and address of the attorney's law firm or employer, if applicable;

(b) The jurisdictions in which the attorney has ever been licensed to practice law, including the dates of admission to practice, resignation, or retirement, and any attorney registration numbers;

(c) An affidavit stating that the attorney has never been disbarred and whether the attorney is currently under suspension or has resigned with discipline pending in any jurisdiction the attorney has ever been admitted;

(d) If the attorney is listed in Section 2(A)(1)(a) through (e) of this rule, a statement that the attorney has not been granted permission to appear pro hac vice in more than three proceedings before Ohio tribunals in the current calendar year pursuant to Section 2(A)(6)(a) of this rule;

(e) If the attorney is listed in Section 2(A)(1)(a) through (e) of this rule, the name and attorney registration number of an active Ohio attorney, in good standing, who has agreed to associate with the attorney.

(B) An attorney granted permission to appear pro hac vice in a pending proceeding shall inform each tribunal in which the attorney has been granted permission to appear of any disciplinary action taken against the attorney since the date permission was granted.

(C) Any party to a proceeding may object to the motion of an attorney in a manner and method prescribed by the tribunal.

(D) A motion to be granted permission to appear pro hac vice filed with a tribunal shall be served by the filing attorney on all known parties and attorneys of record.

(E) A tribunal may order a hearing on a motion to appear pro hac vice and enter an order granting or denying the motion.

Section 3. Leave to File a Motion Instante

An attorney may file a motion to be granted permission to appear pro hac vice instante with a tribunal if the attorney has previously filed an application with the Office of Attorney Services and the attorney is required to appear in a proceeding fewer than five business days from the date of filing the application. The attorney shall attach a time stamped copy of the application to the motion to be granted permission to appear pro hac vice instante.

Section 4. Notice of Permission to Appear Pro Hac Vice

All attorneys granted permission to appear pro hac vice by a tribunal shall file a Notice of Permission to Appear Pro Hac Vice with the Office of Attorney Services within thirty days after a tribunal grants permission to appear in a proceeding. The Notice of Permission to Appear Pro Hac Vice shall include copies of the court or administrative order granting permission. Failure to file the notice within the time specified shall result in automatic exclusion from practice within this state. The Office of Attorney Services shall, by certified mail, notify all tribunals in which the attorney has appeared of the attorney's exclusion.

Section 5. Renewal of Registration

(A) If an attorney listed in Section 2(A)(1)(a) through (e) of this rule continues to appear on the basis of permission to appear pro hac vice in any proceeding pending as of the first day of a new calendar year, the attorney shall pay a renewal fee equal to the registration fee set forth in Section 2(A)(3) of this rule. This renewal fee shall be due within thirty days of the start of that calendar year and shall be tendered to the Office of Attorney Services and accompanied by an updated registration form.

(B) At the conclusion of a two-year period of permission to appear pro hac vice, an attorney listed in Section 2(A)(1)(f) of this rule may renew the permission for an additional two-year period if the spouse of the attorney continues to be an active member of the United States armed forces assigned to a military installation within this state by paying a renewal fee equal to the registration fee set forth in Section 2(A)(3) of this rule. This renewal fee shall be due within thirty days of the end of the two-year period of permission to appear pro hac vice and shall be tendered to the Office of Attorney Services and accompanied by an updated registration form.

(C) Failure to pay the required renewal fee and file a new registration form within the time specified shall result in automatic exclusion from practice within this state. The Office of Attorney Services shall, by certified mail, notify all tribunals in which the attorney has appeared of the attorney's exclusion. If the proceeding has concluded or if the attorney has withdrawn from the proceeding, the attorney must so notify the Office of Attorney Services by the deadline for renewal of registration.

Section 6. Reinstatement

An attorney automatically excluded from practice in Ohio for failing to file a Notice of Permission to Appear Pro Hac Vice under Section 4 of this rule, or failing to pay a renewal registration fee required under Section 5 of this rule, may file a Petition for Reinstatement with the Office of Attorney Services. The petition shall describe the circumstances that resulted in the automatic exclusion, and a list of all proceedings in which the attorney had been permitted to appear pro hac vice, and shall be accompanied by the appropriate Notice of Permission to Appear Pro Hac Vice if the exclusion is under Section 4 of this rule, or a renewal registration fee if the exclusion is under Section 5 of this rule. The Office of Attorney Services shall inform all tribunals where the attorney appeared by certified mail if the attorney is reinstated.

Section 7. Admissions Fund

Payment of the registration fee shall be deposited in the Admissions Fund established under Gov. Bar R. I, Section 14(A).

[Effective: January 1, 2011; January 1, 2013; January 1, 2014; July 1, 2016; January 1, 2017.]

RULE XX. TITLE AND EFFECTIVE DATES

[Existing language unaffected by the amendments is omitted to conserve space]

Section 2. Effective Dates.

[Existing language unaffected by the amendments is omitted to conserve space]

(DDDDD) The amendments to Gov. Bar R. XII, adopted by the Supreme Court on November 29, 2016, shall take effect on January 1, 2017.