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**Welcome to Oregon:
A Roadmap to *Pro Hac Vice* Admission**

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Black's Law Dictionary translates "pro hac vice" from its Latin origins: "for this occasion." *Pro hac vice* admission is the oldest kind of "multijurisdictional practice." It allows a lawyer licensed in another state to handle a case here and allows Oregon lawyers to do the same in other jurisdictions. Traditionally, *pro hac vice* admission was the sole province of the particular court where admission was sought. In recent years, however, many states, including Oregon, have formalized *pro hac vice* admission by specific court rule and bifurcated the admission process so that approval is now needed from both the state bar and the court concerned. Knowing the *pro hac vice* requirements is important because out-of-state associated counsel will be looking to you to guide them smoothly through the process. In this column, we'll look at the background, requirements and mechanics of *pro hac vice* admission in Oregon state trial court.

Before we get to Oregon state court requirements, a note on *pro hac vice* admission in federal court: admission to the United States District Court here remains simply by motion under Local Rule 83.3. Application procedures and requirements are outlined on the District Court's web site at www.ord.uscourts.gov.

Background. *Pro hac vice* admission in Oregon is governed primarily by ORS 9.241 and UTCR 3.170. The former confirms the Supreme Court’s authority to regulate the temporary practice of law by out-of-state lawyers in both courts and administrative proceedings. The latter outlines the specific requirements and procedures for *pro hac vice* admission. ORS 9.241 and UTCR 3.170 were last substantively amended in 2001 as they relate to *pro hac vice admission* and created the current two-tier regulatory approval now necessary.

Requirements. Reflecting the two-tier structure created by ORS 9.241 and UTCR 3.170, there are now two sets of *pro hac vice* requirements—both of which must be met.

For the first tier, the out-of-state lawyer must obtain a temporary “license” from the Oregon State Bar. There are quotation marks around the word “license” because it is technically just an acknowledgment by the OSB that the applicant submitted the background information required and certified to its accuracy. The OSB can issue an acknowledgment with comments to the trial judge highlighting any areas that appear to be deficient. To obtain the temporary license, an out-of-state lawyer must satisfy several specific criteria outlined in UTCR 3.170(1), including: the lawyer must be a member in good standing of his or her “home” bar; no discipline is pending against the lawyer (if there is, the lawyer must explain it in the application); the lawyer must have professional malpractice insurance substantially equivalent to the Oregon State Bar’s Professional Liability

Fund (if representing private clients); and the out-of-state lawyer must associate local Oregon counsel who “must participate meaningfully” in the matter involved. If the out-of-state lawyer is representing a private party in court, the lawyer must also pay the OSB a \$250 fee. The temporary license is good for one year and one case. It must be renewed after a year (with payment of another \$250) and a new license must be obtained for each case in which the lawyer seeks admission. There are no “firm admissions.” Rather, each out-of-state lawyer appearing in a case must obtain an individual license. By seeking the temporary license, the lawyer involved is stipulating to the regulatory jurisdiction of the Oregon State Bar and the Oregon Supreme Court and to personal jurisdiction in Oregon for any malpractice or other claims arising from the lawyer’s work on the case involved.

For the second tier, the local counsel must present the temporary license by motion to the court in which the out-of-state lawyer is seeking to appear. The court then makes its own determination about whether the lawyer has met the criteria and whether he or she should be admitted. Although many such motions are granted routinely, courts can and do hold hearings on the adequacy of the application—especially when the OSB has highlighted apparent deficiencies, such as the lack of malpractice insurance. Other parties to the proceeding must be served with the motion and have standing to object. The court can also revoke a *pro hac vice* admission previously granted if the lawyer’s status

changes (for example, the lawyer loses the required malpractice insurance coverage), the court discovers that the information originally submitted was not correct or as a sanction for improper conduct. The local counsel is required to inform the OSB both whether the court granted the admission sought or revoked an admission previously granted.

Logistics. The two-tier structure under ORS 9.241 and UTCR 3.170 puts a greater premium on advance planning than in years past when getting an out-of-state lawyer admitted *pro hac vice* was simply a matter of introducing the lawyer to the trial judge. The OSB's *pro hac vice* application is available in the "forms" section of its web site at www.osbar.org. The application must be signed by the out-of-state lawyer and must be accompanied by a certificate of good standing from the licensing authority in the lawyer's home state and a certificate from the lawyer's insurance carrier attesting to coverage. Once the information has been submitted to the OSB along with the required fee, the OSB's acknowledgement must then be submitted to the court involved in a motion seeking *pro hac vice* admission. The process must be completed before the out-of-state lawyer can begin participating in the case, whether at the outset or the first day of trial.

ABOUT THE AUTHOR

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