

1:21-2. Appearances Pro Hac Vice

(a) Conditions for Appearance. An attorney of any other jurisdiction, of good standing there, whether practicing law in such other jurisdiction as an individual or a member or employee of a partnership or an employee of a professional corporation or limited liability entity authorized to practice law in such other jurisdiction, or an attorney admitted in this state, of good standing, [who does not maintain in this state a bona fide office for the practice of law,] may, at the discretion of the court in which any matter is pending, be permitted, *pro hac vice*, to speak in such matter in the same manner as an attorney of this state who maintains a *bona fide* office for the practice of law in this state and who is therefore, pursuant to R. 1:21-1(a), authorized to practice in this state. Except for attorneys who are employees of and are representing the United States of America or a sister state, no [No] attorney shall be admitted under this rule without annually complying with R. 1:20-1(b), R. 1:28-2, and R. 1:28B-1(e) during the period of admission. An attorney granted admission *pro hac vice* in accordance with this rule must include a copy of the order granting such permission when submitting to the New Jersey Lawyers' Fund for Client Protection the annual fee provided for by R. 1:20-1 and the other rules referred to herein. An attorney admitted both in this state and any other jurisdiction shall not, however, be permitted to appear *pro hac vice* if for any reason disqualified from practice in this state.

(b) Application for Admission. An application for admission *pro hac vice* shall be made on motion to all parties in the matter[.]; which shall contain the following:

(1) In both civil and criminal actions, the motion shall be supported by an affidavit or certification of the attorney stating that:

(A) the attorney is a member in good standing of the bar of the highest court of the state in which the attorney is domiciled or principally practices law;

(B) the attorney is associated in the matter with New Jersey counsel of record qualified to practice pursuant to R. 1:21-1;

(C) the client has requested to be represented by said attorney; and

(D) no disciplinary proceedings are pending against the attorney in any jurisdiction and no discipline has previously been imposed on the attorney in any jurisdiction. If discipline has previously been imposed, the certification shall state the date, jurisdiction, nature of the ethics violation and the penalty imposed. If proceedings are pending, the certification shall specify the jurisdiction, the charges and the likely time of their disposition. An attorney admitted pro hac vice shall have the continuing obligation during the period of such admission promptly to advise the court of a disposition made of pending charges or of the institution of new disciplinary proceedings.

(2) In criminal actions a motion so supported shall be granted unless the court finds, for specifically stated reasons, that there are supervening considerations of judicial administration.

(3) In civil actions the motion shall be granted only if the court finds, from the supporting affidavit, that there is good cause for such admission, which shall include at least one of the following:

(A) the cause in which the attorney seeks admission involves a complex field of law in which the attorney is a specialist, or

(B) there has been an attorney-client relationship with the client for an extended period of time, or

(C) there is a lack of local counsel with adequate expertise in the field involved, or

(D) the cause presents questions of law involving the law of the foreign jurisdiction in which the applicant is licensed, or

(E) there is need for extensive discovery or other proceedings in the foreign jurisdiction in which the applicant is licensed, or

(F) such other reason similar to those set forth in this subsection as would present good cause for the *pro hac vice* admission.

(c) [(b)] Contents of Order. The order granting admission *pro hac vice* shall require the attorney to:

(1) abide by these rules, including all disciplinary rules;

(2) consent to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against the attorney or the attorney's firm that may arise out of the attorney's participation in the matter;

(3) notify the court immediately of any matter affecting the attorney's standing at the bar of any other court; and

(4) have all pleadings, briefs and other papers filed with the court signed by an attorney of record authorized to practice in this State, who shall be held responsible for them and for the conduct of the cause and of the admitted attorney therein. The order may contain further requirements concerning the participation of New Jersey counsel as the court from time to time deems necessary.

(d) [(c)] Appearances in Subsequent Courts. An attorney permitted to speak *pro hac vice* by order entered by the trial court may speak in the cause on appeal by filing with the clerk of the appellate court a copy of the trial court's order together with a certification stating that all the conditions of the order have been complied with and, to the extent applicable, will continue to be complied with in the appellate court.

(e) [(d)] Revocation of Permission to Appear. The court may, on its own or a party's motion, withdraw the permission to appear granted pursuant to this rule for good cause shown. In the event of said revocation, the court shall make such further order respecting the further progress of the litigation as the circumstances may require.

Note: Source — *R.R.* 1:12–8. Amended December 16, 1969 effective immediately; caption and text amended November 27, 1974 to be effective April 1, 1975; amended

January 10, 1979 to be effective immediately; former rule amended and redesignated as paragraphs (a) and (b) and paragraph (c) adopted July 22, 1983 to be effective September 12, 1983; paragraph (a) amended January 31, 1984 to be effective February 15, 1984; new paragraph (c) adopted and former paragraph (c) redesignated as paragraph (d) November 1, 1985 to be effective January 2, 1986; paragraph (a) amended November 5, 1986 to be effective January 1, 1987; paragraph (a) amended July 14, 1992 to be effective September 1, 1992; paragraphs (b)(2) and (3) amended July 13, 1994 to be effective September 1, 1994; paragraph (a)(1)(iv) added June 28, 1996 to be effective September 1, 1996; paragraph (a) amended July 10, 1998 to be effective September 1, 1998; paragraphs (a)(1)(i), (a)(1)(ii), (a)(1)(iii), and (a)(1)(iv) amended and redesignated as (a)(1)(A), (a)(1)(B), (a)(1)(C), and (a)(1)(D) July 5, 2000 to be effective September 5, 2000; paragraph (a) amended and subsections of paragraph (a)(3) redesignated from (i) through (vi) to (A) through (F) July 12, 2002 to be effective September 3, 2002; paragraph (a) amended, portion of paragraph (a) redesignated as new paragraph (b), and former paragraphs (b), (c), and (d) redesignated as (c), (d), and (e) July 28, 2004 to be effective September 1, 2004.