

**Pro Hac Vice Admission:  
To Sponsor Or Not To Sponsor, That Is The Question**

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**I. Pro Hac Vice Admission: What Is It?**

- a. Latin term meaning “for this occasion” or “for this event”
- b. When a lawyer not admitted to practice in a certain jurisdiction is granted permission to practice in that jurisdiction on a temporary or limited basis

**II. Applying For Pro Hac Vice Admission**

- a. Determine the guidelines of the jurisdiction you seek to be admitted to
  - i. Sample Motion for Admission Pro Hac Vice- Minnesota is attached
  - ii. Sample Application for Pro Hac Vice- Wisconsin is attached
- b. Carefully consider the local rules and Ethical Standards and Disciplinary Rules governing the lawyers in that jurisdiction
  - i. By being admitted Pro Hac Vice to another jurisdiction, you subject yourself to the Ethical Standards and Disciplinary Rules of that jurisdiction
  - ii. In Wisconsin, SCR 20:8.5 governs

**SCR 20:8.5 Disciplinary authority; choice of law.** (a) DISCIPLINARY AUTHORITY. A lawyer admitted to the bar of this state is subject to the disciplinary authority of this state regardless of where the lawyer’s conduct occurs. A lawyer not admitted to the bar of this state is also subject to the disciplinary authority of this state if the lawyer provides or offers to provide any legal services in this state. A lawyer may be subject to the disciplinary authority of both this state and another jurisdiction for the same conduct. (b) CHOICE OF LAW. In the exercise of the disciplinary authority of this state, the Rules of Professional

Conduct to be applied shall be as follows: (1) for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise; and (2) for any other conduct, (i) if the lawyer is admitted to the bar of only this state, the rules to be applied shall be the rules of this state. (ii) if the lawyer is admitted to the bars of this state and another jurisdiction, the rules to be applied shall be the rules of the admitting jurisdiction in which the lawyer principally practices, except that if particular conduct clearly has its predominant effect in another jurisdiction in which the lawyer is admitted to the bar, the rules of that jurisdiction shall be applied to that conduct. (iii) if the lawyer is admitted to the bar in another jurisdiction and is providing legal services in this state as allowed under these rules, the rules to be applied shall be the rules of this state. (c) A lawyer shall not be subject to discipline if the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect of the lawyer's conduct will occur

iii. Case Study: Jack Thompson and Grand Theft Auto

1. Florida lawyer granted Pro Hac Vice admission to the Alabama bar to represent the families of several police officers who were killed by Devin Moore
2. After opposing counsel accused Thompson of various ethical violations, he filed a request to withdraw, which was denied by the Judge
3. The Judge then revoked Thompson's Pro Hac Vice Admission and wrote what has been referred to as an "eighteen-page scathing admonishment" of Thompson's conduct and behavior

**III. Sponsoring A Pro Hac Vice Applicant**

a. Before you say yes, a few things to consider

i. What are your duties as a sponsor?

1. Wisconsin Supreme Court Rule 10.03(4)

**SCR 10.03 Membership.**

**(4) ONLY ACTIVE MEMBERS MAY PRACTICE LAW.** (a) No individual other than an enrolled active member of the state bar may practice law in this state or in any manner purported to be

authorized or qualified to practice law. (b) A court or judge in this state may allow a nonresident counsel to appear and participate in a particular action or proceeding **in association with an active member of the state bar of Wisconsin who appears and participates in the action or proceeding.** An order granting nonresident counsel permission to appear and participate in an action or proceeding shall continue through subsequent appellate or circuit court actions or proceedings in the same matter, provided that nonresident counsel files a notice of the order granting permission with the court handling the subsequent appellate or circuit court action or proceeding. 1. Counsel who seek to provide legal services under SCR 10.04 (4) (b) shall provide the information listed in Appendix A to this rule. The applicant may also include additional information supporting the request for admission pro hac vice. 2. Counsel who seek to provide legal services under SCR 10.04 (4) (b) shall pay a nonrefundable fee of fifty dollars (\$50) to the Office of Lawyer Regulation for each application for admission pro hac vice. The fee shall be waived if the application certifies that the attorney is employed by an agency providing legal services to indigent clients and will be appearing on behalf of an indigent client in the proceeding and will be charging no fee for the appearance. (c) A court in this state may allow a nonresident military counsel to appear and participate in a particular action or proceeding representing military personnel without being in association with an active member of the state bar of Wisconsin and without being subject to any application fees required by this rule. (d) If representing a party before an agency of this state is limited to lawyers, an administrative law judge or hearing examiner for a state agency may, using the same standards and procedures as a court, allow a nonresident counsel who has been retained to appear in a particular agency proceeding to appear and participate in that proceeding without being in association with an active member of the state bar of Wisconsin. (e) A court or judge may, after hearing, rescind permission for a nonresident counsel to appear before it if the lawyer by his or her conduct manifests incompetency to represent a client in a Wisconsin court or unwillingness to abide by the rules of professional conduct for attorneys or the rules of decorum of the court. (f) Counsel not admitted to the practice of law in this jurisdiction but admitted in any other U.S. jurisdiction or foreign jurisdiction, who is employed as a lawyer in Wisconsin on a continuing basis and employed exclusively by a corporation, association, or other nongovernmental entity, the business of which is lawful and consists of activities other than the practice of law or the provision of legal services, shall register as in-house counsel within 60 days

after the commencement of employment as a lawyer or if currently so employed then within 90 days of the effective date of this rule, by submitting to the Board of Bar Examiners the following: 1. A completed application in the form set forth in Appendix B to this rule; 2. A nonrefundable fee of two hundred and fifty dollars (\$250) to the Board of Bar Examiners; 3. Documents proving admission to practice law in the primary jurisdiction in which counsel is admitted to practice law; and 4. An affidavit from an officer, director, or general counsel of the employing entity attesting to the lawyer's employment by the entity and the capacity in which the lawyer is so employed.

2. How much do I have to "participate?"
  - a. Check local rules!
  - b. Sample- Adams County

**Rule 6 - Lawyers Not Members of the State Bar of Wisconsin (Pro Hac Vice)**

**6.01** A nonresident lawyer who is not a member in the State Bar of Wisconsin who wishes to appear pro hac vice in an action in Adams County, Wisconsin must petition the court in writing to do so. The petition shall set forth the state or states in which the lawyer is licensed to practice law and his or her standing in that state. The petition is to be under oath. The petition shall also state the name of an active member in good standing of the State Bar of Wisconsin who will sponsor the petitioner and participate with the non-member lawyer.

**6.02** If the petition to appear pro hac vice is granted:

- a. The active member of the State Bar of Wisconsin shall appear in person or, in the case of telephone proceedings, by telephone in all proceedings held on the record, including those held out of court, such as depositions unless otherwise permitted by the court.
- b. The active member of the State Bar of Wisconsin shall review all pleadings, motions and other documents to be filed with the court. Any document filed with the court by the non-member lawyer

appearing pro hac vice shall contain the signature of the active State Bar of Wisconsin member.

**6.03** Any lawyer allowed to appear pro hac vice shall be subject to the disciplinary authority of the Supreme Court of Wisconsin pursuant to Supreme Court Rule (SCR) 20:8.5.

**6.04** Permission of the nonresident lawyer to appear in the Adams County Circuit Court may be withdrawn by the judge for any reason stated in SCR 10.03(4).

ii. Are you qualified?

1. SCR 20:1.1 requires that “[a] lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skills, thoroughness and preparation reasonably necessary for representation.”

iii. Insurance

1. Fair game to ask about the existence of malpractice insurance and inquire about limits

iv. Conflicts

1. Consider the client(s)
2. Implications for future business
  - a. Put some thought into this so you do not inadvertently conflict your firm out of future representation due to your limited term engagement now

b. Once you have said yes . . .

- i. Consult local rules to determine the procedure for filing
- ii. Typically, the non-resident applicant sends a check, money order, or cashier’s check to OLR along with his or her application
- iii. After the fee is paid, the sponsoring attorney then files a Motion with the state court or tribunal before which the pro hac vice admission is sought