

Rule 116

ADMISSION PRO HAC VICE OF OUT-OF-STATE ATTORNEY

- (a) **Eligibility for Admission Pro Hac Vice.** An attorney not admitted to practice law in Kansas may be admitted on motion to practice law in a Kansas court or administrative tribunal—for a particular case only—if the attorney:
- (1) is regularly engaged in practicing law in another state, United States territory, or the District of Columbia;
 - (2) is in good standing under the rules of the highest appellate court in that jurisdiction; and
 - (3) is associated with an attorney of record in the case who:
 - (A) is regularly engaged in practicing law in Kansas; and
 - (B) is in good standing under the Kansas Supreme Court Rules.
- (b) **Kansas Attorney's Duties.** The Kansas attorney of record under subsection (a) must:
- (1) be actively engaged in the case;
 - (2) sign all pleadings, documents, and briefs;
 - (3) be present throughout all court or administrative appearances; and
 - (4) attend each deposition or mediation unless excused by the court or tribunal or under local rule.
- (c) **Service.** Service of a document in a case on the Kansas attorney of record under subsection (a) has the same effect as if personally served on the attorney admitted pro hac vice.
- (d) **Pro Hac Vice Motion.** A separate motion for admission pro hac vice must be filed for each case.
- (1) **Requirements.** The motion must be:
 - (A) filed by the Kansas attorney of record;
 - (B) accompanied by the out-of-state attorney's verified application, complying with subsection (e);
 - (C) filed with the court or administrative tribunal in which the case is pending as soon as reasonably possible but no later than the date the out-of-state attorney files a pleading or appears personally; and
 - (D) served on all counsel of record, unrepresented parties not in default for failure to appear, and the out-of-state attorney's client.
 - (2) **Denial of Motion.** If the court or administrative tribunal denies the motion, it must state reasons for the denial.

- (e) **Verified Application.**
- (1) **Contents.** An out-of-state attorney's verified application for admission pro hac vice must include:
- (A) a statement identifying the party or parties represented;
 - (B) the name, business address, telephone number, fax number, e-mail address, and Kansas attorney registration number of the Kansas attorney of record;
 - (C) the applicant's residence address and business address, telephone number, fax number, and e-mail address;
 - (D) each bar to which the applicant is admitted, the date of admission to each bar, and each applicable attorney registration number;
 - (E) a statement that the applicant is a member in good standing of each bar;
 - (F) a statement that the applicant has not been the subject of prior public discipline, including suspension or disbarment, in any jurisdiction;
 - (G) a statement that the applicant is not currently the subject of a disciplinary action or investigation in any jurisdiction or, if the applicant is currently the subject of a disciplinary action or investigation, a detailed description of the nature and status of the action or investigation and the address of the disciplinary authority in charge; and
 - (H) if applicable, the case name, case number, and the court in which the applicant has been granted permission to appear pro hac vice in Kansas within the preceding 12 months.
- (2) **Obligation to Report Changes.** The applicant has a continuing obligation to notify the court or administrative tribunal if a change occurs in any of the information provided in the application.
- (f) **Fee.** The motion under subsection (d) must be accompanied by a non-refundable fee of \$100, payable to the clerk. An administrative tribunal may impose a similar fee. The Kansas attorney of record may seek waiver of the fee—for good cause—if the out-of-state attorney represents the government or an indigent party.
- (g) **Consent to Disciplinary Jurisdiction.** By applying for admission pro hac vice under this rule, an out-of-state attorney consents to the exercise of disciplinary jurisdiction by Kansas courts and administrative tribunals.
- (h) **Appearance Pro Se.** This rule does not prohibit a party from appearing before a court or administrative tribunal on the party's own behalf.

- (i) **Exemption for Out-of-State Attorney in Qualifying Indian Child Welfare Act Proceeding.**
 - (1) **Association with Kansas Attorney and Fee Not Required; Other Inapplicable Provisions.** If a court determines that an out-of-state attorney has met the requirements under paragraph (2):
 - (A) the out-of-state attorney is not required to associate with a Kansas attorney of record under subsection (a)(3);
 - (B) the out-of-state attorney is not required to pay the fee established under subsection (f); and
 - (C) subsections (b), (c), and (d)(1)(A) are inapplicable.
 - (2) **Exemption Requirements.** To qualify for the exemptions under paragraph (1), the out-of-state attorney must establish:
 - (A) that the attorney seeks to appear in a Kansas court for the limited purpose of participating in a child custody proceeding as defined by 25 U.S.C. § 1903, under the Indian Child Welfare Act of 1978, 25 U.S.C. § 1901 et seq.;
 - (B) that the attorney represents an Indian tribe, parent, or Indian custodian, as each of those terms is defined by 25 U.S.C. § 1903; and
 - (C) one of the following:
 - (i) if the attorney represents an Indian tribe, the tribe has asserted the tribe's intent to intervene and participate in the state court proceeding and affirming the child's membership or eligibility for membership under tribal law or
 - (ii) if the attorney represents a parent or Indian custodian, the tribe has affirmed the child's membership or eligibility for membership under tribal law.

[**History:** Am. effective May 14, 1987; Am. effective July 1, 2005; Restyled rule and amended effective July 1, 2012; Am. effective May 8, 2019.]