

**COPY**

20120404

*Joint Committee on Attorney Standards*

North Dakota Supreme Court  
600 E Boulevard Ave  
Bismarck, ND 58505-0530  
Phone: (701) 328-2689  
Fax: (701) 328-2092

RECEIVED BY CLERK  
SUPREME COURT OCT 15 2012

Hon. Michael G. Sturdevant, Chair  
314 W. 5<sup>th</sup> ST., Suite 12  
Bottineau, ND 58318-1200  
Phone: (701) 228-3618

**FILED**  
IN THE OFFICE OF THE  
CLERK OF SUPREME COURT

OCT 15 2012

October 11, 2012

STATE OF NORTH DAKOTA

Honorable Gerald W. VandcWalle  
Chief Justice  
North Dakota Supreme Court  
600 E. Boulevard Ave  
Bismarck, ND 58505-0530

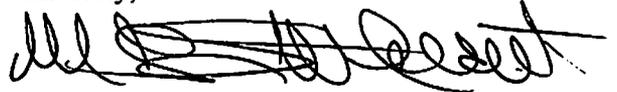
Re: Proposed Amendments to Rule 3, Admission to Practice Rules - *Pro Hac Vice* Admission Requirement

Dear Chief Justice VandcWalle:

The Joint Committee on Attorney Standards recently reviewed a suggested amendment to Rule 3 of the Admission to Practice Rules. The amendment, initially suggested by Judge Steven McCullough, would require a nonresident lawyer to provide in the affidavit in support of a motion to appear *pro hac vice* a statement that the lawyer has paid the required fee to the Board of Law Examiners. The suggested amendment was referred to the Joint Committee by the Supreme Court for review.

Following discussion and consideration of the proposed amendments, the Joint Committee concluded the amendment would be a worthwhile addition to the rule. The Committee approved the amendment for submission to the Supreme Court pending review and comment by the SBAND Board of Governors. The Board of Governors recently reviewed the proposed amendments and voted to support adoption of the amendments. I am pleased, therefore, to submit the proposed amendments to the Admission to Practice Rules to the Supreme Court for its consideration.

Sincerely,



Michael G. Sturdevant, Chair  
Joint Committee on Attorney Standards

MGS/

cc: Penny Miller, Clerk of the Supreme Court  
Jim Ganje

**Proposed Amendments - Rule 3(A)(1), Admission to Practice Rules, to add new subparagraph (b)(6)**

**Rule 3. Pro Hac Vice Admission and Registration of Nonresident Attorneys**

1 A. Pro Hac Vice Admission. Pro hac vice admission is required for all nonresident attorneys  
2 admitted and licensed to practice law in another state or the District of Columbia, but not  
3 licensed in North Dakota, and who engage in the practice of law in this state by appearing,  
4 either in person, by signing pleadings, or by being designated as counsel in actions filed in  
5 state courts, administrative agencies, or tribunals.

6 1. Filing Requirements.

7 a. A nonresident attorney may occasionally be permitted to appear as counsel  
8 in an action in a trial court of this state or before an administrative agency or  
9 tribunal in this state if the attorney first:

10 (1) designates an associate attorney admitted and licensed to practice law  
11 in this state;

12 (2) files a motion requesting permission to appear and an affidavit in  
13 support of the motion with the clerk of the trial court, the hearing  
14 officer of the administrative agency matter, or the presiding officer of  
15 the tribunal;

16 (3) files a copy of the motion and affidavit with the State Board of Law  
17 Examiners at the same time they are filed with the appropriate  
18 individual identified in Section A(1)(a)(2);

19 (4) remits to the State Board of Law Examiners the fee required for an  
20 attorney who has been licensed in this state for five years or more or  
21 certifies the attorney has paid the fee to the State Board of Law  
22 Examiners during that calendar year; and

23 (5) obtains permission from the court, hearing officer, or presiding  
24 officer.

25 b. In the affidavit in support of the motion requesting permission to appear in

1 a North Dakota action, the nonresident attorney must state:

- 2 (1) the jurisdictions in which the attorney is admitted to practice law and  
3 the number of years admitted;
- 4 (2) whether the attorney is presently subject to a disciplinary proceeding  
5 in any jurisdiction;
- 6 (3) whether the attorney is under any restriction or probation in the  
7 practice of law in any jurisdiction in which the attorney is licensed;
- 8 (4) whether the attorney is now or has ever been suspended or disbarred  
9 from a court in any jurisdiction; and
- 10 (5) the number of North Dakota actions in which the nonresident attorney  
11 has appeared during the prior three years, and whether the attorney  
12 has ever registered under this rule: and
- 13 (6) that the required fee has been remitted to the State Board of Law  
14 Examiners.

15 .....