



*First Judicial District of Pennsylvania*  
Court of Common Pleas of Philadelphia  
Complex Litigation Center  
622 City Hall

Philadelphia PA 19107  
215-686-5100  
215-686-5137 (Fax)  
(<http://courts.phila.gov>)

D. Webster Keogh  
Administrative Judge  
Trial Division

Esther R. Sylvester  
Supervising Judge  
Trial Division—Civil

Allan L. Tereshko  
Coordinating Judge  
Complex Litigation Center

Charles A. Mapp, Sr.  
Deputy Court Administrator  
Trial Division—Civil

Stanley Thompson, Esq.  
Director  
Complex Litigation Center

August 27, 2007

Mass Tort Program Counsel:

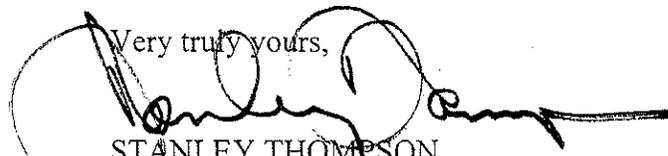
**Re: Fee Assessment For Attorneys Seeking Pro Hac Vice Admission**

Dear Counsel:

Please be advised that effective September 4, 2007, pursuant to new regulations of the Pennsylvania Interest on Lawyers Trust Account Board ("Pennsylvania IOLTA Board"), approved by the Supreme Court of Pennsylvania, a \$100.00 fee will be assessed per case, per attorney seeking pro hac vice admission. Please see enclosed copies of relevant information, including Pennsylvania IOLTA Board memorandum, Orders, regulations, forms and "Frequently Asked Questions – Pro Hac Vice."

By way of this letter, I am asking liaison counsel for each Complex Litigation Center Mass Tort Program to help disseminate this information to all interested counsel. Thank you for your assistance and cooperation in this regard. Please do not hesitate to contact me with questions.

Very truly yours,



STANLEY THOMPSON  
Director, Complex Litigation Center

/ST  
Enclosure

cc: Honorable Allan L. Tereshko  
Donna M. Candelora, Esquire



SUPREME COURT OF PENNSYLVANIA  
**PENNSYLVANIA INTEREST ON  
 LAWYERS TRUST ACCOUNT BOARD**

P. O. BOX 1025 • 115 STATE STREET  
 HARRISBURG, PENNSYLVANIA 17108-1025  
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OFFICE OF THE COURT ADMINISTRATOR  
 Room 336 City Hall

To: Superior Court Judges  
 Commonwealth Court Judges  
 President Judges  
 District Court Administrators  
 Clerks of Court  
 Prothonotaries

From: Alfred J. Azen

Date: August 15, 2007

Subject: Pro Hac Vice

*Chair*  
 MAUREEN P. KELLY, Esquire  
 Two Gateway Center  
 603 Stanwix Street, Suite 8W  
 Pittsburgh, PA 15222-5412

*Vice-Chair*  
 KENNETH M. JARIN, Esquire  
 Philadelphia, PA

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MICHAEL H. REED, Esquire  
 Philadelphia, PA

*Executive Director*  
 ALFRED J. AZEN

On June 29, 2007, the Supreme Court of Pennsylvania issued four<sup>1</sup> Orders concerning appearances by attorneys not licensed to practice in Pennsylvania Courts. Rule 301 c the Pennsylvania Bar Admission rules was amended (see <http://www.aopc.org/OpPosting/Supreme/out/418spct.1attach.pdf>) to authorize the assessment of a fee for attorneys seeking pro hac vice admission. Pursuant to new regulations of the Pennsylvania IOLTA Board, approved by the Supreme Court of Pennsylvania, a fee of \$100 per case, per attorney seeking pro hac vice admission will be collected. The proceeds from the collection of the fee will be used to help fund civil legal aid for the indigent. This communication is intended to alert you to the new fee requirement, and to provide information about the IOLTA Board's plans for administering it. The regulations governing the pro hac vice admission fee can be found at 204 Pa Code §81.501 et. seq. For your quick reference, a copy of the Supreme Court of Pennsylvania's Order and the regulations are enclosed. Also enclosed are frequently asked questions and answers related to the new pro hac vice admission fee. Please note that the admission fee is in addition to any motion or other filing fee otherwise required, and is effective for motions seeking pro hac vice admission filed on or after September 4, 2007. All pro hac vice motions filed on or after that date must aver that the admission fee has been paid, or include as an attachment, a copy of the fee certification form received from the IOLTA Board. Questions may be directed to the IOLTA Board's staff at the numbers listed, or by email to [al.azen@pacourts.us](mailto:al.azen@pacourts.us).

cc: Zygmunt Pines, Esq.

Thomas Darr

<sup>1</sup> The Supreme Court of Pennsylvania also issued an Order establishing uniform requirements related to motions for pro hac vice (see new Rule of Civil Procedure 1012, <http://www.aopc.org/OpPosting/Supreme/out/481civ.5attach.pdf>). The Court also amended Pa Rule Disciplinary Enforcement 512 (<http://www.aopc.org/OpPosting/Supreme/out/61drd.1attach.pdf>) to provide that clients who are victims of the dishonest conduct of attorneys admitted pro hac vice in Pennsylvania can seek relief from the Pennsylvania Lawyers Fund for Client Security.





Pennsylvania Interest on Lawyer Trust Account Board  
Regulations for Pro Hac Vice Admission

These Regulations are to be read and applied in connection with the Pennsylvania Bar Admission Rules. Nothing in these regulations shall be construed to relieve a lawyer from complying with any other rules applicable to the practice of law in Pennsylvania, including but not limited to the Pennsylvania Bar Admission Rules and the Pennsylvania Rules of Professional Conduct. Where these regulations contain directives pertaining to pro hac vice admission before a court in the Commonwealth of Pennsylvania which are more specific than those set forth in the Pennsylvania Bar Admission Rules, the provisions of these regulations shall control.

Section 81.501: Definitions

- (a) Admission pro hac vice. Special admission to the bar of this Commonwealth for purposes limited to a particular case before a court in this Commonwealth.
- (b) Applicant. The attorney seeking admission pro hac vice.
- (c) Attorney. A member in good standing of the bar of the highest court of any state in the United States or admitted to practice law before any court in a foreign jurisdiction.
- (d) Case. A particular legal action, including appellate review of that action, maintained in a Pennsylvania court which is not a special court. The term "case" does not refer to an action maintained only in a special court.
- (e) Court. Any Pennsylvania court of common pleas, the Pennsylvania Superior Court, the Pennsylvania Commonwealth Court, the Supreme Court of Pennsylvania, and any other Pennsylvania court established after the effective date of these regulations which is not a special court.
- (f) IOLTA Board. The Pennsylvania Interest on Lawyer Trust Account Board.
- (g) Special court. Any Pennsylvania magisterial district court, the Philadelphia Municipal Court, the Philadelphia Traffic Court, the Pittsburgh Municipal Court, and any other special court of similar jurisdiction.

Section 81.502: Scope

- (a) An attorney, barrister or advocate who is qualified to practice in the courts of another state or of a foreign jurisdiction may be specially admitted to the bar of this Commonwealth for purposes limited to a particular case.
- (b) An attorney admitted pro hac vice shall not be authorized to act as attorney of record for any case in this Commonwealth. The attorney should refer to the Pennsylvania Bar Admission Rules.
- (c) Appearance before a Pennsylvania court by a foreign attorney is deemed to commence with the attorney's first appearance in a Pennsylvania court with respect to a particular case, and shall continue until final determination of that case, including appellate review, or until issuance of an order permitting the foreign attorney to withdraw.

Section 81.503: Requirements and Procedure for Admission Pro Hac Vice

- (a) No oath shall be required of an attorney seeking admission pro hac vice.
- (b) Pro hac vice admission shall be only on motion of a member of the bar of the Commonwealth of Pennsylvania, and, unless waived or otherwise not required, by payment of the fee required by Section 81.505.
- (c) These regulations apply to admission pro hac vice before a Pennsylvania court, as defined in these regulations.
- (d) Except as otherwise prescribed by general rule, admission pro hac vice shall be by written motion of a member of the bar of the Commonwealth of Pennsylvania, and shall be signed by that member. The motion shall recite all relevant facts and shall be filed with the clerk of the court before which the case is pending at least three days prior to any appearance by the attorney seeking pro hac vice admission.
- (e) Each motion for pro hac vice admission shall aver that the fee required by Section 81.505(a) has been paid, or include as an attachment a copy of a fee payment certification from the IOLTA Board, unless payment of the fee is not required pursuant to Section 81.505(c).
- (f) Each motion for pro hac vice admission shall aver that the information

required by Section 81.504 has been provided to the IOLTA Board.

Section 81.504 Information to be provided to IOLTA Board

- (a) The following information shall be provided to the IOLTA Board with the fee required by Section 81.505:
  - (i) The name, address, contact information, and Supreme Court identification number of the active member of the bar of this Commonwealth who sponsors the applicant for pro hac vice admission.
  - (ii) The applicant's complete name, date of birth, law firm address and other contact information.
  - (iii) The name and address of each court and a full identification of the case.
  - (iv) The courts before which the applicant has been admitted to practice, the respective period(s) of admission, and the applicant's identification number in the jurisdiction(s) admitted.
  - (v) An averment that the applicant is familiar with the Pennsylvania Rules of Professional Conduct, the Pennsylvania Rules of Disciplinary Enforcement, and the rules and court procedures of the court before which the applicant seeks pro hac vice admission.
- (b) Included as Appendix A to this regulation is a form which may be used to provide the information required by Section 81.504(a).

Section 81.505 Fees

- (a) An attorney seeking admission pro hac vice with respect to a case shall pay a fee of One Hundred Dollars (\$100). The fee shall be required for each case in which the attorney is seeking pro hac vice admission. Under no circumstances shall the fee required by this regulation be refunded.
- (b) An attorney seeking admission pro hac vice shall pay the fee required by this regulation to the IOLTA Board no later than the time of filing a motion requesting permission to participate in a case proceeding in a court in this Commonwealth.
- (c) No fee for admission pro hac vice shall be required if the client being

represented has been granted *in forma pauperis* status, or for actions before a special court.

- (d) Fees required by this regulation shall be paid by a check drawn on a United States bank, money order, or bank cashier's check payable in the full amount to the IOLTA Board.
- (e) Fees collected under this regulation shall be used by the IOLTA Board to fund the expenses needed to administer this regulation, and to supplement the funding of non-profit organizations that provide civil legal services to the indigent and disadvantaged, or for similar purposes as authorized by the Supreme Court of Pennsylvania.

Section 81.506: Records Custodian

The Pennsylvania IOLTA Board is considered the custodian of records for pro hac vice admission and does not approve or disapprove pro hac vice admission. Approval or disapproval shall be determined by the court before which the attorney wishes to appear.

## APPENDIX "A"

### PENNSYLVANIA IOLTA BOARD

#### Form for *PRO HAC VICE* ADMISSION

*Use this form if you are an attorney who is qualified to practice in another state or in a foreign jurisdiction, is not admitted to practice law in Pennsylvania, and is seeking to be specially admitted to the Bar of the Commonwealth of Pennsylvania in order to appear before a Pennsylvania court in connection with a particular case.*

Filing this form and paying the fee is the mandatory first step in your request for permission to participate in proceedings in a Pennsylvania court. The next step is to file a motion in the Pennsylvania court before which you are seeking to appear. The motion must aver payment of the fee or be accompanied by the acknowledgment letter you will receive from the Board. The decision to grant or deny your admission is ultimately made by the court before which you are seeking to appear. Applicable regulations define a case as: a particular legal action, including appellate review of that action, maintained in a Pennsylvania Court of Common Pleas, the Pennsylvania Superior Court, the Pennsylvania Commonwealth Court, or the Supreme Court of Pennsylvania. The term "case" does not refer to an action maintained only in a special court. Each case is subject to the completion of a new form and fee.

Appearance before a Pennsylvania court by a foreign attorney is deemed to commence with the attorney's first appearance in a Pennsylvania court with respect to a particular case, and shall continue until final determination of that case, including appellate review, or until issuance of an order permitting the foreign attorney to withdraw.

It is not necessary to file this form or pay the fee in order to appear before a special court, as defined in applicable regulations.

Carefully follow these instructions and complete this form. Keep a copy of your completed form for future reference, as you may be charged for any copies you request from the Board's file.

No alterations may be made to the text or wording of this form. Before you file your form, verify that you have fully responded to all items and questions, leaving no blanks. If the item or question is inapplicable, write "N/A."

Your form will not be considered filed if incomplete. If incomplete, it may be returned to you. Failure to provide any of the following information will result in an incomplete form:

- a) failure to provide any information required, including names, complete addresses, telephone numbers, or zip/postal codes;
  - b) failure to answer any question;
  - c) failure to send in the required fee;
  - d) alteration of any language of the form; and
  - e) failure to sign any document requiring your signature.
1. Admission fees: Make your check, money order, or bank cashier's check payable in the full amount due to the PA IOLTA Board. The admission fee is One Hundred Dollars (\$100). If you have any questions about the fee, please contact the PA IOLTA Board before submitting this form. Do not

postdate your check. A form is not considered filed until all fees are received in the Board's office. If your check for fees is returned for insufficient funds or is otherwise dishonored by your bank, you will be assessed a returned check charge. All fees due after that time must be paid by bank cashier's check or money order. There is no refund of fees if you withdraw your application for pro hac vice admission or do not meet all requirements for admission. No fee is required if the applicant attorney is representing a person who has been granted in forma pauperis status.

2. Filing of Application: Mail or deliver your form and required fees to the Board as follows:

Mailing Address:  
PA IOLTA Board  
P.O. Box 1025  
Harrisburg, PA 17108-1025

Delivery Address:  
PA IOLTA Board  
115 State Street  
Harrisburg, PA 17101

Phone: (717) 238-2001 or 888-PA-IOLTA (724-6582)

Web address: [www.paiolta.org](http://www.paiolta.org)

E-mail Address: [paiolta@pacourts.us](mailto:paiolta@pacourts.us)

The Board will acknowledge receipt of your form and fee payment within three (3) working days of its receipt. The acknowledgment letter will serve as your proof of payment of the requisite fee and can be included with your written motion to the Court in Pennsylvania in which you are requesting permission to participate. If you do not receive such an acknowledgment by that time, please contact the Board's office.

3. Case Number: List only one (1) case number per form, as this crucial information will be included on the acknowledgment letter.
4. Pennsylvania Court of Record: List the Court in which the Motion for Admission Pro Hac Vice will be filed.
5. Certificate of Good Standing: Formal Certificates of Good Standing are not necessary.
6. Forms from the Board web page: If you are using an electronic version of this form, it is your responsibility to insure that it is printed with the same content and wording as the Board's printed version of this form.
7. Regulations: The Applicant should review Rule 301 of the Pennsylvania Bar Admission Rules as well as the regulations of the Pennsylvania Interest on Lawyers Trust Account Board for Pro Hac Vice Admission for further guidance.

PENNSYLVANIA IOLTA BOARD

Form for PRO HAC VICE ADMISSION

(For all nonresident attorneys requesting permission to participate in proceedings in a Pennsylvania Court)

Applicant [ ] Mr.

Name: [ ] Ms.

\_\_\_\_\_ Last

\_\_\_\_\_ First

\_\_\_\_\_ Middle

Date of Birth: \_\_\_\_\_

Your Firm's Name & Mailing Address: (All correspondence will be mailed to this address.)

\_\_\_\_\_  
Firm Name

\_\_\_\_\_  
Street Address/P.O. Box

\_\_\_\_\_ Ste. No.

\_\_\_\_\_ City

\_\_\_\_\_ State

\_\_\_\_\_ Zip Code

Your Firm's Physical Address: \_\_\_\_\_ Check here if same as above

\_\_\_\_\_  
Street Address

\_\_\_\_\_ Ste. No.

\_\_\_\_\_ City

\_\_\_\_\_ State

\_\_\_\_\_ Zip Code

\_\_\_\_\_  
Office Phone

\_\_\_\_\_ Office Fax

\_\_\_\_\_ Contact E-Mail Address

Acknowledgment Letter should be faxed to: \_\_\_\_\_

\_\_\_\_\_ Contact Name

\_\_\_\_\_ Contact Fax

Name & Office Address of Attorney of Record in the Pennsylvania Proceeding who is filing the Motion for your admission Pro Hac Vice:

\_\_\_\_\_  
Name

\_\_\_\_\_ Firm Name (if applicable)

\_\_\_\_\_  
Street Address/P.O. Box

\_\_\_\_\_ Ste. No.

\_\_\_\_\_ City

\_\_\_\_\_ State

\_\_\_\_\_ Zip Code

\_\_\_\_\_  
Office Phone

\_\_\_\_\_ Office Fax

\_\_\_\_\_ PA I.D. Number

Case Number: \_\_\_\_\_

Case Name: \_\_\_\_\_

Pennsylvania Court of Record: \_\_\_\_\_

Address of Court: \_\_\_\_\_



CONTINUATION FORM

(Use a separate form for each statement requiring a *Continuation Form*. Make additional copies of this form as needed.)

For Question: \_\_\_\_\_

Name: \_\_\_\_\_  
Last First Middle

Blank lined area for writing the answer.



SUPREME COURT OF PENNSYLVANIA  
PENNSYLVANIA INTEREST ON  
LAWYERS TRUST ACCOUNT BOARD  
P.O. BOX 1025 - 115 STATE STREET  
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[paiolta@pacourts.us](mailto:paiolta@pacourts.us)  
[www.paiolta.org](http://www.paiolta.org)

## FREQUENTLY ASKED QUESTIONS—PRO HAC VICE

These questions and answers pertain primarily to the filing of the payment form and payment of the required pro hac vice admission fee to the Pennsylvania IOLTA Board. Other requirements for the motion that must be filed in the Court before which you are seeking pro hac vice admission are contained at Pennsylvania Rule of Civil Procedure 1012.1.

1. What must an attorney who is not admitted to the bar in Pennsylvania do to be admitted pro hac vice in Pennsylvania?

First, the candidate for pro hac vice admission must complete and submit the payment form, and pay the required \$100 admission fee per case, to the Pennsylvania IOLTA Board. The form for payment of the fee can be found as part of Appendix "A" to the Regulations for Pro Hac Vice Admission, 204 Pa. Code 81.501 et.seq.

Second, the candidate's Pennsylvania admitted sponsor must file a written motion for the candidate's admission pro hac vice in the action with the verified statements and other information required by Pennsylvania Rule of Civil Procedure 1012.1, with the Court before which pro hac vice admission is sought.

2. When do the new requirements for payment of a fee for pro hac vice admission begin?

The new requirement is effective September 4, 2007, pursuant to Supreme Court of Pennsylvania Order No. 62 Disciplinary Rules Docket No. 1, dated June 29, 2007.

3. How must the required fee be paid?

The pro hac vice admission fee must be paid by check, money order, or bank cashier's check. Payment by credit card is not accepted.

**4. Does an attorney not licensed in Pennsylvania have to be associated with a Pennsylvania attorney?**

Yes, as referenced in Pa.RCP 1012.1(b) and 204 Pa. Code 81.503(d) admission pro hac vice requires an attorney admitted to the Pennsylvania bar to sponsor the candidate seeking pro hac vice admission.

**5. Does an attorney not licensed in Pennsylvania have to be associated with a Pennsylvania attorney with an active law license?**

Yes, because a Pennsylvania attorney who does not have an active law license is not authorized to practice law in Pennsylvania.

**6. If the lawsuit was filed before the effective date of the new payment requirements, are the payment form and admission fee still required?**

Yes, if the motion for pro hac vice admission is filed on or after the September 4, 2007 effective date.

**7. Is a payment form and admission fee required for minor courts, (such as Magisterial District Courts, Municipal Courts, and Traffic Courts), state agency appearances or appearances as counsel in depositions or other situations in which an attorney will not enter an appearance before a Pennsylvania court?**

No. The rule applies to all appearances as counsel in all Pennsylvania proceedings before all state courts of record and appellate courts. The rule does not apply to administrative agency proceedings, cases in federal courts located in Pennsylvania, or situations not involving the entry of an appearance before a Pennsylvania court.

**8. Do the pro hac vice payment form and admission fee apply when a matter is set for arbitration?**

The payment form and admission fee are required if the attorney not licensed in Pennsylvania must enter an appearance in a Pennsylvania Court.

**9. Will one payment form and admission fee suffice for multiple cases?**

No. An attorney not licensed in Pennsylvania must submit a separate payment form and admission fee for each case in which the attorney is seeking to appear pro hac vice. See 204 Pa. Code 81.505(a).

**10. Can a single check be submitted to pay for more than one pro hac vice admission?**

Yes. However, all payment forms should be submitted together with the payment in the appropriate total fee amount.

**11. Can a law firm submit a payment form for the firm that will cover multiple attorneys?**

No. Admission pro hac vice requires a separate payment form and admission fee per attorney, per case. See 204 Pa. Code 81.505(a).

**12. What are the reasons a payment form and admission fee will be returned unprocessed?**

- a. failure to provide all information required;
- b. failure to answer all questions;
- c. failure to send in the required fee;
- d. alteration of any language of the payment form;
- e. failure to sign any document requiring your signature; and
- f. any document that has been recreated or scanned.

**13. Is a new payment form and admission fee required if a case is appealed to an appellate court?**

No. The payment form and admission fee covers the attorney for that case until a final determination of the case including appellate review, is made, or until issuance of an order permitting the attorney to withdraw from the case.

**14. Does this pro hac vice admission payment procedure apply to attorneys not licensed in Pennsylvania who are employed by governmental or non-profit entities?**

Yes, the same regulations apply to all attorneys without regard to the attorney's employer. The payment form and admission fee is not required if the attorney not licensed in Pennsylvania is representing an indigent person who has received *in forma pauperis* status with the Court.

**15. Should a motion to the Court be filed simultaneously with the payment to the Board?**

This is not advised. The payment form and admission fee are to be filed in the Board's office as a first step. The Board will process the payment and send an Acknowledgement Letter for the specific case listed on the application. The Acknowledgment Letter can accompany a written motion for pro hac vice admission, and will inform the Court that you have paid the fee. However, 204 Pa. Code 51.050(b) permits the candidate to submit the payment form and pay the required admission fee no later than the date of the filing of the motion requesting pro hac vice admission in a case proceeding in a Pennsylvania Court, and to aver that payment has been made (see 204 Pa. Code 51.503(e)).

**16. Is expedited processing available?**

The Board will process payments within three (3) business days of receipt of a completed payment form and admission fee. Same day processing is not available. If special handling is requested (i.e., messenger

pick up, prepaid express delivery, etc.), the completed payment form and admission fee should be delivered to the Board's office by noon. All payment forms and admission fees received by noon on a business day with a request for special handling will have Acknowledgment Letters available by 4:00 p.m. the following business day.

**17. Can the fee be waived?**

The admission fee cannot be waived. However, no admission fee is required for the representation of a client who has been determined eligible for *in forma pauperis* status.

**18. How does the Board use the funds received from the collection of pro hac vice fees?**

Pro hac vice admission fees received by the Board are used to pay for the administration of the payments and to fund programs that provide access to justice for low-income residents of Pennsylvania.

**19. Who ultimately decides on motions for pro hac vice admissions?**

The specific Pennsylvania court before which the attorney seeks to appear pro hac vice must determine whether the candidate will be admitted. The motion for pro hac vice can be denied for good cause. See Pa. RCP 1012.1(e).

**20. Will the admission fee be refunded if the case is dismissed?**

No. The admission fee will not be refunded if the case is dismissed, nor will an admission fee be refunded if you withdraw your motion seeking pro hac vice admission, or do not meet all requirements for admission.

**21. What happens if my check in payment of the pro hac vice admission fee is not honored by my financial institution?**

If your check is not paid because of insufficient funds, or is otherwise dishonored by your bank, you will be notified by the Pennsylvania IOLTA Board and be assessed a \$25 returned check charge plus any charge for a returned deposited item assessed to the Pennsylvania IOLTA Board by its financial institution, if any. Payment of the admission fee and returned check charge(s) must be made by bank cashier's check or money order and received by the Pennsylvania IOLTA Board within seven business days of the Pennsylvania IOLTA Board's notice of the returned check. If the full payment is not timely made, the Court before which the attorney seeks pro hac vice admission will be so notified.

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