



Date: November 4, 2002

Subject: Local Rule Amendments

Notice

The court has amended Local Rule 83.1.05 and Local Criminal Rule 57.1.5 concerning "Appearances by Attorneys not Admitted in the District." The purpose of the amendment is to conform the pro hac vice requirements for federal court practice to those of the South Carolina Supreme Court.

The revised amendments (with forms) to Local Civil Rule 83.1.05 and Local Criminal Rule 57.1.5 provides:

Appearances by Attorneys Not Admitted in the District.

- (A) Upon motion of an attorney admitted to practice before this Court, any person who is a member in good standing of the Bar of a United States District Court and the Bar of the highest court of any state or the District of Columbia may be permitted to appear in a particular matter in association with a member of the Bar of this Court. A motion seeking admission under this Rule:
- (1) shall be accompanied by an Application and Affidavit setting forth the movant's qualifications for admission and the movant's agreement to abide by the ethical standards governing the practice of law in this Court;
 - (2) shall be submitted to this Court upon the forms prescribed by this Court which can be obtained on this court's website or from the Clerk of Court;
 - (3) shall be accompanied by an application fee of One Hundred Dollars (\$100); and
 - (4) shall include a certificate of consultation. See Local Civil Rule 7.02¹.
- (B) The appearance of an attorney pursuant to this rule shall confer jurisdiction upon this Court for any alleged misconduct in any matter related to the action for which the appearance is allowed. The Court may revoke admission under this Local Civil Rule at its discretion.

- (C) This rule is intended to allow for occasional appearances by attorneys who do not conduct a substantial portion of their practices in this District. It is not intended to substitute for regular admission to the Bar of this Court. In determining whether admission under this rule would violate its intended purpose, the Court may consider, inter alia, whether the attorney resides in South Carolina (and, if so, the length of the residence), the frequency with which the attorney appears in the state and federal courts located in this state, the proportion of the attorney's practice attributable to cases filed in South Carolina, and other factors suggested by *South Carolina Medical Malpractice Joint Underwriting Ass'n v. Froelich*, 377 S.E.2d 306 (S.C. 1989), which, while not binding, has been adopted as a guide by this Court.

¹ The consultation requirement found in Local Civil Rule 7.02 is applicable to motions under this Local Civil Rule. It is the general practice in this District to grant motions under Local Civil Rule 83.1.05 immediately upon receipt by the Court, if they are proper in form and absent notice that opposing counsel has indicated an intention to object. Prior consultation and disclosure of opposing counsel's stated intention are necessary to facilitate this process.

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
(_____ DIVISION)**

_____,)
 Plaintiff/Petitioner/USA,)
)
 v.)
 _____,)
 Defendant/Respondent.)
 _____)

Case No. _____

**Motion
in Support of
Pro Hac Vice Application**

The undersigned local counsel hereby moves, together with the attached Application and Affidavit, that _____ be admitted *pro hac vice* in the above-captioned case as associate counsel. As local counsel, I understand that:

1. I will personally sign and include my District of South Carolina federal bar attorney identification number on each pleading, motion, discovery procedure, or other document that I serve or file in this court; and
2. All pleadings and other documents that I file in this case will contain my name, firm name, address, and phone number and those of my associate counsel admitted *pro hac vice*; and
3. Service of all pleadings and notices as required shall be sufficient if served upon me, and it is my responsibility to serve my associate counsel admitted *pro hac vice*; and
4. Unless excused by the court, I will be present at all pretrial conferences, hearings, and trials and may attend discovery proceedings. I will be prepared to actively participate if necessary.
5. Certification of Consultation (Local Civil Rule 7.02).

- Prior to filing this Motion, I conferred with opposing counsel who has indicated the following position as to this Motion: will likely oppose; does not intend to oppose
- Prior to filing this Motion, I attempted to confer with opposing counsel but was unable to do so for the following reason(s):

- No duty of consultation is required because the opposing party is proceeding pro se.

 Firm Name

 Street Address or Post Office Box

 City, State, Zip Code

 Telephone Number

 Name of Local Counsel

 Signature of Local Counsel

Local Counsel for the _____
 District of South Carolina
 Federal Bar Number _____

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
(_____ DIVISION)**

_____,)
Plaintiff/Petitioner/USA,)
)
v.)
_____,)
Defendant/Respondent.)
_____)

Case No. _____

**Application/Affidavit for
Pro Hac Vice Admission
and Order**

- (1) Residence. I reside at the following address:

Street City State Zip Code

(If a resident of South Carolina, Applicant should indicate for how long: _____ months/years.)

- (2) Business Address. I am an attorney and practice law under the name of or as a member of the following firm:

Firm name: _____
Mailing address: _____
Telephone number: _____
Facsimile number: _____
Email address: _____

- (3) Jurisdiction of this Court. I, by execution of this Application and Affidavit, consent and agree to comply with the applicable statutes, laws, and rules of the State of South Carolina, with all federal rules, and with the Local Rules of the United States District Court for the District of South Carolina (particularly, Local Civil Rule 83.I.08 and/or Local Criminal Rule 57.I.08). I consent to the jurisdiction of the United States District Court for the District of South Carolina in all matters of attorney conduct.¹
- (4) Regular Practice of Law. I am a member in good standing of the bar of the highest court of the District of Columbia or the State of _____ where I regularly practice law.
Attached is my certificate of good standing.
- (5) Additional Bar Membership. I have been admitted to practice before the following courts: (List all of the courts Applicant has been admitted to practice before: United States District Courts; United States Circuit Courts of Appeals; the Supreme Court of the United States; and courts of other states or the District of Columbia.) By signing this Affidavit, I certify that I am a member in good standing of each of the listed bars unless otherwise noted.

¹ This District maintains a web site (www.scd.uscourts.gov) from which the federal and local rules of procedure and related materials may be obtained.

Court	Date Admitted	Good Standing	
_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No
_____	_____	<input type="checkbox"/> Yes	<input type="checkbox"/> No

(6) Pending Disciplinary Matters. Are you presently the subject of any formal suspension or disbarment proceedings, and have you been notified by any disciplinary agency of the initiation of formal procedures? Yes No
 (If “yes,” give particulars, such as jurisdiction, court, date, grounds. Information to comply with this paragraph may be provided *in camera* but that fact shall be revealed below.)

(7) Curtailement of Prior *Pro Hac Vice* Admissions. Have you ever had any application for admission *pro hac vice* in this or any other jurisdiction denied or any *pro hac vice* admission revoked? Yes No
 (If “yes,” give particulars, such as date, court, docket number, judge, circumstances; attach a copy of any order of denial or revocation.)

(8) Sanctions. Have you ever had any certificate or privilege to appear and practice before any judicial or administrative body suspended or revoked, or received a public reprimand or greater sanction? Yes No
 (If “yes,” give particulars, e.g., judicial or administrative body, date of suspension, and reinstatement.)

(9) Criminal Sanctions. Have you ever been convicted of a felony under the laws of the District of Columbia or of any State or under the laws of the United States? Yes No
 (If “yes,” give particulars, such as date, court, judge, circumstances, and ultimate disposition.)

(10) Present and Previous *Pro Hac Vice* in this Court. Have you, within the last ten (10) years, filed an application to appear *pro hac vice* in the United States District Court for the District of South Carolina or another court in the state of South Carolina? Yes No
 (If “yes,” give court, case name, docket number, and status of litigation, year of application, local counsel of record in each case, and state whether application is pending or was granted.) Attach additional pages if necessary.

(11) Designated Local Counsel. Local counsel of record associated with Applicant in this case is:

Attorney Name: _____
Street Address or Post Office Box: _____
City, State, and Zip Code: _____
Telephone Number: _____

I understand that local counsel of record is required to: (1) personally sign each pleading, motion, discovery procedure, or other document served or filed in this Court; (2) accept service of all pleadings and notices as required on behalf of all counsel for the party represented; (3) be present at all pretrial conferences, hearings and trials, unless excused by the Court; (4) be prepared to participate actively as may be necessary; and (5) assure compliance with Local Civil Rules 83.I.04, 83.I.05, and 83.I.06 or Local Criminal Rules 57.I.04, 57.I.05, and 57.I.06 as appropriate. Local counsel of record may attend discovery proceedings.

(12) Associated Counsel. In addition to local counsel designated above, the following counsel are also associated with the undersigned in this case.

(13) Filing Fee. I affirm that the filing fee of one hundred dollars (\$100) has been paid in accordance with Local Civil Rule 83.I.05 or Local Criminal Rule 57.I.05 or paid herewith.

Signature of Applicant

Sworn to and subscribed before me
this _____ day of _____ 20____.

A Notary Public
of the State of _____

My Commission expires: _____

Upon consideration of the foregoing Motion and Application/Affidavit, it is **ORDERED** the Motion for Admission *Pro Hac Vice* be **GRANTED/DENIED** and the Applicant **MAY/MAY NOT** appear in this matter on behalf of the represented party.

Date

United States District/Magistrate Judge