

Out-of-State Attorney Pro Hac Vice Instructions

(C.R.C.P. Rule 205.3, 205.4, and 205.5)

- 1) In order to be permitted to appear as counsel in a Colorado trial court or administrative tribunal that requires PHV, the out-of-state attorney must first:
 - (a) File a verified motion with the trial court/administrative tribunal requesting permission to appear;
 - (b) Designate an associate attorney who is admitted and licensed to practice law in Colorado (see Rule 205.3(3)); AND
 - (c) File a copy of the verified motion with the Clerk of the Supreme Court Office of Attorney Registration (“Office”) **at the same time** the verified motion is filed with the trial court/administrative tribunal.
- 2) The required filing fee of \$300.00 is paid to our Office and must accompany **each** attorney’s motion when filed with our office and for **each** action (see 205.3(4)).
 - (a) If an attorney wants to appear in a proceeding before a Colorado appellate court AND that attorney obtained permission to appear in a proceeding involving the same action in a Colorado state trial court, another Colorado appellate court or administrative agency, the attorney only need to file an updated affidavit with our Office AND a copy filed into the Appellate Court proceeding. NO additional filing fee is required. Rule 205.3(6)(a).
 - (b) If an attorneys wants to appear in a proceeding before a Colorado appellate court and the attorney did NOT obtain permission to appear in a proceeding involving the same action in a Colorado state trial court, another Colorado appellate court or administrative agency, the attorney must file a verified motion and affidavit (in adherence with the requirements of Rule 205.3) with the clerk of the Colorado appellate court, with a copy sent to our office accompanied by the filing fee of \$300.
- 3) The verified motion and affidavit will be reviewed by our Office regarding compliance with the rule; please ensure that the informational items required by Rule 205.3(2)) is provided in the affidavit. Additional requirements apply to Non-U.S. licensed foreign-attorneys under Rule 205.5; please consult the rule before filing.
- 4) Pursuant to Rule 205.3(5), our office may provide information to the trial court/administrative tribunal that it believes relevant for the court/tribunal’s ruling on the motion. The trial court/tribunal retains full authority to approve or deny the motion or revoke the PHV status.
- 5) Appearances authorized by the Indian Child Welfare Act of 1978 (ICWA) –

Pursuant to Rule 205.3(8), to invoke the following exceptions, the out-of-state attorney must include information in the verified motion supporting application of the exceptions.

Exceptions - An out-of-state attorney is not required to associate with Colorado counsel or pay the required fee by this rule if:

- a) The out-of-state attorney seeks permission to appear in the Colorado court for the limited purpose of participating in a child custody proceeding as defined by 25. U.S.C. §1903(1) of the ICWA,
- b) The out-of-state attorney represents a federally-recognized Indian tribe as defined by U.S.C. §1903(8) of the ICWA, and
- c) The Indian tribe has asked the court for leave to participate in the child custody proceeding and affirmed that at least one child that is the subject of the child custody proceeding may be a member of the Indian tribe or may be eligible for membership.

How to File PHV with the Office of Attorney Registration and Pay Required Court Filing Fees:

USPS MAIL, EXPRESS MAIL SERVICES, COURIER:

- Include a check or money order for the \$300 filing fee payable to: “Clerk of the Colorado Supreme Court”
- Send your completed verified motion and all exhibits to:

Colorado Supreme Court
Office of Attorney Registration
1300 Broadway, Suite 510
Denver, CO 80203
(303) 928-7800

VIA EMAIL:

- Email all documentation in PDF format to prohacvice@csc.state.co.us
- Include in the email contact information for our Office to call to receive payment via credit card over the phone. Please do not include CC information in an unsecure email.

Please note that PHV motions will NOT be processed if the office does not receive required filing fees. Our office will make every attempt to contact the moving party to receive payment; however, if payment is not received notification will be sent to the trial court/administrative tribunal and the paperwork will be returned to the moving party.

Any Questions? Please email us at prohacvice@csc.state.co.us