

## Rule 221. Out-of-State Attorney -- Pro Hac Vice Admission

An out-of-state attorney (as defined in Rule 220) may be permitted to appear on a particular matter in any state court of record under the following circumstances:

### **(1) Filing Requirements.**

(a) In order to be permitted to appear as counsel in a state trial court, the attorney must first:

(i) File a verified motion requesting permission to appear with the trial court;

(ii) Designate an associate attorney who is admitted and licensed to practice law in this state;

(iii) File a copy of the verified motion with the Clerk of the Colorado Supreme Court at the Attorney Registration Office at the same time the verified motion is filed with the trial court;

(iv) Pay a \$250 fee to the Clerk of the Colorado Supreme Court collected by the Attorney Registration Office; and

(v) Obtain permission from the trial court for such appearance.

(b) In the verified motion requesting permission to appear, the attorney must include:

(i) A statement identifying all jurisdictions in which the attorney has been licensed;

(ii) A statement identifying by date, case name, and case number all other matters in Colorado in which *pro hac vice* admission has been sought in the preceding five years, and whether such admission was granted or denied;

(iii) A statement identifying all jurisdictions in which the attorney has been publicly disciplined, or in which the attorney has any pending disciplinary proceeding, including the date of the disciplinary action, the nature of the violation, and the penalty imposed;

(iv) A statement identifying the party or parties represented, and that the attorney has notified the party or parties represented of the verified motion requesting permission to appear;

(v) A statement that the attorney acknowledges he or she is subject to all applicable provisions of the Colorado Rules of Professional Conduct and the Colorado Rules of Civil Procedure, and that such rules have been read and will be followed throughout the *pro hac vice* admission, and that the verified motion complies with those rules;

(vi) The name, address, and membership status of the licensed Colorado attorney associated for purposes of the representation;

(vii) A certificate indicating service of the verified motion upon all counsel of record and the attorney's client in the matter in which leave to appear *pro hac vice* is sought; and

(viii) The signature of the licensed Colorado associate attorney, verifying that attorney's association on the matter.

**(2) Names and Appearances.** The name and address of the licensed Colorado associate attorney must be shown on all papers served and filed. The Colorado associate attorney shall appear personally and, unless excused, remain in attendance with the attorney in all appearances.

**(3) Frequency of Appearances.** A separate petition, fee, and order granting permission are required for each action in which an attorney appears in Colorado.

**(4) Permission to Provide Information to Trial Court.** The Colorado Supreme Court offices may provide

information to the trial court that it believes relevant for the trial court's ruling on the pending motion to appear. The trial court nevertheless retains all authority to rule on the motion as it deems appropriate.

**(5) Appellate Matters and Other Forms of Review.**

(a) If an attorney wants to appear in a proceeding before a Colorado appellate court, and the attorney obtained permission to appear in a proceeding involving the same action in a Colorado state trial court, the attorney only needs to file an updated affidavit with the Clerk of the Supreme Court at the Attorney Registration Office. No additional filing fee is required.

(b) If an attorney 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 or administrative agency, the attorney shall file motion and affidavit with the Clerk of the Colorado appellate court, with a copy sent to the Clerk of Supreme Court at the Attorney Registration Office requesting permission to appear. The motion, affidavit, and filing fee must be submitted as otherwise provided in subsection (1) of this rule.

**(6) Discipline and Disability Jurisdiction.** Any attorney who has received *pro hac vice* admission under this rule shall be subject to all applicable provisions of the Colorado Rules of Professional Conduct, except for the provisions of Colo. RPC 1.15 that require an attorney to have a business account and a trust account in a financial institution doing business in Colorado; and the Colorado Rules of Civil Procedure, except C.R.C.P. [227](#) (general registration fees) and C.R.C.P. [260](#) (mandatory continuing legal education).

**Source:** Entire rule amended and adopted December 4, 2002, effective January 1, 2003; entire rule amended and effective June 22, 2006.

**RECENT ANNOTATIONS**

**Criminal court may admit attorney pro hac vice.** Although the criminal rules do not specifically authorize admission of an attorney pro hac vice, a court may apply the civil rules in a criminal case when the criminal rules do not specify a specific procedure. *People v. Griffin*, \_\_\_ P.3d \_\_\_, 2009 Colo. App. Lexis 573 (Colo. App.), rehearing denied, 2009 Colo. App. Lexis 1024 (Ct App. 2009).

**ANNOTATION**

**Law reviews.**For article, "Colorado Adopts Rules Governing Out-of-State Attorneys", see 32 Colo. Law. 27 (February 2003).