

RULE CHANGE 2022(14)

RULES GOVERNING ADMISSION TO THE PRACTICE OF LAW IN COLORADO

Rule 205.3. Pro Hac Vice Authority Before State Courts - Out-of-State Attorney

(1) [NO CHANGE]

(2) Filing Requirements.

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

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

(ii) Unless the exception in subsection (8) applies, dDesignate an associate attorney who is admitted and licensed to practice law in Colorado;

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

(iv) Unless the exception in subsection (8) applies, pPay the required fee to the Clerk of the Supreme Court collected by the Office of Attorney Registration; 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 the attorney has sought pro hac vice admission 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 placed on disability inactive status, in which pro hac vice admission was denied or revoked, or in which the attorney has any pending formal disciplinary or disability proceeding, including in any of the three instances described above the date of the action, the nature of the violation, and the penalty imposed;

(iv) A statement identifying the party or parties represented, and verifying 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 the Colorado Rules of Professional Conduct, the Colorado Rules of Civil Procedure, and other court rules, that the attorney will follow those rules throughout the pro hac vice admission, and that the verified motion complies with those rules;

(vi) Unless the exception in subsection (8) applies, tThe 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(s) in the matter in which leave to appear pro hac vice is sought;

(viii) Unless the exception in subsection (8) applies, tThe signature of the licensed Colorado associate attorney, verifying that attorney's association on the matter; and

(ix) Such other information as the Attorney Regulation Counsel may from time to time request.

(3) Names and Appearances. Unless the exception in subsection (8) applies, tThe name and address of the licensed Colorado associate attorney must be shown on all papers served and filed by the out-of-state attorney in a pro hac vice representation. The Colorado associate attorney shall appear personally and, unless excused, remain in attendance with the out-of-state attorney in all pro hac vice appearances.

(4) - (5) [NO CHANGE]

(6) 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 Office of Attorney Registration and a copy filed into the Appellate Court proceeding. 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, another Colorado appellate court or administrative agency, the attorney shall file a motion and affidavit with the clerk of the Colorado appellate court, with a copy sent to the Clerk of the Office of Attorney Registration, requesting permission to appear. The motion, affidavit, and filing fee must be submitted as otherwise provided in [subsection \(2\)](#) of this rule.

(7) [NO CHANGE]

(8) Exceptions for Appearances Authorized by the Indian Child Welfare Act of 1978 (ICWA).

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

(i) 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 ICWA;

(ii) the out-of-state attorney represents a federally-recognized Indian tribe as defined by 25 U.S.C. § 1903(8) of ICWA; and

(iii) 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.

(b) To invoke the exceptions of subsection (8)(a), the out-of-state attorney must include information in the verified motion supporting application of the exceptions to the filing requirements under this rule.

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(iv) Unless the exception in subsection (8) applies, pay the required fee to the Clerk of the Supreme Court collected by the Office of Attorney Registration; and

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(iv) A statement identifying the party or parties represented, and verifying 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 the Colorado Rules of Professional Conduct, the Colorado Rules of Civil Procedure, and other court rules, that the attorney will follow those rules throughout the pro hac vice admission, and that the verified motion complies with those rules;

(vi) Unless the exception in subsection (8) applies, 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(s) in the matter in which leave to appear pro hac vice is sought;

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(ix) Such other information as the Attorney Regulation Counsel may from time to time request.

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(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, another Colorado appellate court or administrative agency, the attorney shall file a motion and affidavit with the clerk of the Colorado appellate court, with a copy sent to the Clerk of the Office of Attorney Registration, requesting permission to appear. The motion, affidavit, and filing fee must be submitted as otherwise provided in subsection (2) of this rule.

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(iii) 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.

(b) To invoke the exceptions of subsection (8)(a), the out-of-state attorney must include information in the verified motion supporting application of the exceptions to the filing requirements under this rule.

Amended and Adopted by the Court, En Banc, October 6, 2022, effective immediately.

By the Court:

**Monica M. Márquez
Justice, Colorado Supreme Court**