

SUPREME COURT OF WISCONSIN

NOTICE

This order is subject to further editing and modification. The final version will appear in the bound volume of the official reports.

No. 13-11A

In the matter of the petition for amendment to Supreme Court Rule 10.03(4)(b)2 relating to pro hac vice applications.

FILED**MAR 6, 2015**

Diane M. Fremgen
Clerk of Supreme Court
Madison, WI

The court, on its own motion, amends Supreme Court Rule (SCR) 10.03(4)(b)2.¹ to permit electronic filing and payment of fees for applications pro hac vice. As background, by order dated June 20, 2014, this court approved a petition filed by the Board of Administrative Oversight and the Office of Lawyer Regulation (OLR), seeking amendment of SCR 10.03(4)(b)2. to increase the fee for admission pro hac vice. The court also considered and approved requests from the Wisconsin Trust Account Foundation (WisTAF) and the Wisconsin Access to Justice Commission (WATJ) to allocate a portion of the fee increase to help support provision of civil legal services to low-income and indigent persons. Pursuant to the court's order,

¹ Pursuant to the terms of the "pro hac vice" rule, SCR 10.03(4), a court or judge in this state may allow a nonresident counsel to appear and participate in a particular action or proceeding in association with an active member of the State Bar of Wisconsin who appears and participates in the action or proceeding.

the \$250 fee for admission pro hac vice is allocated as follows: \$100 to the OLR, \$100 to WisTAF, and \$50 to WATJ.

At present, a nonresident lawyer seeking admission pro hac vice must send three separate checks, money orders, or bank cashier's checks to the OLR for each of the OLR, WisTAF, and WATJ, respectively. Separate checks are necessary because the OLR is not authorized to accept monies for WisTAF or WATJ.²

The court is advised that the OLR desires to develop an electronic filing and payment procedure for applications for admission pro hac vice. An electronic filing and payment procedure will not change any of the substantive requirements applicable to seeking admission pro hac vice, but will greatly facilitate the administrative process for lawyers, judges, and court staff. A lawyer will be able to apply through the OLR's website, fill out the application, make the three payments to the OLR, WisTAF, and WATJ, and then submit the application to the appropriate court for approval, with a copy to the OLR's office manager. In the interests of judicial efficiency and because the requisite rule change is ministerial and made solely to permit the proposed electronic filing procedure described herein, the court considers and decides this

² The fees should be accompanied by the completed and signed Application for Admission Pro Hac Vice. (See Appendix A to SCR ch. 10.) After the attorney sends the fee and application to the OLR, the Wisconsin attorney sponsoring the admission must file a motion with the state court or tribunal before which pro hac vice admission is sought. The motion must be accompanied by an original, signed application, proof of payment, and any additional materials required by local rule.

matter without a public hearing. Wis. S. Ct. IOP III.A. Therefore, effective the date of this order,

IT IS ORDERED that 10.03 (4) (b) 2. of the Supreme Court Rules is amended as follows:

SCR 10.03 **(4)** (b) 2. Counsel who seek to provide legal services under SCR 10.03(4)(b) shall pay a nonrefundable fee of two-hundred and fifty dollars (\$250) ~~to the Office of Lawyer Regulation~~ for each application for admission pro hac vice. The fee shall be waived if the application certifies that the attorney is employed by an agency providing legal services to indigent clients and will be appearing on behalf of an indigent client, or that the applicant will otherwise be appearing on behalf of an indigent client in the proceeding and will be charging no fee for the appearance.

IT IS FURTHER ORDERED that the Office of Lawyer Regulation shall provide that the fee established in SCR 10.03 (4) (b) 2. is paid as follows: \$100 to the Office of Lawyer Regulation, \$100 to Wisconsin Trust Account Foundation, Inc., and \$50 to the Wisconsin Access to Justice Commission.

IT IS FURTHER ORDERED that the Wisconsin Comment to 10.03 (4) (b) 2. of the Supreme Court Rules is amended to read:

Wisconsin Comment

The Wisconsin Supreme Court has directed the Office of Lawyer Regulation to ~~allocate~~ provide that the fee established in SCR 10.03(4)(b)2 is paid as follows: \$100 to the Office of Lawyer Regulation, \$100 to Wisconsin Trust Account Foundation, Inc., and \$50 to the Wisconsin Access to Justice Commission. See S. Ct. Order 13-11, 2014 WI 42 (issued Jun. 20, 2014, eff. Jul. 1, 2014) (Abrahamson,

C.J. and Bradley, J., dissenting); See S. Ct. Order 13-11A, 2015 WI 23 (Mar. 6, 2015).

IT IS FURTHER ORDERED that the amended comment to SCR 10.03 (4) (b) 2. is not adopted, but will be published and may be consulted for guidance in interpreting and applying the rule.

IT IS FURTHER ORDERED that the amendment adopted pursuant to this order shall apply to proceedings commenced after the effective date of this rule and, insofar as is just and practicable, proceedings pending on the effective date.

IT IS FURTHER ORDERED that notice of this amendment of SCR 10.03 (4) (b) 2. be given by a single publication of a copy of this order in the official publications designated in SCR 80.01, including the official publishers' online databases, and on the Wisconsin court system's web site. The State Bar of Wisconsin shall provide notice of this order.

Dated at Madison, Wisconsin, this 6th day of March, 2015.

BY THE COURT:

Diane M. Fremgen
Clerk of Supreme Court

