

DUCivR 83-1.1 ATTORNEYS - ADMISSION TO PRACTICE

Reporter's Note: The rule has been amended to clarify that any federal attorney who is representing a party when the Federal Public Defender is recused along with all members of his or her office shall be exempt from the requirement to have local counsel, consistent with the exemption in place for the United States Attorney. A second amendment clarifies that any judge of the court may revoke a Pro Hac Vice admission for good cause shown.

Approved by the Rules Committee on September 18, 2012 for inclusion in the 2012 amendments.

(a) Practice Before the Court.

Attorneys who wish to practice in this court, whether as members of the court's bar or Pro Hac Vice in a particular case, must first satisfy the admissions requirements set forth below.

(b) Admission to the Bar of this Court.

(1) Eligibility. Any attorney who is an active member in good standing of the Utah State Bar is eligible for admission to the bar of this court.

(2) Admissions Procedure.

(A) Registration. Applicants must file with the clerk a completed and signed registration card available from the clerk and pay the prescribed admission fee.

(B) Motion for Admission for Residents. Motions for admission of bar applicants must be made orally or in writing by a member of the bar of this court in open court. The applicant(s) must be present at the time the motion is made.

(C) Motion for Admission for Nonresidents. Motions for admission of bar applicants who reside in other federal districts, but who otherwise conform to [sections \(a\)](#) and [\(d\)](#) of this rule, must be made orally or in writing by a member of the bar of this court before a judge of this court. The motion must indicate the reasons for seeking nonresident admission. Where the applicant is not present at the time the motion is made, and pursuant to the motion being granted, the applicant must submit to the clerk of court an affidavit indicating the date and location the applicant was administered this court's attorney's oath by a U.S. district or circuit court judge.

(D) Attorney's Oath. When the motion is granted, the following oath will be administered to each petitioner:

"I do solemnly swear (or affirm) that I will support, obey, and defend the Constitution of the United States (and the constitution of the State of Utah;) that I will discharge the duties of attorney and counselor at law as an officer of (the courts of the State of Utah and) the United States District

Court for the District of Utah with honesty and fidelity; and that I will strictly observe the rules of professional conduct adopted by the United States District Court for the District of Utah." ⁶

(E) Attorney Roll. Before a certificate of admission is issued, applicants must sign the attorney roll administered by the clerk. Members of the court's bar must advise the clerk in writing immediately if they have a change in name, e-mail address, firm, firm name, or office address. The notification must include the attorney's Utah State Bar number.

(3) Pro Bono Service Requirement. Any attorney who is admitted to the bar of this court must agree, as a condition of such admission, to engage in a reasonable level of pro bono work when requested to do so by the court.

(c) Active Member Status Requirement.

Attorneys who are admitted to the bar of this court under the provisions of section (b) of this rule and who practice in this court must maintain their membership on a renewable basis as is set forth in [DUCivR 83-1.2](#).

(d) Admission Pro Hac Vice.

Attorneys who are not active members of the Utah State Bar but who are members in good standing of the bar of the highest court of another state or the District of Columbia may be admitted Pro Hac Vice upon completion and acknowledgment of the following:

(1) Application and Fee.

Applicants must complete and submit to the clerk an [application form](#) available from the clerk of court. Such application must include the case name and number, if any, of other pending cases in this court in which the applicant is an attorney of record. For nonresident applicants, the name, address, Utah State Bar identification number, telephone number, and written consent of an active local member of this court's bar to serve as associate counsel must be filed with the application. The application also must be accompanied by payment of the prescribed admission fee and self certification of good standing in the bar of the highest court of another state or the District of Columbia. Pursuant to the Judicial Conference Schedule of Fees, nonresident United States attorneys and attorneys employed by agencies of the federal government are exempt from the Pro Hac Vice fee requirement. If a federal government attorney is being admitted Pro Hac Vice because the United States Attorney for the District of Utah, **the Federal Public Defender or other federal agency** is recused from the case, the associate local counsel requirement is waived.

(2) Motion for Admission.

Applicants must present a written or oral motion for admission Pro Hac Vice made by an active member in good standing of the bar of this court. For nonresident applicants, unless otherwise ordered by a judge of this court, such motion must be granted only if the applicant associates an active local member of the bar of this court with whom opposing

counsel and the court may communicate regarding the case and upon whom papers will be served. Applicants who are new residents, unless otherwise ordered by the court, must state either (i) that they have taken the Utah State Bar examination and are awaiting the results, or (ii) that they are scheduled to take the next bar examination.

(3) Revocation of Pro Hac Vice Admission.

Any judge of the court may revoke the admission of an attorney who has been admitted Pro Hac Vice for good cause shown, including but not limited to, violation of the rules of this court or failure to comply with court orders. An attorney admitted Pro Hac Vice may not continue to appear Pro Hac Vice without associated local counsel if the associated local counsel withdraws from the representation.

(e) Attorneys for the United States.

Attorneys representing the United States government or any agency or instrumentality thereof, including the Federal Public Defender's Office, and who reside within this district are required to be admitted to this court's bar before they will be permitted to practice before this court. Notwithstanding this rule and provided they are at all times members of the bar of another United States district court, resident assistant United States attorneys and resident attorneys representing agencies of the government and resident assistant Federal Public Defenders will be given twelve (12) months from the date of their commission in which to take and pass the Utah State Bar examination. During this period, these attorneys may be admitted provisionally to the bar of this court. Attorneys who (i) are designated as "Special Assistant United States Attorney" by the United States Attorney for the District of Utah or "Special Attorney" by the Attorney General of the United States, and (ii) are members in good standing of the highest bar of any state or the District of Columbia, may be admitted on motion to practice in this court without payment of fees during the period of their designation. The requirements of this rule do not apply to judge advocates of the armed forces of the United States representing the government in proceedings supervised by judges of the District of Utah.

(f) Pro Se Representation.

Any party proceeding on its own behalf without an attorney will be expected to be familiar with and to proceed in accordance with the rules of practice and procedure of this court and with the appropriate federal rules and statutes that govern the action in which such party is involved.

(g) Standards of Professional Conduct.

All attorneys practicing before this court, whether admitted as members of the bar of this court, admitted Pro Hac Vice, or otherwise as ordered by this court, are governed by and must comply with the rules of practice adopted by this court, and unless otherwise provided by these rules, with the Utah Rules of Professional Conduct, as revised and amended and as interpreted by this court. The court endorses the Utah Standards of Professionalism and Civility ([Appendix V](#)) to guide attorney conduct in cases and proceedings in this court.