

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**1. IN RE: AMENDMENT TO RULE 19,  
RULES OF THE TENNESSEE SUPREME COURT**

**No. M2003-02497-SC-RL2-RL - Filed February 26, 2004**

**ORDER**

On October 17, 2003, the Court entered an order publishing a proposed amendment to Rule 19, governing appearances pro hac vice in Tennessee courts. The order set a period for the filing of comments by the public, the bench and the bar. The Court subsequently extended the comment period until February 16, 2004. Among the comments received by the Court was the “Comment of Tennessee Bar Association Concerning Proposed Amendment to Tennessee Supreme Court Rule 19 on Pro Hac Vice Admission.”

In its Comment, the Tennessee Bar Association (“TBA”) submitted an alternative amendment for the Court’s consideration. The Court wishes to thank the TBA’s Standing Committee on Ethics and Professional Responsibility and the TBA’s Board of Governors for their proposed revision. Because the TBA’s alternative proposal differs significantly from the proposed amendment set out in the Court’s order entered on October 17, 2003, the Court has decided that an additional period for public comments would be beneficial.

The Court hereby publishes for public comment the TBA’s proposed new Rule 19, which is attached hereto as [Appendix A](#). The Court hereby solicits written comments on the proposed amendment from the bench, the bar, and the public. The deadline for submitting written comments is April 26, 2004. Written comments should be addressed to:

Michael W. Catalano, Clerk  
Re: Rule 19 Comments  
100 Supreme Court Building  
401 Seventh Avenue North  
Nashville, TN 37219-1407

The Clerk shall provide a copy of this order and the attached proposed amendment to the Board of Professional Responsibility and to the Tennessee Bar Association. In addition, this order and the proposed amendment shall be posted on the Tennessee Supreme Court’s website. The Court asks the Tennessee Bar Association to distribute copies of this Order to all of the bar organizations listed in Exhibit B to the TBA’s Comment (listing the bar organizations served with a copy of the Comment).

FOR THE COURT:

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FRANK F. DROWOTA, III, CHIEF JUSTICE

*APPENDIX A*

**Proposed Revision to Tennessee Supreme Court Rule 19**

**TBA Standing Committee on Ethics and Professional Responsibility**

**(Approved by TBA Board of Governors, January 17, 2004)**

**RULE 19. APPEARANCE PRO HAC VICE IN THE TRIAL AND APPELLATE COURTS OF TENNESSEE BY LAWYERS NOT LICENSED TO PRACTICE LAW IN TENNESSEE**

A lawyer not licensed to practice law in Tennessee, licensed in another United States jurisdiction, and who resides outside Tennessee shall be permitted to appear pro hac vice, file pleadings, motions, briefs, and other papers and to fully participate in a particular proceeding before a trial or appellate court of Tennessee if the lawyer complies with the following conditions:

(a) A lawyer not licensed to practice law in Tennessee and who resides outside Tennessee is eligible for admission pro hac vice before a trial or appellate court of Tennessee if the lawyer is licensed, in good standing, and admitted to practice before the court of last resort in another state or territory of the United States or the District of Columbia in which the lawyer maintains a residence or an office for the practice of law, if the lawyer is in good standing in the other jurisdictions in which the lawyer is licensed to practice law, and if the lawyer has been retained by a client to appear in a particular proceeding pending before that court.

(b) In its discretion, a trial or appellate court may, in a particular proceeding pending before it, deny a lawyer's motion to appear pro hac vice only where:

(1) the applicant's conduct as a lawyer, including conduct in proceedings in Tennessee in which the applicant has appeared pro hac vice and conduct in other jurisdictions in which the lawyer has practiced, raises reasonable doubt that the lawyer will comply with the Tennessee Rules of Professional Conduct and other rules and law governing the conduct of lawyers who appear before the courts of Tennessee; or

(2) the applicant has engaged in such frequent appearances as to constitute regular practice in this state.

In any proceeding where a court denies a lawyer's motion to appear pro hac vice, the court shall set forth findings of fact and conclusions of law that constitute the grounds for its action.

(c) A lawyer admitted pro hac vice under this Rule may not continue to so appear unless all requirements of the Rule continue to be met. Admission granted under this Rule may be revoked by the court granting such admission upon appropriate notice to the lawyer and upon an affirmative finding by the court that the lawyer has ceased to satisfy the requirements of this Rule.

(d) A lawyer seeking admission under this Rule shall file a motion in the court before which the lawyer seeks to appear not later than the first occasion on which the lawyer files any pleading or paper with the court or otherwise personally appears. In support of the motion, the lawyer shall file with the court a certificate of good standing from the court of last resort of the admitting jurisdiction in which the lawyer principally practices and an affidavit by the lawyer containing the following information:

(1) the lawyer's full name, residence address, office address, any registration or identifying number associated with the lawyer's licensure in each state in which the lawyer is admitted, the full name or style of the case in which the lawyer seeks to appear, and the name of the client or clients the lawyer seeks to represent;

(2) the jurisdictions in which the lawyer is or has been licensed to practice law, with dates of admission, and any other courts before which the lawyer has been or is generally admitted to practice (including, for example, membership in the bar of a United States District Court), with dates of admission, and a statement by the lawyer that the lawyer is in good standing in the other jurisdictions in which the lawyer is licensed to practice law;

(3) the full name or style of each case in which the lawyer has been admitted or sought to be admitted pro hac vice in any trial or appellate court of Tennessee within the preceding three years, the date of any such admission or the date of any such motion that was filed but not granted, and the status of any such case in which the lawyer was admitted;

(4) a statement concerning whether the lawyer has been denied admission pro hac vice by any court in any jurisdiction and, if so, a full description of the circumstances, including the full name or style of the case;

(5) a statement concerning whether the lawyer has ever been disciplined or sanctioned by the Board of Professional Responsibility of the Supreme Court of Tennessee, by any similar lawyer disciplinary agency in any jurisdiction, or by any similar lawyer disciplinary authority (including, for example, any United States District Court), and, if so, a full description of the circumstances, including the full name or style of the matter;

(6) a statement concerning whether any disciplinary action or investigation concerning the lawyer's conduct is pending before the Board of Professional Responsibility of the Supreme Court of Tennessee, before any similar lawyer disciplinary agency in any jurisdiction, or before any similar lawyer disciplinary authority (including, for example, any United States District Court), and, if so, a full description of the circumstances, including the full name or style of the matter;

(7) a statement that the lawyer is familiar with the Tennessee Rules of Professional Conduct and the rules governing the proceedings of the court before which the lawyer seeks to practice;

(8) a statement by the lawyer that the lawyer consents to the disciplinary jurisdiction of the Board of Professional Responsibility of the Tennessee Supreme Court and the courts of Tennessee in any matter arising out of the lawyer's conduct in the proceeding and that the lawyer agrees to be bound by the Tennessee Rules of Professional Conduct and any other rules of conduct applicable to lawyers generally admitted in Tennessee;

(9) the name, address, telephone number, and Board of Professional Responsibility number of a lawyer with whom the lawyer has associated in accordance with Section (g) of this Rule;

(11) a statement that the lawyer has paid all fees required by this Rule in connection with the motion for admission;

(12) at the option of the lawyer, any other information supporting the lawyer's admission; and

(13) a statement indicating service of the motion and all associated papers upon all counsel of record in the proceeding and upon the Board of Professional Responsibility.

(e) A lawyer who seeks or is granted admission under this Rule shall be subject to the disciplinary jurisdiction of the Board of Professional Responsibility of the Tennessee Supreme Court and the courts of Tennessee in any matter arising out of the lawyer's conduct in the proceeding.

(f) At or before the time the lawyer files a motion for admission and supporting papers under this Rule with the court before which the lawyer seeks admission, the lawyer shall file with the Board of Professional Responsibility of the Supreme Court of Tennessee a copy of the motion and supporting papers filed under this Rule and shall pay to the Board a fee in an amount the total of which equals the fees required of Tennessee lawyers under Tennessee Supreme Court Rule 9, Section 20.1, Tennessee Supreme Court Rule 25, Section 2.01, and Tennessee Supreme Court Rule 33.01 C. This fee shall be used for purposes set forth in these respective Rules, and the Board of Professional Responsibility shall collect and remit the appropriate portion of any such fee to the Tennessee Lawyers' Fund for Client Protection and the Tennessee Lawyers Assistance Program. No applicant for admission under this Rule shall be required to pay more than one total fee in any one calendar year. All fees under this Rule shall be waived if the lawyer will not charge a fee in the proceeding.

(g) A motion for admission pro hac vice under this Rule shall not be granted unless the lawyer has associated in the proceeding a lawyer licensed to practice law in Tennessee, in good standing, admitted to practice before the Supreme Court of Tennessee, and who resides in and maintains an office in Tennessee. Both the associated lawyer and the lawyer appearing pro hac vice shall sign all pleadings, motions, and other papers filed or served in the proceeding, and the associated lawyer or a Tennessee lawyer associated in a firm with the associated lawyer shall personally appear for all court proceedings, including all proceedings conducted pursuant to the authority of the court, unless excused by the court. The court may establish conditions relating to the participation of associated counsel in an order granting admission under this Rule or otherwise.