



Louisiana's *Pro Hac Vice* Admission Process:

What Makes This
State (and the
Practice of Law
Within It)
“Different” from the Rest

By Taylor E. Brett

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nyone who has ever visited Louisiana learns quickly that this state does things “differently,” so to speak. That includes the practice of law. The primary difference is that Louisiana’s legal system is rooted in civil law, unlike the common law-based systems in place in all of the other states.¹ That is presumably among the reasons why Louisiana requires everyone seeking full-time admission to practice law within its borders to sit for and pass the Louisiana Bar Exam. In fact, Louisiana does not provide for “reciprocity” with any other state (*i.e.*, allowing attorneys admitted to practice in other states to gain full-time admission in Louisiana without taking the bar exam) — despite the fact that several states reciprocate with Louisiana.² After all, Louisiana’s civil law system is just one of the many things that makes the state so “different.”

It is no surprise then that Louisiana’s rules for *pro hac vice* admission to practice in its state court system are also “different” from the rules in most states. *Pro hac vice* (Latin “for this occasion only”) admission is a concept that allows a lawyer who is not admitted in a certain jurisdiction to participate in a particular case in that jurisdiction. Typically, this requires the out-of-state lawyer to associate with a lawyer who is admitted in the state who then files a motion to admit the out-of-state lawyer as counsel in the case on a *pro hac vice* basis. Depending on the jurisdiction, out-of-state lawyers may need to provide documentation showing they are in good standing with their state’s bar association and that no disciplinary proceedings or criminal charges have been instituted against them.

Naturally, Louisiana requires more for *pro hac vice* admission.

In 2004, the Louisiana Supreme Court adopted Supreme Court Rule XVII § 13, which sets forth the re-

quirements for *pro hac vice* admission in Louisiana’s state courts.³ The Rule requires the out-of-state attorney to first file an “Application for *Pro Hac Vice* Admission” with the Louisiana Attorney Disciplinary Board, verified by both the out-of-state attorney and in-state attorney with whom he or she intends to associate, along with a \$450 application fee (which is specifically distinct from any court filing fees for the subsequent motion). The application must include all of the information set forth in Appendix C to Rule XVII § 13.⁴

Once the application and fee are submitted, the Disciplinary Board then forwards the application to the Disciplinary Counsel, who approves or disapproves it.⁵ Following receipt of a letter from the Disciplinary Counsel, the in-state attorney files an *ex parte* motion in the court where the case is pending, requesting admission of the out-of-state attorney on a *pro hac vice* basis. The letter from the Disciplinary Counsel must be attached to the motion.⁶ Of note, Rule XVII § 13 prohibits the court from even considering any motion for *pro hac vice* admission that is filed within 30 days of the scheduled trial date, absent extraordinary circumstances, which must be fully explained in the motion itself.⁷

The Rule further requires the motion and letter to be served on all parties who have appeared in the matter, and the mover must establish proof of service.⁸ If the Disciplinary Counsel disapproved the application, the motion is also required to be served on the Disciplinary Counsel.⁹ Within 20 days of service of the motion, the Disciplinary Counsel or any party to the proceeding can file an objection requesting denial or modification of the motion, which must be accompanied by a verified affidavit that describes information establishing a factual basis for the objection.¹⁰

Although Rule XVII § 13 states that a motion seeking *pro hac vice* admission “ordinarily should be granted,” it carves out several exceptions to this standard, including where “the applicant has engaged in frequent appearances

as to constitute regular practice in this state.”¹¹ The rationale for this exception is simple: Louisiana does not want out-of-state lawyers sidestepping the requirements for full-time admission by repeatedly appearing as counsel in a *pro hac vice* capacity.

The precise threshold for “frequent appearances” constituting “regular practice” in Louisiana is unsettled, as Rule XVII § 13 is silent on the number of *pro hac vice* appearances that can be made by an out-of-state lawyer.¹² Consequently, “the determination of whether an out-of-state attorney has engaged in ‘frequent appearances’ in Louisiana must be made on a case-by-case basis after considering the totality of the circumstances.”¹³ A pre-Rule XVII § 13 Louisiana Supreme Court opinion suggested that an out-of-state lawyer’s enrollment in eight cases in a *pro hac vice* capacity “could rise to the level of unauthorized practice of law.”¹⁴ But, the attorney in that case had purchased a home in Louisiana, obtained a Louisiana driver’s license and registered to vote in Louisiana. Therefore, he was not “temporarily present” for the purpose of *pro hac vice* admission.

Since Rule XVII § 13 went into effect in 2004, there has only been one reported case in which an out-of-state attorney was denied *pro hac vice* admission due to too many “frequent appearances” — namely, 24 cases for the same client within a two-year period.¹⁵ Aside from that case, Louisiana courts have not offered further guidance on the issue.

All that said, where might this topic most commonly come into play? Attorneys who represent large companies often report directly to other lawyers as their client contact. Those lawyers are typically in-house counsel at the company, or they are the company’s “national” outside counsel, who themselves report directly to the company. Regardless of the client paradigm, it is important for Louisiana lawyers to help their out-of-state clients (including the other lawyers to whom they report) un-

derstand all of the dynamics that could impact staffing cases. That includes the in-state lawyer having a working knowledge of Louisiana's *pro hac vice* admissions process.

Conclusion

The bottom line is that, when working with out-of-state lawyers on a case pending in one of Louisiana's state courts, Louisiana lawyers should apprise them of the state's rules governing *pro hac vice* admission and get the ball rolling on that process as early as possible if the out-of-state lawyer wishes to act as counsel in the case. If there are multiple cases in which an out-of-state lawyer intends to seek *pro hac vice* admission, the Louisiana lawyer should warn the out-of-state lawyer of the possibility that the court or courts where those cases are pending could deny *pro hac vice* admission based on the out-of-state lawyer's "frequent appearances." If that presents a problem, the out-of-state lawyer always has the option to sit for the Louisiana Bar Exam and gain full-time admission. In any event, it is abundantly clear that Louisiana's *pro hac vice* admission process is just another example of what makes this state

(and the practice of law within it) "different" from the rest.

FOOTNOTES

1. *See, e.g.,* Matney v. Blue Ribbon, 12 So.2d 249, 253 (La. Ct. App. 2 Cir. 1942) ("Louisiana operates under the civil law while other states are under the common law . . .").

2. *See, La. Sup. Ct. R. XIV § 11* ("No person shall be admitted to the Bar of this state based solely upon the fact that such a person is admitted to the Bar of another state or because the laws of another state would grant admission to a member of the Bar of this state."); *see also*, 21 Frank L. Maraist, et al., La. Civ. L. Treatise, Louisiana Lawyering § 2.2 (July 2022 Update) ("Fourteen states and the District of Columbia extend bar admission reciprocity to Louisiana attorneys; these jurisdictions include the District of Columbia, Illinois, Indiana, Iowa, Massachusetts, Michigan, Minnesota, Nebraska, North Dakota, Ohio, Tennessee, Texas, Vermont, Washington, and Wisconsin.").

3. *See generally*, La. Sup. Ct. R. XVII § 13.

4. *See, La. Sup. Ct. R. XVII § 13(A)(3)(i), (4)(i), Appendix C.*

5. *Id.*

6. La. Sup. Ct. R. XVII § 13(A)(3)(ii).

7. *Id.*

8. *Id.*

9. *Id.*

10. *See, La. Sup. Ct. R. XVII § 13(A)(3)(iii).* The Disciplinary Counsel or other objecting party may also request a hearing on the matter, and if the motion has already been granted, any party may move that the *pro hac vice* admission be withdrawn. *Id.*

11. *See, La. Sup. Ct. R. XVII § 13(A)(iv)(d).*

The Rule further provides that an admission to appear as counsel *pro hac vice* in a suit may be revoked for any of the reasons listed in subpart (A) (3)(iv) or for any other reason the court, in its discretion, deems appropriate. La. Sup. Ct. R. XVII § 13(A)(v).

12. *Finova Capital Corp. v. Short's Pharmacy, Inc.*, 05-0666, p. 2 (La. 4/12/05), 898 So.2d 1275, 1276.

13. *Id.*

14. *See, In re Singer*, 01-2776, p. 3 (La. 6/12/02), 819 So.2d 1017, 1019.

15. *See, Finova Capital Corp.*, 898 So.2d at 1276-77 (reversing order granting out-of-state lawyer's *pro hac vice* admission on grounds that the lawyer, who had sought and obtained *pro hac vice* admission in connection with litigation involving his client on 24 occasions between December 2002 and December 2004, and finding that the lawyer's "numerous appearances in Louisiana over the last two years are indicative of a continuing practice in this state which has gone well beyond an occasional admission.").

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