

Rule 116

ADMISSION PRO HAC VICE OF OUT-OF-STATE ATTORNEY

- (a) **Eligibility for Admission.** An attorney not admitted to practice law in Kansas may request admission to practice law in a Kansas district court or an administrative tribunal for a specific case if the attorney meets the following requirements:
 - (1) has an active law license from the highest court of another state, the District of Columbia, or a United States territory;
 - (2) is in good standing under the rules of that jurisdiction; and
 - (3) associates with a Kansas attorney of record in the case who is registered as active under Supreme Court Rule 206 and is in good standing under the Supreme Court Rules.
- (b) **Kansas Attorney's Duties.** The Kansas attorney of record under subsection (a)(3) must fulfill the following duties:
 - (1) actively engage in the case;
 - (2) sign and file all pleadings and other documents;
 - (3) be present throughout all court or administrative proceedings; and
 - (4) attend any deposition or mediation unless excused by the court or tribunal or under a local rule.
- (c) **Pro Hac Vice Motion.** An out-of-state attorney must request admission pro hac vice for each case.
 - (1) **Requirements.** The following requirements apply to the motion for admission pro hac vice.
 - (A) The Kansas attorney must file the motion.
 - (B) The motion must include the out-of-state attorney's verified application under subsection (d);
 - (C) The Kansas attorney must file the motion as soon as possible but no later than the date the out-of-state attorney appears on any document filed in the case or appears at any proceeding.
 - (D) The Kansas attorney must serve the motion on all counsel of record, unrepresented parties not in default for failure to appear, and the client the out-of-state attorney seeks to represent.
 - (2) **Denial of Motion.** A district court or an administrative tribunal must specify the reason for denying any pro hac vice motion.
- (d) **Verified Application.**
 - (1) **Contents.** The out-of-state attorney must include the following information in the attorney's verified application for admission pro hac vice:
 - (A) the client represented;

- (B) the Kansas attorney's name; attorney registration number; business address; telephone number; e-mail address; and fax number, if any;
 - (C) the out-of-state attorney's business address; telephone number; e-mail address; and fax number, if any;
 - (D) all jurisdictions that have admitted the out-of-state attorney to the practice of law and the dates of admission and attorney registration numbers;
 - (E) a statement that the out-of-state attorney is in good standing under the rules of each jurisdiction identified under subsection (d)(1)(D);
 - (F) a statement that the out-of-state attorney has never received public discipline, including suspension, disbarment, or loss of license, in any jurisdiction;
 - (G) a statement that the out-of-state attorney has no pending attorney disciplinary complaint in any jurisdiction or a detailed description of the pending complaint and the address of the disciplinary authority in charge; and
 - (H) the case name, case number, and court where the out-of-state attorney has appeared pro hac vice in Kansas in the last 12 months, if any.
- (2) **Obligation to Report Changes.** The out-of-state attorney has a continuing obligation to notify the district court or administrative tribunal of any change in the information the attorney provided in the application.
- (e) **Fee; District Court.** The attorney must submit a nonrefundable fee of \$300, payable to the clerk of the district court, with each motion for admission pro hac vice.
- (1) **Disciplinary Fee Fund.** The clerk of the district court will forward the fee to the Office of Judicial Administration, which will deposit the fee in the disciplinary fee fund.
 - (2) **Waiver.** The Kansas attorney may move the court to waive the fee if the out-of-state attorney represents the government or an indigent party. The Kansas attorney must move for waiver before filing the motion for admission pro hac vice.
- (f) **Fee; Administrative Tribunal.** An administrative tribunal may impose a similar fee as provided in subsection (e).
- (g) **Service.** Serving a document on the Kansas attorney has the same effect as personally serving the document on the attorney admitted pro hac vice.
- (h) **Consent to Disciplinary Jurisdiction.** An out-of-state attorney who is admitted under this rule consents to the exercise of disciplinary jurisdiction under Supreme Court Rule 202(a)(5).

- (i) **Appearance by Self-Represented Litigant.** This rule does not prohibit a party from appearing before a district court or an administrative tribunal on the party's own behalf.
- (j) **Exemption in Qualifying Indian Child Welfare Act Proceeding.** The following provisions apply in a Qualifying Indian Child Welfare Act proceeding.
 - (1) **Exemption.** An out-of-state attorney is not required to associate with a Kansas attorney of record under subsection (a)(3) or to pay the fee under subsection (e) if a district court determines that the attorney qualifies for an exemption. To qualify, the attorney must establish the following requirements:
 - (A) the attorney seeks to appear in a Kansas court for the limited purpose of participating in a child custody proceeding as defined by 25 U.S.C. § 1903 under the Indian Child Welfare Act of 1978, 25 U.S.C. § 1901 et seq.;
 - (B) the attorney represents a parent or an Indian tribe or Indian custodian as each of those terms is defined by 25 U.S.C. § 1903;
 - (C) the Indian tribe has affirmed the child's membership or eligibility for membership under tribal law; and
 - (D) if the attorney represents an Indian tribe, the tribe has asserted its intent to intervene and participate in the state court proceeding.
 - (2) **Inapplicable Provisions.** Subsections (b), (c)(1)(A), and (g) are inapplicable when an out-of-state attorney qualifies for an exemption under subsection (j)(1).

[History: Am. effective May 14, 1987; Am. effective July 1, 2005; Restyled rule and amended effective July 1, 2012; Am. effective May 8, 2019; [Am. effective November 1, 2024.](#)]