
N E W S

PRACTICE

LE T T E R

POINTERS

April 2007

**Michigan Supreme Court
Considers Revisions to Current
Pro Hac Vice Admission Rules.**

***CARDELLI, LANFEAR
& BUIKEMA, P.C.***

322 W. Lincoln
Royal Oak, Michigan 48067
(248) 544-1100
(248) 544-1191 (FAX)

5537 Glenwood Hills Parkway, SE
Suite 201
Grand Rapids, Michigan 49512
(616) 285-3800
(616) 285-1150 (FAX)

Practice Pointers is published seasonally as a service to our clients and friends.
Your comments and articles are invited.

April 2007

Anthony F. Caffrey III

Attorney Caffrey manages the firm's appellate group, and specializes in appellate law, insurance coverage, dispositive motion practice, and research/writing.

Ahmed M. Hassouna

Attorney Hassouna is a member of the firm's appellate group, but also specializes in trial litigation.

Summary:

Michigan Supreme Court considers amendment of Rule 15 and proposes New Rule 18 regarding *pro hac vice* admission.

Recently, the Michigan Supreme Court issued an Order announcing that it would consider an amendment to Rule 15 and adoption of new Rule 18 of the Rules Concerning the State Bar of Michigan.¹ The State Bar of Michigan recommended these changes, which would alter the practice of obtaining pro

hac vice admission in Michigan.

The amendment to Rule 15 would eliminate Section 2, which is a one-paragraph provision allowing an attorney licensed in another state or territory to move for *pro hac vice* admission. Section 2 does not provide any guidance to the bench or bar regarding *pro hac vice* admission. The remainder of Rule 15 concerns general admission to the Michigan Bar.

The proposed new Rule 18 would provide a much more detailed procedure for *pro hac vice* admission.

Among the notable changes are:

- Requiring the attorney seeking *pro hac vice* admission to associate with a Michigan attorney and keep that attorney informed of all proceedings. Proposed Rule 18, § 1(D)(1).

¹ See Order of November 9, 2006 regarding ADM File No. 2004-08

PRACTICE LETTER POINTERS

April 2007

- Making the Michigan attorney expressly responsible for the conduct of the out-of-state attorney, regardless of whether the Michigan attorney acts as co-counsel or merely serves in an advisory role. Proposed Rule 18, § 1(D)(2).
- Imposing an affirmative duty on the Michigan attorney to provide the client an independent judgment, if the Michigan attorney's independent judgment differs from that of the out-of-state attorney. Proposed Rule 18, § 1(D)(2).
- Clarifying and expanding the application requirements for pro hac vice admission, including specified criteria, application

materials, and a new application fee. Proposed Rule 18, §§ 1(E) through (H).

Fortunately, Rule 18 will, generally, continue to allow an attorney in good standing in another practice to obtain pro hac vice admission.

The Michigan Supreme Court invited commentary on these proposals, but has not yet posted the comments that it did receive. And the Supreme Court has not yet scheduled the hearing on the proposed changes. There is no timetable set for the implementation of these rules. We will continue to keep you apprised as to whether any of the proposed changes to pro hac vice admission practice and procedure are implemented.