

West v. Meane
Mailed 3-10-05
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FILED

2005 SC 28
Amended

2005 MAR -9 P 4: 05

IN THE SUPREME COURT OF THE STATE OF KANSAS
CAROL G. GREEN
CLERK APPELLATE COURTS
RULES RELATING TO DISTRICT COURTS

Rule 116

Supreme Court Rule 116 is hereby amended, effective July 1, 2005.

~~ADMISSION OF ATTORNEY FROM ANOTHER STATE~~

~~—(a) Any attorney not admitted to the practice of law in Kansas but regularly engaged in the practice of law in another state or territory, and who is in good standing pursuant to the rules of the highest appellate court of such state or territory, who has professional business in the courts or any administrative tribunal or agency of this state, may on motion be admitted to practice law for the purpose of said business only, upon showing that he or she has associated with him or her, an attorney of record in the action, hearing or proceeding, who is a resident of Kansas, regularly engaged in the practice of law in Kansas, and who is in good standing under all of the applicable rules of the Supreme Court of Kansas. The Kansas attorney of record shall be actively engaged in the conduct of the matter or litigation, shall sign all pleadings, documents, and briefs, and shall be present throughout all court or administrative appearances. Service may be had upon the associated Kansas attorney in all matters connected with said action, hearing or proceeding, with the same effect as if personally made on the out-of-state attorney, within this state. Any out-of-state attorney admitted pursuant hereto shall be subject to the order of, and amenable to disciplinary action, by the courts, agencies, or tribunals of this state.~~

~~—(b) Notwithstanding any of the provisions of the foregoing section (a), any attorney, not a resident of Kansas, who is admitted to practice law in this state and who is in good standing pursuant to the rules of the Supreme Court may appear as attorney of record in any proceeding in any court, tribunal or agency without having associated with him or her a resident Kansas attorney.~~

~~—(c) No court, agency or tribunal shall entertain any action, matter, hearing or proceeding while the same is begun, carried on or maintained in violation of the provisions of this rule. Nothing in this rule shall be construed to prohibit any party from appearing personally before any of said courts, tribunals or agencies on his or her own behalf.~~

ADMISSION *PRO HAC VICE* OF OUT-OF-STATE ATTORNEY

(a) Any attorney not admitted to the practice of law in Kansas but who is regularly engaged in the practice of law in another state, territory of the United States, or the District of Columbia, and who is in good standing pursuant to the rules of the highest appellate court in that jurisdiction, may on motion be admitted to practice law in the courts or any administrative tribunal of this state for the purposes of a particular case only, upon showing that he or she has associated an attorney of record in the case who is regularly engaged in the practice of law in Kansas and who is in good standing under all of the applicable rules of the Kansas Supreme Court. The Kansas attorney of record shall be actively engaged in the conduct of the case; shall sign all pleadings, documents, and briefs; and shall be present throughout all court or administrative appearances. Service may be had upon the associated Kansas attorney in all matters connected with the case with the same effect as if personally made on the out-of-state attorney within this state.

(b) ~~The~~ A motion filed by the Kansas attorney of record, accompanied by a the out-of-state attorney's verified application, shall be in writing and shall be filed with the court or administrative tribunal where the case is pending as soon as reasonably possible but no later than the date the out-of-state attorney files any pleading or appears personally. The motion and verified application shall be served on all counsel of record and on the out-of-state attorney's client.

- (c) The out-of-state attorney's verified application shall include:
- (1) a statement identifying the party or parties represented;
 - (2) the name, business address, telephone number, and Kansas attorney registration number of local counsel;
 - (3) the applicant's residence address, business address, and business telephone number;
 - (4) the bar(s) to which the applicant is admitted, the date(s) of admission, and the applicable attorney registration number(s);
 - (5) a statement that the applicant is a member in good standing of each bar;
 - (6) a statement that the applicant has not been the subject of prior public discipline, including but not limited to suspension or disbarment, in any jurisdiction;
 - (7) a statement that the applicant is not currently the subject of a disciplinary action or investigation in any jurisdiction or, if the applicant is currently the subject of a disciplinary action or investigation, the application shall provide a detailed description of the nature and status of

the action or investigation as well as the address of the disciplinary authority in charge; and

(8) the case name, case number, and the court in which the applicant has been granted permission to appear *pro hac vice* in Kansas within the preceding 12 months.

The applicant has a continuing obligation to notify the court or administrative tribunal if a change occurs in any of the information provided.

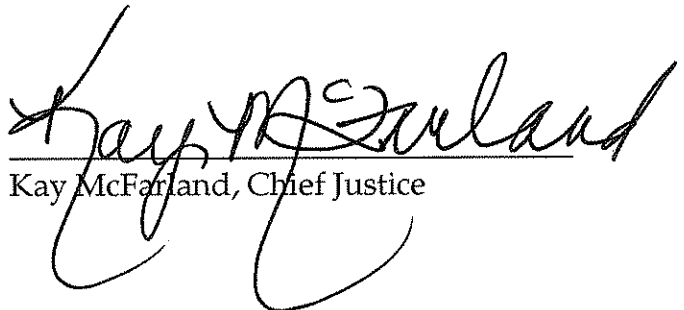
(d) A non-refundable fee of \$100, payable to the clerk of the district court, shall accompany the motion and verified application in each case. An administrative tribunal may, in its discretion, impose a similar fee. An attorney employed by a governmental agency or an attorney who represents an indigent party may move for waiver of the fee for good cause shown.

(e) Any out-of-state attorney admitted pursuant to this rule shall be subject to the order of, and amenable to disciplinary action by, the courts and administrative tribunals of this state.

(f) A separate motion shall be filed for each case, and the motion may be granted or denied in the discretion of the presiding judge or administrative officer. If the motion is denied, reasons shall be stated.

(g) Nothing in this rule shall be construed to prohibit any party from appearing personally before any court or administrative tribunal on his or her own behalf.

By order of the Court, this 9th day of March 2005.



Kay McFarland, Chief Justice

West v. Wise
Mailed 2-17-05
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FILED

2005 SC 28

2005 FEB 17 A 9:34

CAROL G. GREEN
CLERK APPELLATE IN THE SUPREME COURT OF THE STATE OF KANSAS

RULES RELATING TO DISTRICT COURTS

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~~— (c) No court, agency or tribunal shall entertain any action, matter, hearing or proceeding while the same is begun, carried on or maintained in violation of the provisions of this rule. Nothing in this rule shall be construed to prohibit any party from appearing personally before any of said courts, tribunals or agencies on his or her own behalf.~~

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(b) The motion, accompanied by a verified application, shall be in writing and shall be filed with the court or administrative tribunal where the case is pending as soon as reasonably possible but no later than the date the out-of-state attorney files any pleading or appears personally. The motion and verified application shall be served on all counsel of record and on the out-of-state attorney's client.

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 - (5) a statement that the applicant is a member in good standing of each bar;
 - (6) a statement that the applicant has not been the subject of prior public discipline, including but not limited to suspension or disbarment, in any jurisdiction;
 - (7) a statement that the applicant is not currently the subject of a disciplinary action or investigation in any jurisdiction or, if the applicant is currently the subject of a disciplinary action or investigation, the application shall provide a detailed description of the nature and status of

the action or investigation as well as the address of the disciplinary authority in charge; and

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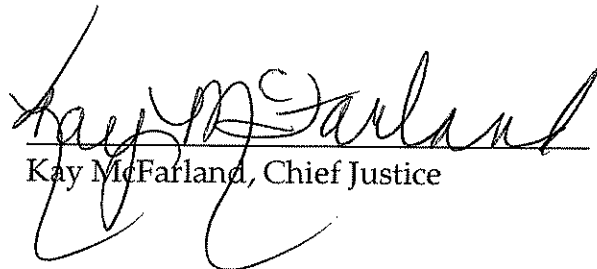
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(g) Nothing in this rule shall be construed to prohibit any party from appearing personally before any court or administrative tribunal on his or her own behalf.

By order of the Court, this 17th day of February 2005.


Kay McFarland, Chief Justice