

IN THE COURT OF COMMON PLEAS

FOR THE STATE OF DELAWARE

**ORDER AMENDING RULE 90.1
OF THE COURT OF COMMON PLEAS
RULES OF CIVIL PROCEDURE**

This 22nd day of January 2015, IT IS ORDERED that:

- 1) Court of Common Pleas Rules of Civil Procedure Rule 90.1 is amended by deleting the material in brackets and to include the material underlined, as follows:

RULE 90.1 ADMISSION *PRO HAC VICE*

(a) Attorneys who are not members of the Delaware Bar may be admitted *pro hac vice* in the discretion of the Court, and such admission shall be made only upon written motion by a member of the Delaware Bar who maintains an office in this State for the practice of law (“Delaware Counsel”). Application for admission *pro hac vice* must be made separately before each Court in which admission is sought. The admission of an attorney *pro hac vice* shall not relieve the moving attorney from responsibility to comply with any Rule or order of the Court.

(b) Any attorney seeking admission *pro hac vice* shall certify the following in a statement attached to the motion:

- (i) That the attorney is a member in good standing of the Bar of another state;
- (ii) That the attorney shall be bound by the Delaware Lawyers' Rules of Professional Conduct and has reviewed the Statement of Principles of Lawyer Conduct;
- (iii) That the attorney and all attorneys of the attorney's firm who directly or indirectly provide services to the party or cause at issue shall be bound by all Rules of the Court;
- (iv) That the attorney has consented to the appointment of the Clerk as agent upon whom service of process may be made for all actions, including disciplinary actions, that may arise out of the practice of law under this Rule and any activities related thereto;

(v) The number of actions in any court of record of Delaware in which the attorney has appeared in the preceding 12 months;

[(vi) That a payment for the *pro hac vice* admission assessment in the amount of \$300 is attached made payable to the Delaware Supreme Court. If the case in which the *pro hac vice* admission continues into a subsequent calendar year after the year of admission, such assessment shall be deemed an annual assessment to be renewed and be payable on January 1 of each subsequent year and be deemed delinquent if not paid by February 1 of each subsequent year. There shall be no pro rata apportionment of the *pro hac vice* admission fee. A notice that a *pro hac vice* admission may be subject to renewal shall be mailed to Delaware counsel by the Court Administrator of the Delaware Supreme Court. It shall be the duty of Delaware counsel to complete the notice stating whether the case in which the *pro hac vice* admission was granted remains open and to supervise the remittance of the renewal assessment if the case in which the *pro hac vice* admission was granted remains open.]

(vi) That a payment for the *pro hac vice* admission assessment determined by the Delaware Supreme Court is attached made payable to the Delaware Supreme Court. The *pro hac vice* admission assessment shall be \$375 in calendar year 2015, \$400 in calendar year 2016, and thereafter increased annually by the rate of inflation as determined by the Delaware Supreme Court. If the case in which the *pro hac vice* admission continues into a subsequent calendar year after the year of admission, such assessment shall be deemed an annual assessment to be renewed and be payable on January 1 of each subsequent year and be deemed delinquent if not paid by February 1 of each subsequent year. There shall be no pro rata apportionment of the *pro hac vice* admission fee. A notice that a *pro hac vice* admission may be subject to renewal shall be mailed to Delaware counsel by the Court Administrator of the Delaware Supreme Court. It shall be the duty of Delaware counsel to complete the notice stating whether the case in which the *pro hac vice* admission was granted remains open and to supervise the remittance of the renewal assessment if the case in which the *pro hac vice* admission was granted remains open.

(vii) Whether the applying attorney has been disbarred or suspended or is the subject of pending disciplinary proceedings in any jurisdiction where the applying attorney has been admitted generally, *pro hac vice*, or in any other way; and

(viii) The identification of all states or other jurisdiction in which the applying attorney has at any time been admitted generally.

(c) The Clerk shall cause the *pro hac vice* admission assessment to be deposited in the Supreme Court registration fund for distribution as the Supreme Court directs.

(d) Delaware Counsel for any party shall appear in the action in which the motion for admission *pro hac vice* is filed and shall sign or receive service of all notices, orders, pleadings, or other papers filed in the action, and shall attend all proceedings before the Court, Clerk, or other officers of the Court, unless excused by the Court. Attendance of Delaware Counsel at deposition shall not be required unless ordered by the Court.

(e) Withdrawal of attorneys admitted *pro hac vice* shall be governed by the provision of Rule 90(b). The Court may revoke a *pro hac vice* admission sua sponte or upon the motion of a party, if it determines, after a hearing or other meaningful opportunity to respond, the continued admission *pro hac vice* to be inappropriate or inadvisable.

(f) The motion and certificate described in subsections (a) and (b) of this Rule shall be filed as soon as reasonably possible, and they shall be filed no later than the date of the first appearance of the attorney who seeks admission *pro hac vice* before the Court or the Clerk in the matter for which admission is sought.

(g) In exercising its discretion in ruling on a motion for admission *pro hac vice*, the Court shall also consider whether, in light of the nature and extent of the practice in the State of Delaware of the Attorney seeking admission, that attorney is, in effect, practicing as a Delaware Counsel without complying with the Delaware requirements for admission to the Bar. In its consideration of this aspect of the motion, the Court may weigh the number of other admissions to practice sought and/or obtained by this attorney from Delaware courts, the question of whether or not the attorney in fact maintains an office in Delaware although the attorney is not admitted to practice in Delaware courts, and other relevant factors.

(h) The Delaware Counsel filing a motion *pro hac vice* for the admission of an attorney not a member of the Delaware Bar shall certify that the Delaware attorney finds the applicant to be a reputable and competent attorney and is in a position to recommend the applicant's admission.

(i) A signed copy of the entire *pro hac vice* motion shall promptly be filed by the secretary of the judge who signed the motion with the Court Administrator of the Delaware Supreme Court for disposition pursuant to Supreme Court Rule 71. The Court Administrator of the Delaware Supreme Court shall provide a copy to Disciplinary Counsel who shall be responsible for contacting Delaware counsel if the information contained in said copy is incomplete.

2) This rule amendment is effective February 1, 2015.