

You're an out-of-state lawyer with a client who needs to enforce a loan in Indiana. You're not licensed to practice in the state, and no one in your firm is admitted in Indiana. You don't want to relinquish control over the case, but instead wish to be in charge of representing your long-standing client in its important matter. What you need is to be admitted pro hac vice in the Indiana court.

More Latin. "Pro hac vice" in English means "for this turn; for this one temporary occasion." *Black's Law Dictionary*. In the legal context, the phrase refers to the limited admission to practice in a court. Admission pro hac vice is governed by the Indiana Rules for Admission to the Bar and the Discipline of Attorneys, including specifically Rule 3, which was substantially amended in 2007.

The 7 hoops. Indiana's rules require prospective pro hac vice admittees to jump through a number of hoops. The rules mandate filings with both the Clerk of the Indiana Supreme Court ("Clerk") and with the particular trial court. According to Rule 3(2)(a), here's what needs to be done:

- Hire a member of the bar of the State of Indiana to act as co-counsel and ensure he or she has an appearance on file.
- Pay the Clerk a registration fee of \$130. See, Rule 2(b). The registration fee must be paid annually until the proceeding has concluded. See, Rule 3(2)(c).
- Provide the Clerk with a copy of the Rule 3(2)(a)(4) Verified Petition for Temporary Admission ("VPTA") that will be filed with the trial court.
- Procure from the Clerk a temporary admission attorney number and payment receipt.
- File the VPTA with the trial court, co-signed by Indiana co-counsel, setting forth the nine specific disclosures articulated in Rule 3(2)(a)(4).
- Obtain from the trial court an order granting the VPTA.
- File with the Clerk a Notice of Temporary Admission that includes a statement of good standing issued by the highest court in each jurisdiction in which the attorney is admitted to practice law, a copy of the VPTA and a copy of the order granting the VPTA.

After successfully jumping through these hoops, counsel may file an appearance in the trial court.

Further handling of the case. Beware of Rule 3(2)(d), which mandates that all papers filed in the cause of action be co-signed by the Indiana co-counsel. On the other hand, unless ordered by the trial court, local counsel need not be personally present for court appearances.

Indiana's philosophy. Please contact me for a scan of an excellent article entitled “Taking the Vice Out of Pro Hac Vice: Temporary Admission and Local Counsel” from the October, 2006 issue of *Res Gestae*, the official publication of the Indiana State Bar Association. Donald R. Lundberg, the Executive Secretary of the Indiana Supreme Court Disciplinary Commission at the time, is the author. The article describes the January 1, 2007 changes to the rules. It also explains why Indiana co-counsel cannot be a “potted plant,” but instead must play a meaningful role in the case, particularly with written submissions. In response to those who feel that Indiana’s procedural requirements for admission pro hac vice may be burdensome, Mr. Lundberg makes a great point: “would you rather take the bar exam?”

The General and the Lieutenant. My standard approach to serving as local counsel is based on the notion that, as with most cases, there needs to be a General and a Lieutenant. Someone - one person - should be in charge, and others should follow that person’s orders. Otherwise, the “too many cooks in the kitchen” syndrome develops, followed by reduced efficiency and increased costs to the client. Usually, but not always, my primary purpose as local counsel is to support the out-of-state lawyer - to be a Lieutenant - regardless of the age or experience of the non-Indiana attorney. Most good local counsel set their egos aside and do as little (or as much) as the lead counsel wants. To me, the main objective of any out-of-state, lead attorney should be to hire a responsive, cost-effective role player with local knowledge of the law and procedures. Certainly I’m always ready, willing and able to be lead counsel, and there are times when the referring attorney hires me to serve in that capacity. But most of the time, out-of-state Generals simply want a local Lieutenant, which is fine with me.

For an internet version of this post, please visit John Waller’s blog, *Indiana Commercial Foreclosure Law*, at <http://commercialforeclosureblog.typepad.com>.