

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-07-0029
PETITION TO AMEND SUPREME)
COURT RULE 38(a))
)
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)
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_____)

**ORDER AMENDING
RULE 38, RULES OF THE SUPREME COURT**

A petition has been filed to authorize an increase in the fees the State Bar of Arizona charges for admission *pro hac vice* in order to help fund organizations that provide legal services to the indigent and working poor in civil cases, and comments have been received. Upon consideration,

IT IS ORDERED that Rule 38(a), Rules of the Supreme Court, be amended in accordance with the attachment hereto, effective January 1, 2009.

DATED this _____ day of September, 2008.

RUTH V. MCGREGOR
Chief Justice

TO:
Rule 28 Distribution

ATTACHMENT*

Rule 38. Special Exceptions to Standard Examination and Admission Process

(a) Admission Pro Hac Vice.

1.-2. [No change in text.]

3. *Procedure for Applying.* [No change in text.]

A. Verified Application to State Bar of Arizona. In order to appear as counsel in any matter pending before a court, board, or administrative agency in the State of Arizona, a nonresident attorney shall file with the State Bar of Arizona an original and one copy of a verified application together with a certificate from the state bar or from the clerk of the highest admitting court of each state, territory or insular possession of the United States in which the nonresident attorney has been admitted to practice law certifying the nonresident attorney's date of admission to such jurisdiction and the current status of the nonresident attorney's membership or eligibility to practice therein and a non-refundable application fee equal to ~~85% of~~ the current dues paid by active members of the State Bar of Arizona for the calendar year in which such application is filed; provided that not more than one application fee may be required per nonresident attorney for consolidated or related matters regardless of how many applications are made in the consolidated or related proceedings by the nonresident attorney; and further provided that the requirement of an application fee shall be waived to permit pro bono representation of an indigent client or clients. An attorney seeking a fee waiver under this provision shall include in the application a verification that all clients represented in the action are indigent and that no attorney fee shall be paid by the client. "Indigent" is defined as those individuals whose gross income is at or below 125% of the federal poverty guidelines, as calculated in conformity with the eligibility requirements for Legal Services Corporation grantees, currently codified at 45 C.F.R. Section 1611.

Fifteen percent of the non-refundable application fee paid pursuant to this section shall be deposited into a civil legal services fund to be distributed by the Arizona Foundation for Legal Services and Education entirely to approved legal services organizations, as that term is defined in subparagraph (f) of this rule.

B.-D. [No change in text.]

4.-7. [No change in text.]

* Changes or additions in text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

8. *Renewal of Application.* On or before each anniversary date of the filing of the verified application with the State Bar of Arizona, local counsel must certify to the State Bar of Arizona whether (a) the nonresident attorney continues to act as counsel in the cause; or (b) such cause has been adjudicated to a final conclusion or is otherwise concluded. Any nonresident attorney who continues to act as counsel in the cause shall remit to the State Bar of Arizona on or before each anniversary date a fee equal to ~~85%~~ of the current dues paid by active members of the State Bar of Arizona for the calendar year in which such renewal is sought, unless the nonresident attorney is exclusively engaged in pro bono representation of an indigent client or clients. No fee shall be paid under this section if the fee was waived under paragraph (a)(3)(A) of this rule, the client remains indigent, and no attorney fee shall be paid by the client.

Fifteen percent of the non-refundable application fee paid pursuant to this section shall be deposited into a civil legal services fund administered by the Arizona Foundation for Legal Services and Education, to be distributed to and used exclusively for approved legal services organizations, as that term is defined in subparagraph (f) of this rule.

9.-11. [No change in text.]

(b)-(f) [No change in text.]