

STATE OF WEST VIRGINIA

At the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 12th day of December, 2014, the following order was made and entered **in vacation**:

RE: IMPLEMENTATION OF ANNUAL FEE FOR OUT-OF-STATE LAWYERS ADMITTED PRO HAC VICE UNDER RULE 8 OF THE RULES FOR ADMISSION TO THE PRACTICE OF LAW

By order entered September 29, 2014, the Court approved amendments to Rule 8 of the Rules for Admission to the Practice of Law, which governs the procedure in which out-of-state lawyers are admitted to practice *pro hac vice* in West Virginia courts. The amendments are effective January 1, 2015, and include a new provision that imposes an annual fee of \$350 to be paid by out-of-state lawyers admitted *pro hac vice* for one year or more. *See* Rule 8(e), Rules for Admission to the Practice of Law. The annual fee applies as long as the out-of-state lawyer has one or more cases pending in West Virginia. When the amendments become effective, the annual fee will apply to out-of-state attorneys who were admitted to practice *pro hac vice* prior to January 1, 2015. The West Virginia State Bar has records of the local counsel associated with out-of-state lawyers admitted since January 2010.

Accordingly, the Court is of the opinion to and does hereby APPROVE the following measures in order to permit the West Virginia State Bar to assess the annual fee in an orderly fashion upon lawyers admitted *pro hac vice* prior to January 1, 2015.

The West Virginia State Bar is authorized to contact local counsel for all out-of-state attorneys admitted *pro hac vice* between January 1, 2010 and December 31, 2014, and require local counsel to: (1) report whether the matters in which the out-of-state attorney was admitted are pending or are closed; (2) to provide an order that confirms case closure, if applicable; and (3) to contact out-of-state attorneys in cases that are pending and arrange for the out-of-state attorney to register with the West Virginia State Bar and pay the annual fee by March 31, 2015. If the reporting is not completed or the annual fee is not paid by March 31, 2015, the *pro hac vice* admission will be terminated. Instances in which *pro hac vice* admission is terminated will be reviewed by the Court for possible referral to the Office of Disciplinary Counsel or other sanctions, if appropriate.

Thereafter, beginning in 2016, March 1 is hereby established as the anniversary date for all out-of-state lawyers admitted *pro hac vice* between January 1, 2010 and December 31, 2014 for purposes of all future annual statements of fees due as required by Rule 8(e).

In accordance with Rule 8(h), the West Virginia State Bar is authorized to require these transactions to be completed electronically, and is further authorized to take such other measures that are reasonably necessary to coordinate with local counsel to assess and collect the annual fee from out-of-state lawyers admitted *pro hac vice* between January 1, 2010 and December 31, 2014.

A True Copy

Attest: //s// Rory L. Perry II
Clerk of Court

