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## FREQUENTLY ASKED QUESTIONS—PRO HAC VICE

**These questions and answers pertain primarily to the filing of the payment form and payment of the required pro hac vice admission fee to the Pennsylvania IOLTA Board. Other requirements for the motion that must be filed in the Court before which you are seeking pro hac vice admission are contained at Pennsylvania Rule of Civil Procedure 1012.1.**

**1. What must an attorney who is not admitted to the bar in Pennsylvania do to be admitted pro hac vice in Pennsylvania?**

First, the candidate for pro hac vice admission must complete and submit the payment form, and pay the required \$100 admission fee per case, to the Pennsylvania IOLTA Board. The form for payment of the fee can be found as part of Appendix “A” to the Regulations for Pro Hac Vice Admission, 204 Pa. Code 81.501 et.seq.

Second, the candidate’s Pennsylvania admitted sponsor must file a written motion for the candidate’s admission pro hac vice in the action with the verified statements and other information required by Pennsylvania Rule of Civil Procedure 1012.1, with the Court before which pro hac vice admission is sought.

**2. When do the new requirements for payment of a fee for pro hac vice admission begin?**

The new requirement is effective September 4, 2007, pursuant to Supreme Court of Pennsylvania Order No. 62 Disciplinary Rules Docket No. 1, dated June 29, 2007.

**3. How must the required fee be paid?**

The pro hac vice admission fee must be paid by check, money order, or bank cashier’s check. Payment by credit card is not accepted.

**4. Does an attorney not licensed in Pennsylvania have to be associated with a Pennsylvania attorney?**

Yes, as referenced in Pa.RCP 1012.1(b) and 204 Pa. Code 81.503(d) admission pro hac vice requires an attorney admitted to the Pennsylvania bar to sponsor the candidate seeking pro hac vice admission.

**5. Does an attorney not licensed in Pennsylvania have to be associated with a Pennsylvania attorney with an active law license?**

Yes, because a Pennsylvania attorney who does not have an active law license is not authorized to practice law in Pennsylvania.

**6. If the lawsuit was filed before the effective date of the new payment requirements, are the payment form and admission fee still required?**

Yes, if the motion for pro hac vice admission is filed on or after the September 4, 2007 effective date.

**7. Is a payment form and admission fee required for minor courts, (such as Magisterial District Courts, Municipal Courts, and Traffic Courts), state agency appearances or appearances as counsel in depositions or other situations in which an attorney will not enter an appearance before a Pennsylvania court?**

No. The rule applies to all appearances as counsel in all Pennsylvania proceedings before all state courts of record and appellate courts. The rule does **not** apply to administrative agency proceedings, cases in federal courts located in Pennsylvania, or situations not involving the entry of an appearance before a Pennsylvania court.

**8. Do the pro hac vice payment form and admission fee apply when a matter is set for arbitration?**

The payment form and admission fee are required if the attorney not licensed in Pennsylvania must enter an appearance in a Pennsylvania Court.

**9. Will one payment form and admission fee suffice for multiple cases?**

No. An attorney not licensed in Pennsylvania must submit a separate payment form and admission fee for each case in which the attorney is seeking to appear pro hac vice. See 204 Pa. Code 81.505(a).

**10. Can a single check be submitted to pay for more than one pro hac vice admission?**

Yes. However, all payment forms should be submitted together with the payment in the appropriate total fee amount.

**11. Can a law firm submit a payment form for the firm that will cover multiple attorneys?**

No. Admission pro hac vice requires a separate payment form and admission fee per attorney, per case. See 204 Pa. Code 81.505(a).

**12. What are the reasons a payment form and admission fee will be returned unprocessed?**

- a. failure to provide all information required;
- b. failure to answer all questions;
- c. failure to send in the required fee;
- d. alteration of any language of the payment form;
- e. failure to sign any document requiring your signature; and
- f. any document that has been recreated or scanned.

**13. Is a new payment form and admission fee required if a case is appealed to an appellate court?**

No. The payment form and admission fee covers the attorney for that case until a final determination of the case including appellate review, is made, or until issuance of an order permitting the attorney to withdraw from the case.

**14. Does this pro hac vice admission payment procedure apply to attorneys not licensed in Pennsylvania who are employed by governmental or non-profit entities?**

Yes, the same regulations apply to all attorneys without regard to the attorney's employer. The payment form and admission fee is not required if the attorney not licensed in Pennsylvania is representing an indigent person who has received *in forma pauperis* status with the Court.

**15. Should a motion to the Court be filed simultaneously with the payment to the Board?**

This is not advised. The payment form and admission fee are to be filed in the Board's office as a first step. The Board will process the payment and send an Acknowledgement Letter for the specific case listed on the application. The Acknowledgment Letter can accompany a written motion for pro hac vice admission, and will inform the Court that you have paid the fee. However, 204 Pa. Code 51.050(b) permits the candidate to submit the payment form and pay the required admission fee no later than the date of the filing of the motion requesting pro hac vice admission in a case proceeding in a Pennsylvania Court, and to aver that payment has been made (see 204 Pa. Code 51.503(e)).

**16. Is expedited processing available?**

The Board will process payments within three (3) business days of receipt of a completed payment form and admission fee. Same day processing is not available. If special handling is requested (i.e., messenger pick up, prepaid express delivery, etc.), the completed payment form and admission fee should be delivered to the Board's office by noon. All payment forms and admission fees received by noon on a

business day with a request for special handling will have Acknowledgment Letters available by 4:00 p.m. the following business day.

**17. Can the fee be waived?**

The admission fee cannot be waived. However, no admission fee is required for the representation of a client who has been determined eligible for *in forma pauperis* status.

**18. How does the Board use the funds received from the collection of pro hac vice fees?**

Pro hac vice admission fees received by the Board are used to pay for the administration of the payments and to fund programs that provide access to justice for low-income residents of Pennsylvania.

**19. Who ultimately decides on motions for pro hac vice admissions?**

The specific Pennsylvania court before which the attorney seeks to appear pro hac vice must determine whether the candidate will be admitted. The motion for pro hac vice can be denied for good cause. See Pa. RCP 1012.1(e).

**20. Will the admission fee be refunded if the case is dismissed?**

No. The admission fee will not be refunded if the case is dismissed, nor will an admission fee be refunded if you withdraw your motion seeking pro hac vice admission, or do not meet all requirements for admission.

**21. What happens if my check in payment of the pro hac vice admission fee is not honored by my financial institution?**

If your check is not paid because of insufficient funds, or is otherwise dishonored by your bank, you will be notified by the Pennsylvania IOLTA Board and be assessed a \$25 returned check charge plus any charge for a returned deposited item assessed to the Pennsylvania IOLTA Board by its financial institution, if any. Payment of the admission fee and returned check charge(s) must be made by bank cashier's check or money order and received by the Pennsylvania IOLTA Board within seven business days of the Pennsylvania IOLTA Board's notice of the returned check. If the full payment is not timely made, the Court before which the attorney seeks pro hac vice admission will be so notified.