

**SPECIAL EDUCATION RESOLUTION CENTER:
OUT OF STATE ATTORNEY POLICY**

Out-of-State Attorney: is a person who is not admitted to practice law in the State of Oklahoma, but who is admitted in another state or territory of the United States, the District of Columbia, or a foreign country. 5 O.S. Art II Sec 5

Motion to Associate - Oklahoma Local Counsel

The Oklahoma lawyer associated with the applicant shall file the motion to associate with the court, arbitrator, mediator, or administrative or **governmental hearing officer** where the proceeding is pending. The motion shall include as exhibits:

- Copy of signed application;
- Copy of certificate(s) of good standing;
- Certificate of Compliance issued by the Oklahoma Bar Association;
- The Motion to Associate shall be accompanied by a proposed order granting or denying the motion.

"An out-of-state attorney may be permitted to practice before Oklahoma courts or tribunals solely for the purpose of participating in a proceeding in which he or she has been employed upon the following express conditions:

1. Make application with the Oklahoma Bar Association, in such form and according to the procedure approved by the Board of Governors of the Oklahoma Bar Association
 - a. Application shall include:
 - i. An affidavit (or unworn statement under penalty of perjury pursuant to 12 O.S. § 426)
 1. List each state or territory of the United States, the District of Columbia, or foreign country where admitted
 2. State that the out-of-state attorney is currently in good standing in such jurisdictions.
 - ii. A separate application must be filed with respect to each proceeding in which the out-of-state attorney seeks to practice.
2. Oklahoma court or tribunal may temporarily admit an out-of-state attorney:
 - a. On a showing of good cause for noncompliance with the other provisions of this Rule.
 - b. Temporary admission may be granted for a period not exceeding 10 days
 - c. The period may be extended as necessary on clear and convincing proof that the circumstances warranting the extension are beyond the control of the out-state attorney.
 - d. **Application Fee:** Three hundred Fifty Dollars (\$350.00) as a non-refundable application fee to the Oklahoma Bar Association.
 - i. An annual renewal fee of Three Hundred Fifty Dollars (\$350.00), if the proceeding is pending on the anniversary of the application.
 - ii. The fee shall continue to be paid on each anniversary date until the proceeding is concluded or the out-of-state attorney is permitted to withdraw from the proceeding by the applicable Oklahoma court or tribunal.
 - iii. If the "annual renewal fee is not timely paid, the Oklahoma Bar Association shall mail a renewal notice to the out-of-state attorney at the address set forth in the address set forth in the attorney's application filed with the out-of-state attorney to the Oklahoma Bar Association under this Rule, apprising the attorney of the failure to timely pay the

annual renewal fee of Three Hundred Fifty Dollars (\$350) with an additional late fee of One Hundred Dollars (\$100)".

- iv. "If the out-of-state attorney fails to timely comply with this renewal notice, the attorney (if applicable), and the Oklahoma court or tribunal conducting the proceeding.
 - v. If the out-of-state attorney fails to timely comply with this renewal notice, the Oklahoma Bar Association shall mail notice of default to the out-state attorney, the Oklahoma as associated attorney (if applicable), and the Oklahoma court or tribunal conducting the proceedings.
 - vi. Shall remove the out-of-state attorney as counsel of record unless such attorney shows that the Oklahoma Bar Association's renewal notice was not received or shows excusable neglect for failure to timely pay timely pay the annual renewal feed and late fee.
 1. "In the event of such a showing, the tribunal shall memorialize its findings in an order, and the out-of-state attorney shall within 10 calendar days submit the order to the Oklahoma Bar Association, promptly pay the annual the annual renewal fee and late fee, and file a receipt from the Oklahoma Bar Association showing such payments with the Oklahoma court or tribunal."
- e. **Waiver** of application fee from the Oklahoma Bar Association
- i. Out-of-state attorney appearing in pro bono to represent indigent criminal defendants or
 - ii. An out-of-state attorney that represents a person which would qualify for representation under guidelines of the Legal Services Corporation due to their income and the kinds of legal matters that would be covered the representation
 - iii. *Waivers* of the application fee shall be within the sole discretion of the Oklahoma Bar Association and its decision shall be nonappealable.
- f. The out-of state attorney shall associate with and Oklahoma attorney
- i. The associated attorney shall enter an appearance in the proceeding with the same effect as if personally made on the out-of-state attorney. The associated Okalahoma attorney shall sign all pleadings, brief, and other documents, and be present at all hearings or other events in which personal presence of counsel is required, unless the Oklahoma court or tribunal waives these requirements.
- g. Shall by written motion:
- i. Request permission to enter an appearance in any proceeding he or she wishes to participate in as legal counsel shall present to the applicable Oklahoma court or tribunal a copy of the application submitted to the Oklahoma Association (B)(1) of this Rule and a Certificate of Compliance issued by the Oklahoma Bar Association.
3. Admission of an out-of-state attorney to appear in any proceeding is discretionary of the hearing officer.
4. Upon being admitted to practice before an Oklahoma court or tribunal:
- a. An out of state attorney is subject of that court or tribunal, and the Oklahoma Supreme Court, with respect to his or her conduct in connection with the proceeding in which the out-of-state attorney has been admitted to practice of law.
 - b. More Specifically, the out of state attorney is bound by any rules of the Oklahoma court or tribunal granting him or her admission to practice and also rule of more general application, including the Oklahoma Rules of Professional Conduct and the Rules Governing Disciplinary Proceedings.
 - c. Out-of-state attorneys are subject to discipline under the same conditions and terms as control the discipline of Oklahoma attorneys. Notwithstanding any other provisions of this Article or Subsection, however, out-of-state attorneys shall not

be subject to the rules of this Court relating to mandatory continuing legal education.

Out-of-State Attorney Check List

*Oklahoma court or tribunal may temporarily admit an out-of-state attorney (Pursuant to 5 O.S. Art II Sec 5):

*Temporary admission may be granted for a period not exceeding 10 days. Clear and convincing proof that circumstances warranting the extension are beyond the control of the out-state attorney.

_____ Application submitted to Oklahoma Bar Association (list where admitted, good standing and file separate application for each proceeding)

_____ \$350.00 as a non-refundable application fee to the Oklahoma Bar Association

_____ Waiver of application fee from the Oklahoma Bar Association (guidelines listed in 5 O.S. Art II Sec 5 (4))

_____ Association with an Oklahoma attorney (guidelines listed in 5 O.S. Art II Sec 5 (5)).

_____ Appearance entered by an Oklahoma attorney (guidelines listed in 5 O.S. Art II Sec 5 (5)).

_____ Written motion requesting permission to enter appearance **and** a copy of the Application submitted to the applicable tribunal.

* Code of conduct for out-of-state attorney is expressed in 5 O.S. Art II Sec 5 (D).

* Admission of the out-of-state attorney is based on the discretion of the hearing officer. (5 O.S. Art II Sec 5 (C)).
