

MIOSHA Fact Sheet

Out-of-State Attorney (Pro Hac Vice) Procedures



Out-of-state attorneys seeking to appear before a Michigan court, administrative tribunal or agency, or arbitration proceeding must comply with Michigan's *pro hac vice* rules. The Michigan Supreme Court has implemented Michigan Court Rule (MCR) 8.126, MCR 9.108, and Rule 15 of the Rules Concerning the State Bar of Michigan in this regard. These rules must be followed in order for an out-of-state attorney to represent a party in a prehearing conference or hearing held by the Board of Health and Safety Compliance and Appeals (BHSCA) under Occupational Safety and Health Standards Part 4 of the MIOSHA Administrative Rules, [R 408.21401 - 408.21447](#).

To comply with the *pro hac vice* rules, an out-of-state attorney must do the following: 1) pay the applicable fee for each motion filed to the State Bar of Michigan; and 2) have a Michigan attorney file a motion for admission *pro hac vice* with the State Bar of Michigan on behalf of the out-of-state attorney. Upon receipt of the fee remitted electronically, confirmation of payment will issue through the State Bar of Michigan's automated process.

The motion for admission *pro hac vice* must include the following:

- The out-of-state attorney's affidavit verifying the requirements of MCR 8.126(A)(1)(a)(i) - (iv);
- A current certificate of good standing from the jurisdiction where the out-of-state attorney is licensed and eligible to practice law;
- An attestation by the Michigan attorney that they have read the affidavit, made a reasonable inquiry concerning its contents, believes the out-of-state attorney's representations are true, and agrees to ensure that the procedures in the rule are followed;
- The document supplied by the State Bar of Michigan showing proof of payment;
- The addresses and email addresses of both the out-of-state attorney and the Michigan attorney;
- The contact name and address of the BHSCA (see directly below)

The motion for admission *pro hac vice* must be submitted to the BHSCA at the same time it is filed with the State Bar of Michigan. The motion for temporary admission and all supporting documents should be mailed to Attn: Board Clerk, Board of Health and Safety Compliance and Appeals, 530 W. Allegan Street, P.O. Box 30643, Lansing, MI 48909-8143.

Upon receipt of the motion, the State Bar of Michigan must, within seven days, inform the BHSCA, the Michigan attorney, and the out-of-state attorney whether that out-of-state attorney has been admitted in Michigan in the past 365 days and, if so, the number of times. An out-of-state attorney is permitted to appear and practice in no more than five cases in a 365-day period. The BHSCA, which has the discretion to permit the out-of-state attorney to appear and practice, cannot enter an order until receipt of the State Bar's letter. An electronic copy of the order or writing must be provided by the Michigan attorney to the State Bar of Michigan within seven days of receipt.

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(APP Fact Sheet #6 • Revised 11/25/2020)



Every lawyer admitted under the *pro hac vice* rules is subject to the jurisdiction of Michigan's attorney disciplinary system.

For more information about the *pro hac vice* process, go to the State Bar of Michigan's website: <http://www.michbar.org/professional/prohacvice>. You may also contact the State Bar of Michigan at (517) 367-6426 or prohacvice@michbar.org.