

# 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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Appeals Division  
530 W. Allegan Street • P.O. BOX 30643 • LANSING, MICHIGAN 48909-8143  
[www.michigan.gov/miosha](http://www.michigan.gov/miosha) • (517) 284-7711  
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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](mailto:prohacvice@michbar.org).

## MIOSHA Appeals

### Pro Hac Vice Frequently Asked Questions:

**Q:** Can I participate in a prehearing conference or settlement as an out-of-state attorney without submitting and paying for pro have vice?

**A:** No. The Michigan Supreme Court prohibits out-of-state attorneys from representing clients in Michigan unless temporary permission is applied for and obtained via the pro hac vice admission process.

**Q:** How much is the pro hac vice fee, and to whom should I submit payment?

**A:** The fee is \$155 per motion\* payable to the State Bar of Michigan and should be submitted through the Member Portal online at [www.michbar.org/professional/prohacvice](http://www.michbar.org/professional/prohacvice)

\*Credit card payments will be assessed a transaction fee. Payments made using electronic check or debit card will NOT be assessed a transaction fee. Refer to the website for details.

**Q:** To whom do I submit the documents packet?

**A:** To State Bar of Michigan *and* the Board of Appeals (or Michigan Office of Administrative Hearings and Rules (MOAHR) if it is at Formal Hearing, or pending a Late Appeal ruling.)

**Q:** Can I email or fax the motion packet to the Board of Appeals?

**A:** You may, but you also *must mail* or deliver a copy according to current Board rules.

**Q:** How far in advance of the prehearing conference must the pro have vice motion and payment be submitted?

**A:** In order to allow enough time for processing the motion, the documents and payment should be submitted at least 3 weeks prior to the prehearing conference date.

**Q:** The State Bar system asks for the Judge Assigned, who should I state is the judge assigned?

**A:** If the appeal is at MOAHR with an Admin. Law Judge assigned you should select that judge. If not, you should be able to manually add a judge and fill in the Board's information:

Board of Health and Safety Compliance and Appeals  
MIOSHA  
PO Box 30643  
Lansing, MI 48909

For FedEx, UPS, etc. our physical location is:  
Stevens T. Mason Building  
530 W Allegan St 2nd Fl  
Lansing, MI 48933