



IDAHO STATE BOARD OF MEDICINE

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PRO HAC VICE ADMISSION PROCESS IN PRELITIGATION PROCEEDINGS

The Board's prelitigation procedure for claims against physicians and acute care hospitals is governed by the Idaho Medical Malpractice Act, I.C. § 6-1001, et. seq. Pursuant to I.C. § 6-1009, the parties in prelitigation proceedings may be represented by counsel.

Idaho Bar Commission Rule 227 governs the ability of out-of-state attorneys to participate in Idaho court and regulatory matters. Rule 227(i) specifically allows Idaho's regulatory agencies, including the Board, to admit eligible out-of-state attorneys to appear in regulatory matters. Pursuant to Rule 227(i), the following pro hac vice admission process applies to out-of-state attorneys who seek to participate in a prelitigation proceeding.

The out-of-state attorney and the local counsel (who is an active member of the Idaho State Bar) must file a Motion for Pro Hac Vice Admission (consistent with the sample form below) with both the Board and the Panel Chair. The Motion must contain the following:

- (1) A representation that the out-of-state attorney is an active member in good standing of the bar of another state or territory of the United States or the District of Columbia;
- (2) A representation that the out-of-state attorney currently maintains an ongoing law practice in another state or territory of the United States or the District of Columbia;
- (3) A representation regarding whether the out-of-state attorney was previously admitted pro hac vice and/or was denied pro hac vice admission in Idaho. If pro hac vice admission was denied, a separate affidavit explaining the circumstances of such denial shall accompany the motion;
- (4) The Idaho State Bar number and address of the local counsel; and
- (5) Signatures of both the out-of-state and local counsel.

If other parties have already appeared in the prelitigation proceeding, the Motion should also be served on those parties.

* Note: The fee set forth in Rule 227(a)(4) is not required and should not be paid by the out-of-state counsel or accepted by the Panel Chair. A certificate of good standing is not required to be submitted with the Motion as the Board and the Panel are entitled to rely on the representations contained in the Motion.

As set forth in Rule 227(d), “An attorney who applies for pro hac vice admission consents to the exercise of disciplinary jurisdiction by the affected court and the [Idaho State] Bar over any alleged misconduct which occurs during the case [or proceeding] in which that attorney participates.”

Upon receipt of the Motion, the Panel Chair should consider whether to allow opposing parties who have appeared in the proceeding an opportunity to respond to the Motion. Since the Idaho Rules of Civil Procedure do not apply in prelitigation proceedings, the Panel Chair can set any response and reply deadlines as he/she deems reasonable.

The Panel Chair should decide whether to allow the out-of-state attorney to participate by signing an Order (consistent with the sample form below). In the Order, the Panel Chair should decide whether attendance by the local attorney is necessary at the prelitigation hearing. If the Panel Chair denies the Motion, the Order should specify the basis(es) for the denial. A copy of the Order should be served on the Board and all parties who have appeared in the matter.

FORM OF MOTION FOR PRO HAC VICE ADMISSION

Local Counsel
Office Address
Business Phone
Bar Number

Applying Counsel
Out of State Office Address
Business Phone
Out of State Bar Number

**BEFORE A PRELITIGATION SCREENING PANEL
FOR THE IDAHO STATE BOARD OF MEDICINE**

Case Caption

Case No. _____

**MOTION FOR
PRO HAC VICE ADMISSION**

Pursuant to I.B.C.R. 227, the undersigned counsel petition the Prelitigation Screening Panel for admission of [Applying Counsel], pro hac vice, in this case. [Applying Counsel] certifies that he/she is an active member, in good standing, of the bar of _____, that he/she maintains the regular practice of law at the above-noted address, and that he/she is not a

resident of the State of Idaho or licensed to practice in Idaho. [Applying Counsel] certifies that he/she has previously been admitted under I.B.C.R. 227 in the following matters:

[If the pro hac vice applicant has been denied admission under I.B.C.R. 227, a separate affidavit explaining the circumstances of such denial shall accompany this motion].

Undersigned counsel certify that a copy of this motion has been served on all other parties in this case. Counsel certify that the above information is true to the best of their knowledge. [Local Counsel] acknowledges that his/her attendance shall be required at all prelitigation proceedings in which [Applying Counsel] appears, unless specifically excused by the Chairperson of the Prelitigation Screening Panel.

DATED: _____

By: _____
Pro Hac Vice Counsel

DATED: _____

By: _____
Local Counsel

FORM OF ORDER GRANTING PRO HAC VICE ADMISSION

BEFORE A PRELITIGATION SCREENING PANEL

FOR THE IDAHO STATE BOARD OF MEDICINE

Case Caption

Case No. _____

**ORDER GRANTING MOTION FOR
PRO HAC VICE ADMISSION**

The Chairperson for the Prelitigation Screening Panel has considered the Motion for Pro Hac Vice filed on ___(date)_____ and being fully advised in the premises, it is hereby ordered

that ___(Applying Counsel)_____ be admitted pro hac vice in this prelitigation case and that _____ serve as Local Counsel. Local Counsel ___(shall or shall not)_____ be required to attend prelitigation proceedings with ___(Applying Counsel)_____.

DATED:_____

By:_____
Panel Chairperson

FORM OF ORDER DENYING PRO HAC VICE ADMISSION

BEFORE A PRELITIGATION SCREENING PANEL

FOR THE IDAHO STATE BOARD OF MEDICINE

Case Caption

Case No. _____

ORDER DENYING MOTION FOR PRO HAC VICE ADMISSION

The Chairperson for the Prelitigation Screening Panel has considered the Motion for Pro Hac Vice filed on ___(date)_____ and being fully advised in the premises, it is hereby ordered that the Motion is denied on the following basis(es): ___(identify basis/bases for denying the Motion)_____ .

DATED:_____

By:_____
Panel Chairperson