

REGULATORY DEPARTMENT NEWS

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NEW RULES REQUIRE PRO HAC VICE ADMISSION FOR OUT OF STATE ATTORNEYS IN STATE AND MUNICIPAL AGENCY AND BOARD PROCEEDINGS

by Burton B. Cohen

Today, the Connecticut Judges voted to adopt a revision to Rule 2-16 of the Rules of Superior Court to require that non-admitted attorneys must be admitted pro hac vice by a court in order to participate in any proceeding before a municipal or state agency, commission, board or tribunal in the same manner as if those attorneys were going to appear pro hac in a court proceeding. The rule was deemed necessary in light of the Connecticut Supreme Court decision in Persels & Associates, LLC v. Banking Commissioner, 318 Conn. 652 (2015), in which the Court concluded that the sole authority to license and regulate the practice of law rests with the Connecticut Judicial Branch.

Murtha Cullina partner Burt Cohen, who co-chairs the Unauthorized Practice of Law Committee of the Connecticut Bar Association, which supported the rule change, testified in support of the amendment before the Rules Committee of the Superior Court. "This rule change levels the playing field as more and more out of state attorneys are appearing in administrative agency proceedings without demonstrating their qualifications to practice law and without paying into the client security fund and attributing their legal fees to Connecticut for income tax purposes," according to Attorney Cohen.

Although the rule change is expected to become effective January 1, 2017, Attorney Cohen believes that any out of state attorney who is participating now in an administrative proceeding without being admitted first by the court could be engaged in the unauthorized practice of law in violation of Connecticut law.

If you have any questions regarding the above information, please contact:

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If you have any questions about the issues addressed here, please feel free to contact:

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