

Serial: **136341**

IN THE SUPREME COURT OF MISSISSIPPI

No. 89-R-99027-SCT

***IN RE: MISSISSIPPI RULES OF
APPELLATE PROCEDURE***

ORDER

This matter is before the Court en banc on the Court's own motion to amend Rule 46(b)(6) of the Mississippi Rules of Appellate Procedure to delete the 21-day waiting period with regard to an application to appear *pro hac vice*. The Court finds that the deletion as set forth in Exhibit "A" hereto will promote the fair and effective administration of justice.

IT IS THEREFORE ORDERED that Rule 46(b)(6) of the Mississippi Rules of Appellate Procedure is amended as set forth in Exhibit "A" hereto.

IT IS FURTHER ORDERED that the Clerk of this Court shall spread this order upon the minutes of the Court and that a true certified copy be forwarded forthwith to West Publishing Company for publication in *Southern Reporter Second (Mississippi Edition)* and the *Mississippi Rules of Court*.

SO ORDERED, this the _____ day of November, 2006.

WILLIAM L. WALLER, JR., PRESIDING JUSTICE

AGREE: SMITH, C.J., WALLER, P.J., DIAZ, EASLEY, CARLSON, GRAVES AND
DICKINSON, JJ.

DISAGREE: COBB, P.J., AND RANDOLPH, J.

Exhibit “A”

**RULE 46. ADMISSION, WITHDRAWAL, AND
DISCIPLINE OF ATTORNEYS**

(a) Admission to Practice. Attorneys who have not been admitted to practice in the Supreme Court or the Court of Appeals shall not be permitted to argue orally, or file briefs or any paper in any cause in either Court. Upon presentation to the clerk of a certified copy of the order of a trial court admitting an attorney to practice in this state, together with a certificate of good standing from the Executive Director of the Mississippi Bar, the clerk may admit such attorneys to practice before the Supreme Court and the Court of Appeals and administer the oath to each such attorney.

(b) Admission of Foreign Attorneys Pro Hac Vice.

....

(6) Proceedings on Application of Foreign Attorney to Appear as Counsel Pro Hac Vice. ~~The court or administrative agency before which the foreign attorney has applied to appear as counsel pro hac vice shall not rule on the application sooner than twenty-one (21) days after service of the application and the statement of the Clerk of the Supreme Court on all other parties except by agreement of the parties.~~

No hearing on an application to appear pro hac vice is required except upon motion of a party or where the court considers such a hearing to be desirable. Upon motion of a party opposing such appearance, or on the court’s motion, a hearing may, in the discretion of the judge, be held to determine whether the foreign attorney has complied with Rule 46(b).

....

[Amended effective December 14, 2006, to delete the 21-day waiting period for proceedings on application of foreign attorney to appear pro hac vice; Amended effective January 16, 2003; amended effective May 27, 2004 to place the responsibility of obtaining, filing and serving the statement of the Clerk of the Supreme Court with the foreign attorney seeking leave to appear pro hac vice; amended effective January 27, 2005 to provide legal assistance to certain military personnel and their families; amended effective March 24, 2005 to make technical corrections in references to federal laws.]

[Advisory Committee Historical Note and Comment remain unchanged.]