



SUPREME COURT OF PENNSYLVANIA  
PENNSYLVANIA INTEREST ON  
LAWYERS TRUST ACCOUNT BOARD

To: American Bar Association (ABA) Commission on Ethics 20/20

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From: Stephanie S. Libhart, Assistant Director

Date: October 4, 2012

Subject: Proposed Amendments to the ABA Model Rule on Pro Hac Vice Admission

I write on behalf of the PA IOLTA Board of the Supreme Court of Pennsylvania to encourage the Commission to clarify its proposal to amend the Model Rule on Pro Hac Vice Admission. Specifically, the proposed language at I.E.4., as written, could easily be misconstrued to suggest that all of the pro hac vice admission application fees be directed to the Lawyers' Fund for Client Protection in each state or jurisdiction, contrary to what I believe is the Commission's intent, which is to assure that if there is a Client Protection Fee in a state, that that fee also be assessed to attorneys who are actually admitted pro hac vice.

While a careful reading of the proposal indicates that the pro hac vice admission fee is to be paid upon **application for pro hac vice admission**, and the Lawyers' Fund for Client Protection fee, if any, is to be paid upon **the granting of admission** to the pro hac vice applicant, the language at lines 106 to 108 seems to indicate all of the pro hac vice admission fees be directed to the Lawyers' Fund for Client Protection.

In Pennsylvania, the PA IOLTA Board administers the pro hac vice admission application fee process, and uses the proceeds to fund a Loan Repayment Assistance Program (LRAP) for attorneys who are employed by legal aid organizations in our state. Each legal aid lawyer who meets the salary limitations, student debt thresholds, and employment requirements is able to receive a forgivable loan that must be used to pay eligible student debt. This current year we have provided 84 forgivable loans to attorneys whose average annual compensation is \$48,504 and whose average eligible student debt is \$90,729. These attorneys would be unable to continue in legal aid employment for any significant period of time without this assistance. The LRAP allows our funded programs to better recruit and retain talented attorneys whose passion is to work at the legal aid organizations. The LRAP is fully funded by the pro hac vice admission application fees.

As I read your proposal, it is not the Commission's intent to interfere with programs such as this, or other uses to which state courts have directed pro hac vice admission application fees. Rather, the intent is to assure that once an attorney is admitted pro hac vice that he or she also is a full participant in the funding of the Client Protection Fund, if all other admitted attorneys in the jurisdiction are required to do so.

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Administering Pennsylvania's Interest On Lawyers Trust Account (IOLTA) Program

I suggest that language be added to I.E.4. to indicate that the fee payment to the Lawyers' Fund for Client Protection is in addition to any non-refundable fee paid at the time of application for pro hac vice admission, and the inclusion of the Client Protection assessment is not intended to interfere with any purposes or programs to which the court or other proper authority has directed for the use of the pro hac vice admission application fees.

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