

**NORTH CAROLINA OCCUPATIONAL SAFETY AND HEALTH
REVIEW COMMISSION**

***Pro Hac Vice* Admissions Requirements**

1. The North Carolina Responsible Attorney or the out-of-state attorney shall file a Motion with the Chairman of the North Carolina Occupational Safety and Health Review Commission (OSH Review Commission) for the out-of-state attorney to practice before the OSH Review Commission, as per the requirements stated in N.C. Gen.Stat. § 84-4.1. A **copy** of this motion shall be served on the Labor Section of the N.C. Department of Justice in accordance with the NC OSH Review filing policy (https://oshrc.nc.gov/efile_policy) See following example of Motion for Admission.
2. The N.C. Review Commission's Rules of Procedure Rule .0203 <http://www.oshrc.state.nc.us/rulesright.html#0203> requires that "an out of state attorney-at-law must be associated with a NC attorney-at-law in order to appear before either the Review Board or its hearing examiners." The preparation & filing of any documents with the Review Commission is considered a general appearance before the tribunal.
3. Attorneys must provide all information required by N.C. Gen.Stat. § 84-4.1 in the Motion in order to be admitted. The Motion must include a proposed Order. Please see the sample proposed Order attached.
4. Enclose with your motion a check for \$225 for each out of state attorney seeking admission, made payable to "OSH Review Commission – NCDOL". **MAIL THE ORIGINAL MOTION, PROPOSED ORDER, AND CHECK TO THE NC OSH REVIEW COMMISSION** (The check should never be mailed to the NC Department of Labor or to the NC Department of Justice/Labor section).

- NC OSH REVIEW COMMISSION
422 N Blount St
Raleigh, NC 27601
NCOSHRC@oshrc.labor.nc.gov

If the motion is granted, the NC OSH Review Commission shall remit \$200 for the support of the General Court of Justice and \$25 to the NC State Bar. If the motion is not granted, your check will be returned.

5. Within 30 days of the Chairman issuing an Order granting the motion for admission to practice before the NC OSH Review Commission, the North Carolina Responsible Attorney shall submit a *Pro Hac Vice Admission Registration Statement* and a copy of the Commission's Order with the North Carolina State Bar. Please see [Microsoft Word - Pro Hac Vice Admission Registration - 12-2021 \(https://www.ncbar.gov/media/283954/Pro-Hac-Vice-Admission-Registration-Statement.pdf\)](https://www.ncbar.gov/media/283954/Pro-Hac-Vice-Admission-Registration-Statement.pdf) for further details from the North Carolina State Bar.

**NORTH CAROLINA OCCUPATIONAL SAFETY AND HEALTH
REVIEW COMMISSION**

COMMISSIONER OF LABOR OF THE)	
STATE OF NORTH CAROLINA)	
)	
COMPLAINANT,)	
	)	DOCKET NO. OSHANC -----
v.	)	OSHA INSPECTION NO. -----
	)	CSHO ID NO. -----
-----)	
)	
RESPONDENT.	)	MOTION FOR ADMISSION
	)	<i>PRO HAC VICE</i>

NOW COMES Respondent, _____, through counsel, and hereby requests that its attorney _____, be allowed to appear *pro hac vice* in this proceeding. In support of this Motion, _____ shows the Review Commission as follows:

1. _____ (full name) is licensed to practice in, and is a member in good standing of the bar of, the State of _____, _____ Bar No. _____ and her full post office address is _____
2. The State of _____ in which _____ is regularly admitted to practice grants like privileges to the members of the bar of North Carolina in good standing.
3. _____ has associated and is personally appearing in this proceeding with _____ of the firm, _____, who is a resident of North Carolina, has agreed to be responsible for filing a registration statement with the North Carolina State Bar, and is duly and legally admitted to practice in the General Court of Justice of North Carolina, upon whom service may be had in all matters connected with this legal

proceeding, or any disciplinary matter, with the same effect as if personally made on the _____ within this state.

4. Within 30 days of receiving an order granting *pro hac vice*, the North Carolina Responsible Attorney will submit a *Pro Hac Vice Admission Registration Statement* and a copy of the Commission's Order to the North Carolina State Bar.

WHEREFORE, _____ requests that this motion be allowed and that _____ be allowed to represent it before the Safety and Health Review Commission in this proceeding.

This _____ day of _____, 20__.

SIGNATURES OF THE OUT OF STATE AND IN STATE ATTORNEYS

INCLUDE THE NC OSH REVIEW COMMISSION AND THE NC DEPARTMENT OF JUSTICE, LABOR SECTION, IN YOUR CERTIFICATE OF SERVICE; SEND ORIGINALS TO THE NC OSH REVIEW COMMISSION AND SEND COPIES TO THE NC DEPARTMENT OF JUSTICE.

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COMMISSIONER OF LABOR OF THE)	
STATE OF NORTH CAROLINA)	
)	
COMPLAINANT,)	
)	DOCKET NO. OSHANC -----
v.	)	OSHA INSPECTION NO. -----
	)	CSHO ID NO. -----
)	
-----)	
RESPONDENT.	)	STATEMENT OF
)	_____
)	

(Out-of-state attorney) _____ (full name), states as follows:

1. I am an attorney licensed to practice in the State of _____, _____ Bar No. _____. I have been retained to represent Respondent _____ in this action. See accompanying statement of _____ (corporate officer) of Respondent.

2. Unless permitted to withdraw sooner by order of this body, I will continue to represent _____ in this proceeding until the final determination thereof, and with reference to all matters incident to this proceeding. I agree that I shall be subject to the orders and amenable to the disciplinary action and civil jurisdiction of the North Carolina Occupational Safety and Health Review Commission, the General Court of Justice, and the North Carolina State Bar in all respects as if I were a regularly admitted and licensed member of the Bar of North Carolina in good standing.

3. I further affirm that the State of _____ grants like privileges to the members of the bar of North Carolina in good standing.

4. I have associated and have personally appearing with me in this

proceeding _____ of the firm, _____, who is a resident of North Carolina, has agreed to be responsible for filing a registration statement with the North Carolina State Bar, and is duly and legally admitted to practice in the General Court of Justice of North Carolina, upon whom service may be had in all matters connected with this legal proceeding, or any disciplinary matter, with the same effect as if personally made upon me within the State of North Carolina.

5. I have no record of any disciplinary history, including but not limited to no public discipline by any court or lawyer regulatory organization and no revocation of any pro hac vice admission. OR

5. I have the following record of disciplinary history:

a. _____ (Describe public discipline) by _____ Court or by _____ (State Bar or other lawyer regulatory agency)

b. revocation of pro hac vice admission by _____ Court or Adjudicatory Administrative Agency.

This _____ day of _____, 20__.

(Signature of out-of-state attorney)

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COMMISSIONER OF LABOR OF THE STATE OF NORTH CAROLINA)	
)	
COMPLAINANT,)	
)	
v.)	DOCKET NO. OSHANC -----
	)	OSHA INSPECTION NO. -----
	)	CSHO ID NO. -----
-----)	
	)	STATEMENT OF
RESPONDENT.)	_____

I, _____, as an officer of _____, state as follows:

1. At all times pertinent hereto, I have been and am the
_____ (corporate position) of _____. I am authorized by _____
to make this statement on its behalf
2. _____ (Respondent's) address is

3. _____ (Respondent) has retained attorney
_____ (name of out-of-state attorney) to represent it in this action.

This _____ day of _____, 20__.

(Signature of corporate officer)

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COMMISSIONER OF LABOR OF THE)	
STATE OF NORTH CAROLINA)	
)	
COMPLAINANT,)	
)	DOCKET NO. OSHANC -----
v.	)	OSHA INSPECTION NO. -----
	)	CSHO ID NO. -----
)	
-----)	
	)	<u>ORDER</u>
RESPONDENT.	)	ALLOWING MOTION
	)	FOR ADMISSION
	)	<i>PRO HAC VICE</i>

APPEARANCES

Complainant: _____, Office of the Attorney General, North Carolina
Department of Justice

Respondent: ----- (out of state attorney)
----- (associated North Carolina attorney)

Upon careful review, it appears that the Motion is in compliance with the provisions of N.C. Gen. Stat. Sec. 84-4.1 and should be ALLOWED. Therefore, IT IS HEREBY ORDERED that
----- is admitted to appear in this matter *pro hac vice* on behalf of the respondent.

PAUL E SMITH
CHAIRMAN

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Order for Admission Pro Hac Vice upon:

Name of Respondent's out of state attorney
Mailing address and
Email address

Name of Respondent's in-state attorney
Mailing address and
Email address

by e-mail and served a copy upon

Name of Attorney for Complainant
NC Department of Justice
Labor Section
P.O. Box 629
Raleigh, NC 27602
_____@ncdoj.gov

By email.

This _____ day of _____, 20____.

PAUL E. SMITH
Chairman

Karissa B. Sluss, Docket Administrator
North Carolina Occupational
Safety and Health Review Commission
422 N Blount St Raleigh NC 27602
NCOSHRC@oshrc.labor.nc.gov