IN THE SUPREME COURT OF THE VIRGIN ISLANDS

IN THE MATTER OF THE APPLICATION OF: **RYAN A. SHORES** FOR *PRO HAC VICE* ADMISSION TO THE VIRGIN ISLANDS BAR	)	**S.Ct. BA. No. 2013-0148** Re: Super. Ct. Civ. No. 143/2013 (STX)
IN THE MATTER OF THE APPLICATION OF: **WILLIAM L. WEHRUM, JR.** FOR *PRO HAC VICE* ADMISSION TO THE VIRGIN ISLANDS BAR	)	**S.Ct. BA. No. 2013-0149** Re: Super. Ct. Civ. No. 143/2013 (STX)

COMMITTEE OF BAR EXAMINERS' RESPONSE TO
COURT'S ORDER OF SEPTEMBER 9, 2013

This matter is before the Court upon the petition of Joel H. Holt ("Holt") for *pro hac vice* admission of Ryan A. Shores ("Shores") and William L. Wehrum, Jr. ("Wehrum") to the Virgin Islands Bar to represent Diageo USVI, Inc.[1] On September 9, 2013, this Court issued an Order directing the Committee of Bar Examiners ("Committee") to brief the following issues: (1) the meaning of the language providing that "[n]o attorney or law firm may appear *pro hac vice* in more than a total of three cases" found in Supreme Court Rule 201(a)(4), as it relates to law

[1] On September 10, 2013, Holt advised the Clerk of the Court that he had determined it would be appropriate for him to withdraw from representation of the petitioners, in view of the Court's order directing the Committee of Bar Examiners to file a brief addressing the issues raised in the petitions, because attorney Holt is a member of the Committee. Attorney Carl J. Hartmann III has filed a notice of appearance in the matter to replace Holt. In order to address the issues raised in the original petition, this Response occasionally makes reference to Holt by name or to "Holt's argument". These references should simply be understood to identify the arguments presented on behalf of the petitioners, in view of the substitution of counsel.

firms, and (2) if this language precludes the *pro hac vice* admission of Shores and Wehrum, whether this Court should equitably waive Rule 201(a)(4)'s prohibition on three *pro hac vice* appearances by a law firm in this instance. For the following reasons, the Committee[2] respectfully recommends that this Court find that Supreme Court Rule 201(a)(4)'s limitation on *pro hac vice* admissions does apply to law firms, and not only to individual attorneys, and that the circumstances of these petitions do not warrant an equitable waiver of the limitation.

I. THE LIMITATION ON *PRO HAC VICE* ADMISSIONS IN V.I.S.CT.R. 201(a)(4) APPLIES TO LAW FIRMS AS WELL AS INDIVIDUAL ATTORNEYS.

The rules of this Court state:

> No attorney *or law firm* may appear pro hac vice in more than a total of three causes…Extended practice on a pro hac vice basis is hereby expressly prohibited and any attorney desirous of undertaking more than three (3) total appearances shall seek regular admission to the Bar in order to share the burdens of local practice…

V.I.S.CT.R. 201(a)(4) (emphasis added). As this Court "has never previously interpreted the 'three admission rule' in this context," this is an issue of first impression in the Virgin Islands.[3] *See* Order at 2 (Sept. 9, 2013). While Shores and Wehrum have not previously been admitted *pro hac vice* in the Virgin Islands, many employees of their law firm, Hunton & Williams, have been admitted *pro hac vice* in the Virgin Islands. In fact, according to the information presented in their motion for admission, attorneys employed at the law firm where both movants are currently employed have had some 29 previous pro hac vice admissions. Holt argues in his Petitions for

[2] This response, filed by counsel to the Committee, has been approved by Committee for submission to the Court, as representing the Committee's position on the issues presented.

[3] This issue was raised in *In re Pro Hac Vice Admission of McFaul*, where a party contended that Supreme Court Rule 201 "should be read to limit the total number of appearances by attorneys affiliated with a particular law firm to three," but the court did not address this argument because the party "had ample opportunity" to contest the *pro hac vice* motion and failed to do so. S.Ct. BA No. 2008-092, 2009 WL 530716, at * 1 (Mar. 2, 2009).

Admission *Pro Hac Vice* on behalf of Shores and Wehrum that the language of Rule 201 is not "intended to apply to the admissions of law firms...so the fact that other members of Hunton & Williams have been admitted over the years is irrelevant to this petition." The Committee does not share this view, as more fully explained below.

a. A plain reading of the Supreme Court rules governing bar admission indicates that the limitation on pro hac vice *admissions applies to individual attorneys from the same firm, and not to motions for admission of the firm itself.*

Holt's argument that the "law firm of Hunton & Williams has never been admitted *pro hac vice*" is unpersuasive. The Supreme Court Rules governing the Virgin Islands Bar state that the Virgin Islands Bar "shall consist of all *attorneys*, in whatever category, admitted to practice law in the Supreme Court of the Virgin Islands," and allows for *pro hac vice* admission for "*attorney[s]*…who [are] currently in good standing as an active member of the bar of any state or territory of the United States or of any foreign country." V.I.S.CT.R. 201(a)(1) (emphasis added). Hunton & Williams, as an entity, cannot be an active member in good standing of any bar, and is therefore ineligible for *pro hac vice* admission as an entity in the Virgin Islands. Rather, it is the attorneys who are employed by that firm who may seek such admission.

The Supreme Court Rules clearly contemplate that both regular and *pro hac vice* admission to the Virgin Islands Bar is reserved for individual attorneys, and not law firms. *See, e.g., Daybreak Grp., Inc. v. Three Creeks Ranch, LLC*, 162 Cal. App. 4th 37, 41, 75 Cal. Rptr. 3d 365, 367 (2008) (local rule does not permit law firm to be admitted *pro hac vice* because rule "limits eligibility for a *pro hac vice* designation to a person who is 'a member in good standing of and eligible to practice before the bar of any United States court or the highest court in any state, territory, or insular possession of the United States,'" and "[t]o the best of [the court's] knowledge, there are no bars within the United States, whether federal, state, territorial or insular

possessory, which admit *law firms* as 'members.'"). Accordingly, a plain reading of V.I.S.CT.R. 201(a)(4) clearly indicates that the numerical limitation on *pro hac vice* admissions must apply to members or employees of a law firm, rather than the law firm itself. It follows that because the Rule expressly imposes the numerical limitation on total *pro hac vice* admissions by an attorney or a "law firm" to three, all attorneys associated with a law firm count toward that limitation, and when three attorneys from the same firm have been admitted pro hac vice, no further such admissions are permissible for lawyers from that firm under the language of Rule 201(a)(4). Indeed, if the Rule were not read to impose this limitation, the phrase "or law firm" in its text would be meaningless.

Several jurisdictions explicitly apply limitations on *pro hac vice* admissions on a firm-wide basis. *See, e.g.*, IND. ST. ADMIS. & DISC. R. 3 § 2(a)(4)(vii) ("Absent good cause, repeated appearances by any person *or by members of a single law firm* pursuant to this rule shall be cause for denial of the petition") (emphasis added); *Smith v. Beaufort Cnty. Hosp. Ass'n, Inc.*, 141 N.C. App. 203, 215, 540 S.E.2d 775, 782-83 (2000) *aff'd sub nom. Smith ex rel. Estate of Smith v. Beaufort Cnty. Hosp. Ass'n, Inc.*, 354 N.C. 212, 552 S.E.2d 139 (2001) (in addressing the "issue of the actions of a law firm being imputed to its member attorneys for purposes of *pro hac vice* admission," the court analogized to the Rules of Professional Conduct governing imputation of conflicts of interest, and held that "for purposes of *pro hac vice* admission only, an entire law firm can be treated as if it were a single lawyer, and thus the actions of the firm imputed to its members," "[o]therwise, a law firm could continually circumvent North Carolina's prohibition against the unauthorized practice of law by sending different attorneys into our state for different cases."). *See also Waite v. Clark Cnty. Collection Servs., LLC*, 2:11-CV-01741-LRH, 2012 WL 6812172, at * 8, n.4 (D. Nev. Oct. 16, 2012), *report and recommendation adopted*, 2:11-CV-

01741-LRH, 2013 WL 85157 (D. Nev. Jan. 7, 2013) (while there was "no longer a rule limiting to a discrete number how frequently a *law firm* may be admitted to practice *pro hac vice*," the court found that a firm's twenty-five appearances over three years "through the alleged 'of counsel' attorneys [was] excessive" and recommended amendment of the local rules "to limit the number of *pro hac vice* appearances by members of a law firm, if that law firm has not complied with the State Bar of Nevada's Multi-Jurisdictional Law Firm registration requirements.").

b. Local Rule of Civil Procedure 83(6) is irrelevant to the interpretation of Supreme Court Rule 201(a)(4).

Holt analogizes the Supreme Court's limitation on *pro hac vice* admissions to LRCi 83(6), which governs *pro hac vice* admissions in the District Court of the Virgin Islands. LRCi 83(6) states that "[a]n attorney may be admitted pro hac vice in no more than a total of three (3) cases in any calendar year and may not be further admitted at any time if such attorney is then admitted pro hac vice in three (3) active cases regardless of when such admissions occurred." LRCi 83(6) does not include a per-firm limitation on *pro hac vice* admissions. However, clearly LRCi 83(6) is inapplicable here.[4] The Supreme Court "and the District Court each possess the authority to regulate [their] respective bars, including the power to establish *pro hac vice* admission rules." *In re Admission of Alvis*, 54 V.I. 408, 413-414 (2010) (where attorney was admitted *pro hac vice* in one Superior Court case and four District Court cases, court denied new *pro hac vice* motion but declined to revoke existing *pro hac vice* admission because this would prejudice the client). Although the District Court has elected not to limit *pro hac vice* admissions on a firm-wide basis, the Supreme Court, "having the inherent and statutory authority

[4] It is similarly irrelevant that the majority of Hunton & Williams' *pro hac vice* admissions in the Virgin Islands have been in District Court. *See In re Admission of Alvis*, 54 V.I. 408, 412 (2010) (District Court appearances are considered "for the purposes of Rule 201(a)(4)'s lifetime limit on *pro hac vice* appearances.").

to regulate the practice of law in the Virgin Islands, *see* V.I. CODE ANN. tit. 4 32(e), has decided to adopt more stringent standards with respect to *pro hac vice* appearances in this Court and the Superior Court, including a lifetime limit of three *pro hac vice* appearances." *Id*. at 414. Accordingly, LRCi 83(6) is not relevant to the interpretation of V.I.S.CT.R. 201(a)(4).

II. THE CIRCUMSTANCES OF SHORES' AND WEHRUM'S APPLICATIONS DO NOT WARRANT GRANTING AN EQUITABLE WAIVER OF V.I.S.CT.R. 201(a)(4)'S LIMITATION ON *PRO HAC VICE* ADMISSIONS.

If Rule 201 is interpreted as imposing a per-firm limit, rather than a per-attorney limit, Holt requests that the Court consider a "special waiver of the provisions of Rule 201." Equitable waiver is only appropriate where a "'valid and extraordinary reason exists' that justifies 'dispens[ing] with [the rule] in this particular case.'" *In the Matter of the Application of Payton*, S.Ct. BA No. 2007–146, 2009 WL 763814, at * 4 (Mar. 20, 2009) (unpublished opinion), *citing In re McGinniss*, 186 A.D. 938, 173 N.Y.S. 209, 209 (N.Y. App. Div. 1918). The "decision to grant a waiver…will not be lightly made…" *Id*. (noting that "[i]ndividualized waiver determinations would be extremely time consuming [and] financially burdensome," and invite the "risk of disparate treatment"), *citing Petition of Dolan*, 445 N.W.2d 553, 557 (Minn. 1989); *Application of Urie*, 617 P.2d 505, 510 (Alaska 1980); *Teare v. Comm. on Admissions*, 566 A.2d 23, 31 (D.C. 1989).

a. Unlike the circumstances present in In the Matter of the Application of Payton, *there are no unique and unusual circumstances present in this case that would warrant dispensing with V.I.S.CT.R. 201(a)(4)'s limitation on* pro hac vice *admissions.*

Holt relies on *In the Matter of the Application of Payton* (hereafter "*Payton*") in arguing that the Supreme Court can equitably waive the provisions of V.I.S.CT.R. 201. The Committee does not dispute the Court's power to do so. However, to the extent that the movants here rely upon the analogy to *Payton*, the Committee considers the citation inapposite. In *Payton*, the

applicant took the Virgin Islands Bar Examination "numerous times," but was unsuccessful. 2009 WL 763814, at * 1. Instead, the applicant had "practiced as a specially-admitted attorney since 1976, and was continuously employed by the Office of the Territorial Defender between 1991 and 2006," pursuant to a Court rule permitting special admission for employees of federal and territorial governmental agencies who were attorneys in good standing of the bar of another United States jurisdiction. *Id*. at * 6. The applicant retired from the Office of the Territorial Defender on September 30, 2006, but continued to practice in the Virgin Islands by obtaining *pro hac vice* admissions. *Id*. Less than a year after the applicant retired, the Court altered the admissions rules, and exempted attorneys who had been specially admitted for five or more years from the Multistate Bar Examination ("MBE") requirement. *Id*.

After failing the Virgin Islands Bar Examination in February 2008, the applicant filed a motion arguing that the Court "should exercise its equitable powers" by "'grandfather[ing]' him into the class eligible for regular admission" after passing the essay portion of the exam, the MPRE, and the character and fitness review. *Id*. at * 2, 5. Specifically, the applicant requested that the Court dispense with the requirement of V.I.S.CT.R. 202 ("Special Admission") that "only applicants who were specially admitted for five years or more on September 1, 2007 may seek regular admission without taking the MBE." *Id*. at * 6 (citation omitted). The Court found that equitable waiver of this requirement was warranted under the unusual circumstances presented. In particular, the Court found it significant that the clear purpose of the Special Admissions rule "was to prevent attorneys who at some point had been specially admitted for five or more years but had long since left the jurisdiction – and thus may no longer possess the level of knowledge a presently-employed specially-admitted attorney with equivalent years of experience would presumably have – from obtaining regular admission without fully

demonstrating their present competence to practice law in the Virgin Islands." *Id*. As the applicant in *Payton* had practiced in the Virgin Islands for many years and continued to practice after his retirement from government service, the court found that there was "substantial evidence that Payton's knowledge of Virgin Islands practice ha[d] not become stale and that he presently possesses skills that are equivalent to a specially-admitted attorney," and that he had "met the high burden necessary to obtain an equitable waiver." *Id*.

While *Payton* does establish that the Virgin Islands Supreme Court "may grant a waiver of its own rules"[5] when the circumstances so require, *Payton* is distinguishable from the instant applications on several grounds.[6] *Id*. at 4. The Committee respectfully argues that Shores and Wehrum have not met the high burden necessary to obtain an equitable waiver.

i. The interpretation of the *pro hac vice* limitation suggested by Holt is inconsistent with the express purpose of V.I.S.CT. R. 201(a)(4).

For Shores and Wehrum to meet the "heavy burden" necessary for this Court to grant an equitable waiver, the applicants must demonstrate "that the rules operate in such a manner as to deny admission to a petitioner arbitrarily and for a reason unrelated to the essential purpose of the rule,'…and 'that the granting of such a waiver would not be detrimental to the public interest.'" *Payton*, 2009 WL 763814, at * 4, *citing Bennett v. State Bar*, 103 Nev. 519, 746 P.2d 143, 145 (Nev. 1987) *and In re Costello*, 121 R.I. 548, 401 A.2d 447, 448 (R.I. 1979). The

[5] The Court in *Payton* noted that the "powers of the Committee [of Bar Examiners] – an arm of this Court – 'are strictly limited to those plainly granted by the [C]ourt' and 'cannot be broadened by implication.'" *Id*. at 3 (citations omitted). Accordingly, while the Committee could not "waive any of the requirements for admission to the Virgin Islands Bar with respect to any applicant when this Court's rules do not authorize such a waiver," the Supreme Court possessed "the power to equitably waive Rule 204's requirements with respect to Payton even if the Committee cannot independently exercise such discretion." *Id*.

[6] Furthermore, the holding of *Payton* was explicitly limited by the Court in a footnote, indicating that "this Court's opinion should not be construed as a general holding that Rule 202(e)(2)'s effective date requirement has been or will be waived with respect to any other applicant." *Id*. at * 6, n. 6. This further emphasizes the unique nature of the applicant's circumstances in *Payton*.

"essential purpose[s]" of V.I.S.CT.R. 201 ("Pro Hac Vice Admission") and 202 (Special Admission") are dissimilar. The purpose of V.I.S.CT.R. 202 is to prevent the admission of attorneys who had previously been specially admitted but "had long since left the jurisdiction" and no longer possessed the level of knowledge or competence necessary to practice law in the Virgin Islands. *Id*. at * 6. As the applicant in *Payton* had practiced in the Virgin Islands for many years, including recent years, his admission satisfied the essential purpose of the rule governing Special Admission.

However, permitting the *pro hac vice* admissions of Shores and Wehrum would not fulfill the essential purpose of V.I.S.CT. R. 201(a)(4), which expressly states that "[e]xtended practice on a *pro hac vice* basis is hereby expressly prohibited, and any attorney desirous of undertaking more than three (3) total appearances shall seek regular admission to the Bar *in order to share the burdens of local practice*…" (emphasis added). *See also In re Admission of Alvis*, 54 V.I. 408, 414 (Sept. 21, 2010) ("As Supreme Court Rule 201(a)(4) expressly states, the purpose of this three appearance limit is to further the legitimate interest of ensuring that all individuals practicing law in the Virgin Islands on more than a fleeting or infrequent basis – including those who do not reside in the Virgin Islands or who practice primarily in the District Court – 'share the burdens of local practice,' which includes accepting indigent appointments in both this Court and the Superior Court…").

If granted admission *pro hac vice*, Shores and Wehrum would be insulated from sharing "the burdens of local practice," and would not be required to accept indigent appointments. Expanding the scope of *pro hac vice* admissions to permit admission of more than three attorneys per firm would set a dangerous precedent and would be "detrimental to the public interest" as additional attorneys are granted admission who will subsequently avoid the

obligation of accepting indigent appointments. In turn, this construction of the Rule would proportionately increase the burden on the regular members of the Bar, who do share the obligation to undertake such appointments. As this result would be in contravention of the express purposes of the Virgin Islands Bar rules governing admission, it weighs against granting Shores and Wehrum an equitable waiver of the requirements of V.I.S.CT. R. 201(a)(4).

ii. The applicant in *Payton* was granted an equitable waiver because he demonstrated his legal knowledge through years of practice in the Virgin Islands as a specially admitted attorney and was also required to pass portions of the Virgin Islands Bar Examination.

It is also significant that the Court in *Payton* found that equitable waiver of the requirements of V.I.S.CT.R. 204 ("Regular Admission") was *not* warranted, noting that "the Virgin Islands Bar Examination 'supplies an objective standard for testing the minimum legal competence required for the regular practice of law in the Virgin Islands,' and '[t]o make an exception to this standard based on a subjective determination of legal competence would set a dangerous precedent.'" *Payton*, 2009 WL 763814, at * 4, *citing Application No. 00017*, 2008 WL 3874283, at *4 (*quoting Applicant No. 00017*, slip op. at 9. Moreover, although the Court's decision in *Payton* permitted the applicant to gain admission without taking the MBE, the Court still required the applicant to "pass[] the essay portion of the Virgin Islands Bar, the MPRE, and the Committee's character and fitness review" before admission. *Id*. at * 6. *See also Barnard v. Thorstenn*, 489 U.S. 546, 555, 109 S. Ct. 1294, 103 L. Ed. 2d 559 (1989) ("We can assume that a lawyer who anticipates sufficient practice in the Virgin Islands to justify taking the bar examination and paying the annual dues…will inform himself of the laws of the Territory."); *see also In re Application No. 00017*, CIV. A. 2006-154, 2008 WL 3874283 (D.V.I. Aug. 11, 2008) ("[t]he MBE supplies an objective standard for testing the minimum legal competence required

for the regular practice of law in the Virgin Islands. To make an exception to this standard based on a subjective determination of legal competence would set a dangerous precedent.").

Here, Shores and Wehrum would not be required to take the bar examination and demonstrate "the minimum legal competence required for the regular practice of law in the Virgin Islands." Whereas the applicant in *Payton* had demonstrated his "knowledge of Virgin Islands practice" through years of practice in the territory, Shores and Wehrum have not previously practiced in the Virgin Islands. 2009 WL 763814, at * 6. In addition, although the applicant in *Payton* had also been admitted to the bar in two other jurisdictions, "admission to the bar of another jurisdiction does not, in and of itself, constitute the 'unique or unusual circumstances' necessary to receive a waiver." *Id., citing Petition of Applicant No. 5,* 658 A.2d 609, 612-613 (Del. 1995). Similarly, the fact that Shores and Wehrum are admitted in other jurisdictions does not constitute the type of unique circumstance present in *Payton* which justified equitably waiving a requirement for admission.

iii. The limitation on *pro hac vice* admission was not unforeseeable to Shores and Wehrum, as the enactment of the new Supreme Court Rule 202 was to the applicant in *Payton.*

The Court in *Payton* found that it's "assumption of jurisdiction over bar admissions matters and…promulgation of Supreme Court Rule 202 constitute[d] circumstances that were beyond Payton's control," and that if the applicant had foreseen that such a rule change would occur less than a year after his retirement, he "likely" would have "delayed his retirement or sought employment with another agency until Supreme Court Rule 202 came into effect." 2009 WL 763814, at * 6. There has been no recent or sudden change to the rules for *pro hac vice* admission which could weigh in favor of equitably waiving the limitation on admission of

attorneys from the same firm, as the Rule was adopted in 2007 and has remained in effect since then.

b. The mere fact that Shores and Wehrum are specialists, standing alone, does not constitute a valid or extraordinary reason to depart from the three admission limitation.

Holt argues that "valid and extraordinary reasons to justify departing from the 'three admission' rule, if it applies, are present here." Shores is "a specialist in coordinating national litigation for clients," while Wehrum is "a specialist in environmental matters, particularly federal regulatory issues related to environmental issues."[7] However, these facts, standing alone, are insufficient to justify granting an equitable waiver. "Supreme Court Rule 201, by its own terms, does not require that this Court grant *pro hac vice* admission as of right to every attorney who fulfills all four enumerated requirements, but [r]ather…provides that [a]n attorney not regularly or specially admitted to practice law in the Virgin Islands...*may*…be admitted *pro hac vice* to participate in that legal matter only." *In re Admission of Alvis*, 54 V.I. at 412 (internal citations and quotation marks omitted); *see also Leis v. Flynt*, 439 U.S. 438, 443 99 S.Ct. 698, 58 L.Ed. 2d 717, *rehearing denied*, 441 U.S. 956, 99 S.Ct. 2185, 60 L.Ed. 2d 1060 (1979) (the "Constitution does not require that, because a lawyer has been admitted to the bar of one State, he or she must be allowed to practice in another") (citations omitted). Indeed, if an attorney's area of specialized practice entitled him or her to a waiver of the numerical limitation in the Rule, "specialists" would be completely exempt from that limitation, a result the language of the Rule does not invite.

[7] Notably, while the petitions for both Shores and Wehrum's *pro hac vice* admissions contend that Holt cannot assist in these specialty areas, the petitions do not allege that there are no attorneys licensed to practice in the Virgin Islands who could perform these services.

c. The frequent pro hac vice *admissions of Hunton & Williams' attorneys before Virgin Islands courts weighs against granting an equitable waiver in the instant case.*

Virgin Islands Supreme Court Rule 201(a)(4) makes clear that "[e]xtended practice on a pro hac vice basis is expressly prohibited…" Hunton & Williams has had current or former employees admitted *pro hac vice* to Virgin Islands courts on twenty-nine occasions. It appears that none of the prior applicants for *pro hac vice* admission brought to the attention of the Court this tremendous volume of admissions, or at least the record does not reflect that they did so. The firm has had a total of eighteen individuals admitted, five of whom were each admitted *pro hac vice* on the maximum of three cases. While these twenty-nine admissions date back to the 1990's, twenty-three of the admissions have taken place since 2004.[8]

Furthermore, Holt has not alleged that application of the three admission limitation to Shores and Wehrum would be "arbitrary." *See In re Rogers*, 56 V.I. 618, 626 (2012) ("[A]n individual requesting an equitable waiver of a bar governance rule promulgated by this Court must demonstrate that the rule, as applied to that individual, is arbitrary and its application would be unrelated to the essential purpose of the rule, and that the granting of a waiver would not be detrimental to the public interest.") (citations omitted). Given the plain meaning of the limitation on *pro hac vice* admissions and the frequency with which Hunton & Williams has sought to have its attorneys admitted in recent years, the Committee respectfully recommends that this Court should exercise its discretion and deny *pro hac vice* admission to Shores and Wehrum. *See In re Admission of Alvis*, 54 V.I. at 412 (denying equitable waiver of Rule 201's requirements where applicant had exceeded Rule 201(a)(4)'s three appearance limit and inadvertently omitted such

[8] Two of the admissions are undated. *See* Petition for Admission *Pro Hac Vice* of William L. Wehrum, Jr., Ex. A.

information from his initial application, despite applicant's voluntary disclosure of the omission) (citation omitted).

III. CONCLUSION

The Committee of Bar Examiners respectfully submits that a plain reading of Virgin Islands Supreme Court Rule 201(a)(4) clearly indicates that the limitation on *pro hac vice* admissions applies to all attorneys from a particular firm, and not solely to each individual attorney. Given this limitation, Hunton & Williams has surpassed the limit for *pro hac vice* admissions of its attorneys before this Court. While this Court may grant an equitable waiver of this limitation, the Committee of Bar Examiners respectfully recommends that there are no valid and extraordinary circumstances present in this case which would warrant granting an equitable waiver to allow for *pro hac vice* admission of Ryan A. Shores and William L. Wehrum, Jr.

Dated: September 26, 2013

Respectfully submitted,

/s/ Maria Tankenson Hodge

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 26th day of September, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Carl J. Hartmann III
5000 Estate Coakley Bay, L-6
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By: /s/ Maria Tankenson Hodge