

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MAR-VEL INTERNATIONAL, INC. : CIVIL ACTION
: :
v. : :
: :
BRADFORD MILNES, BRIAN MILNES, :
DEVON GREER, BOND PRODUCTS, :
INC. and EXTREME TACTICAL :
APPLICATION CORPORATION : NO. 06-cv-02703-JF

MEMORANDUM AND ORDER

Fullam, Sr. J.

August 1, 2006

Defendants have renewed their motion for the admission of John Vogel, Esquire *pro hac vice*. Mr. Vogel, who is a member of the bar of the state of New York in good standing, and who is eligible for reciprocal admission to the Pennsylvania bar, resides in Pennsylvania and practices law in Pennsylvania. Until a few days ago, he was listed as the attorney in charge of the Radnor office of a Philadelphia law firm, on whose letterhead he is listed as "of counsel." Apparently, the website of the firm has now been amended to reflect that, instead of being the "managing attorney" of the Radnor office, Mr. Vogel is to be listed as the "managing administrator" of the Radnor office. It is further represented that the Radnor office actually does not profess to be a law firm, but rather the headquarters of a corporation established by Mr. Vogel, of which he serves as chief executive officer.

Notwithstanding these changes, it cannot be doubted that Mr. Vogel has established an "office or other systematic and

continuous presence in this jurisdiction for the practice of law" within the meaning of Pennsylvania Rule of Professional Conduct 5.5(b).

The recent opinion of the Third Circuit Court of Appeals in Surrick v. Killion, 2006 U.S. App. LEXIS 13618 (June 2, 2006), makes clear that, under the Supremacy Clause of the United States Constitution, there are limits upon the extent to which the Commonwealth of Pennsylvania can interfere with the right of lawyers admitted to practice before the federal courts to practice in those courts which have admitted them. But that principle has no application in the present case, where the issue is whether this court should admit Mr. Vogel *pro hac vice*. I conclude that, at the very least, considerations of comity and respect for the mechanisms of the Pennsylvania Supreme Court make it inappropriate for this court to grant the pending application for *pro hac vice* admission. Granting the pending application would simply enable Mr. Vogel to expand his Pennsylvania law practice in violation of Pennsylvania Rule of Professional Conduct 5.5(b), and to evade CLE requirements.

The renewed motion for admission of Mr. Vogel *pro hac vice* will be denied.

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AND NOW, this 1st day of August 2006, upon
consideration of the renewed motion for the admission *pro hac*
vice of John Vogel, Esquire, IT IS ORDERED:

That the motion is DENIED.

BY THE COURT:

/s/ John P. Fullam
John P. Fullam, Sr. J.