

ARTICLE II. ADMISSION OF ATTORNEYS AND OTHERS TO PRACTICE LAW

Rule 1. Admission on Examination

Every person applying for admission to the bar upon examination shall file a written application, under oath, in the clerk's office and shall satisfy the board of bar examiners that:

(a) He/She is a citizen of the United States or legal resident, of good character;

(b) He/She is over twenty-one (21) years of age;

(c) He/She has graduated from a law school accredited and approved by the American Bar Association and approved by the board;

(d) He/she is otherwise qualified to practice law. No person has failed a total of five (5) bar examinations, whether in Rhode Island or in any other combination of states, districts, or territories of the United States (including the District of Columbia), will again be permitted to take the Rhode Island Bar Examination, and no special order excepting any such person from this five (5) examination limit will be granted by this Court.

Note. The Rules of Practice of the Board of Bar Examiners Governing Admission on Examination are available on the Rhode Island Supreme Court website or by contacting the Bar Administrator at the Rhode Island Supreme Court Clerk's Office, Licht Judicial Complex, 250 Benefit Street, Providence, Rhode Island 02903, (401) 222-4233, ribarexam@courts.ri.gov.

Rule 2. Attorney Admitted in Other States

(a) Attorney admission on examination. A person who has been admitted as an attorney of the highest court of any state, district or territory of the United States for at least five (5) years who applies for admission in this State shall only be required to take the essay portion of the Rhode Island Bar Examination upon the applicant's compliance with the following conditions:

(1) He/she shall file a written application, under oath, with the Clerk's Office and shall satisfy the board that he/she meets the requirements of subdivisions (a)(b) and (d) of Rule 1; and

(2) He/she has been engaged in the full-time active practice of law for at least five (5) years of the last ten (10) years immediately preceding filing of his or her application; or

(3) He/she has been engaged in the full-time teaching of law at a law school accredited by the American Bar Association, for at least five (5) years of the last ten (10) years immediately preceding the filing of his/her application.

(4) Said applicant shall provide the court with a certificate of admission from the highest judicial court of such state, district or territory, of which he/she is admitted, and shall submit to a character investigation conducted by the National Conference of Bar Examiners.

(b) Programs providing legal services to indigents – Special counsel to the Department of Attorney General. Any attorney who is a member of the bar of the highest judicial court of a state, district or territory of the United States who seeks to be admitted to practice before the courts of this state in cases in which he/she is associated with an organized and Supreme Court approved program providing legal services to indigents may be admitted to practice upon the filing with this court of a written application, under oath, in the Clerk's Office and after satisfying this Court that he/she is a member in good standing of said court and he/she is or will be associated with such a program. Approval by this Court may be granted to programs providing legal services to indigents which programs are either (1) funded in whole or in part by the federal government or by the Rhode Island Bar Foundation or (2) sponsored by a law school accredited and approved by the American Bar Association or (3) sponsored by the office of the Rhode Island Public Defender.

Any attorney who is a member of the bar of the highest judicial court of a state, district or territory of the United States who seeks to be admitted to practice before the courts of this state in cases in which he/she is associated with the Department of Attorney General may be admitted upon petition of the Attorney General to this court to serve as special counsel for good cause shown and after satisfying this Court that he/she is a member in good standing of said court and he/she is or will be associated with the Department of Attorney General.

Attorneys admitted under this rule shall conduct himself/herself as a member of the bar of this Court, with all of its obligations, including Articles III (Disciplinary Procedures), IV (Periodic Registration of Attorneys and Mandatory Continuing Legal Education Regulations) and V (Rules of Professional Conduct) of these rules.

Admission to practice under this subdivision shall cease to be effective whenever the attorney is no longer associated with the Attorney General or with such a program and in no event shall permission to practice under this subdivision remain in effect longer than two (2) years for any individual invoking its provision.

Permission to practice with such approved programs which has been previously given by this court to certain individuals shall remain in effect no longer than two (2) years from the date of the issuance of this order.

Time spent practicing law pursuant to the authority of this subdivision, shall not be used to satisfy the requirement of subdivision (a) herein.

(c) Admission while on active duty with the armed services. Any attorney who is a member of the bar of the highest judicial court of a state, district, or territory of the United States, who is on active duty with any one of the armed services in the State of Rhode Island, may be admitted to practice before the courts of this state upon petition of the senior legal officer of such service on active duty within the service district which includes the State of Rhode Island, to represent in civil or criminal causes junior non-commissioned officers and enlisted personnel of such service who might not otherwise be able to afford proper legal assistance. Such an attorney shall conduct himself/herself as a member of the bar of this Court, with all of its obligations, including Articles III (Disciplinary Procedures), IV (Periodic Registration of Attorneys and Mandatory Continuing Legal Education Regulations) and V (Rules of Professional Conduct) of these rules.

Revised October 16, 2015

Admission to practice under this subdivision shall cease to be effective immediately upon separation from active duty in the armed services or transfer from Rhode Island.

Time spent practicing law pursuant to the authority of this subdivision shall not be used to satisfy the requirements of subdivision (a) herein.

(d) Judge Advocate Generals. Any attorney who is a member in good standing of the bar of the highest judicial court of a state, district, or territory of the United States, who is on extended active duty with the Rhode Island National Guard or who is on duty as a member of the Rhode Island National Guard and assigned to a Judge Advocate General position, may provide legal services pursuant to a legal assistance program established under 10 U.S.C. § 1044 and may appear before any court, tribunal, commission, board, department, or agency of the State of Rhode Island upon petition of the State Judge Advocate of the Rhode Island National Guard, to represent the Rhode Island National Guard, its officers, members, and employees acting in their official capacities. Such an attorney shall conduct himself/herself as a member of the bar of this Court, with all of its obligations, including Articles III (Disciplinary Procedures), IV (Periodic Registration of Attorneys and Mandatory Continuing Legal Education Regulations) and V (Rules of Professional Conduct) of these rules.

Admission to practice under this subdivision shall cease to be effective immediately upon separation from the Rhode Island National Guard.

Time spent practicing law pursuant to the authority of this subdivision shall not be used to satisfy the requirements of subdivision (b) herein.

(e) Law school faculty supervising clinical law programs. Any attorney who is a member in good standing of the bar of the highest judicial court of a state, district or territory of the United States, and who is employed as a full time permanent or full-time visiting faculty member of a law school accredited and approved by the American Bar Association, may be admitted to practice law in this state solely for the purpose of supervising clinical law students in a clinical law program providing legal services to indigent clients. Such an attorney shall conduct himself/herself as a member of the bar of this Court, with all of its obligations, including Articles III (Disciplinary Procedures), IV (Periodic Registration of Attorneys and Mandatory Continuing Legal Education Regulations) and V (Rules of Professional Conduct) of these rules.

Admission to practice under this subdivision shall cease to be effective when the attorney is no longer a full time faculty member or is no longer associated with a clinical law program. An attorney admitted under this subdivision shall neither ask for nor receive any compensation or remuneration of any kind for services rendered under this rule other than salary as a law school faculty member.

Time spent practicing law pursuant to the authority of this subdivision shall not be used to satisfy the requirements of subdivision (a) herein.

Note. The Rules of Practice of the Board of Bar Examiners Governing Admission on Examination are available on the Rhode Island Supreme Court website or by contacting the Bar Administrator at the Rhode Island Supreme Court Clerk's Office, Licht Judicial Complex, 250 Benefit Street, Providence, Rhode Island 02903, (401) 222-4233, ribarexam@courts.ri.gov.

Rule 3. Admission to the Bar: Committee on Character and Fitness

(a) All persons who desire to be admitted to practice law shall be required to establish by

Revised October 16, 2015

clear and convincing evidence their moral character and fitness to the satisfaction of the Committee on Character and Fitness of the Supreme Court of Rhode Island in advance of such admission.

(b) The Committee on Character and Fitness shall be appointed by the Supreme Court. Its members shall be seven (7) in number and shall include: (1) one (1) member of the Board of Bar Examiners, or a designee of the Chair of the Board of Bar Examiners, said designee being a member of the Rhode Island Bar; (2) the Attorney General or his/her designee, said designee being a member of the Rhode Island Bar; (3) the Clerk of the Supreme Court or his/her designee; and (4) four (4) members of the Rhode Island Bar. The Court shall designate the Chair and Vice-Chair of the Committee.

(c) The terms of the Attorney General or his/her designee and of the Clerk of the Supreme Court or his/her designee as members of the Committee on Character and Fitness shall be co-terminous with their terms of office. Each other member of the Committee shall be appointed for a term of three (3) years and shall be eligible for re-appointment for a second three (3) year term. No member of the Committee, other than the Attorney General or his/her designee and the Clerk of the Supreme Court or his/her designee, shall serve more than two (2) terms. Members of the Committee shall receive no compensation for their services, but their reasonable expenses shall be funded from the fee paid by those persons seeking admission to practice law in the State of Rhode Island.

(d) Each person shall be immune from civil liability for all of his/her statements made in good faith to the Committee, the Office of Attorney General or to this Court or given in any investigation or proceedings pertaining to the application. The protection of this immunity does not exist as to statements made to others. The Committee, its staff, counsel, investigators, and any members of any hearing panels, shall be immune from civil liability for any conduct arising out of the performance of their duties.

(e) Persons seeking admission to the practice of law shall, not later than May 1 of the year in which they intend to take a July examination, and not later than December 1 next preceding the year in which they intend to take the February examination, file with the Clerk of the Supreme Court the petition/questionnaire on a form to be furnished by the Clerk, except that applicants who are graduates of a law school in a country other than the United States and applicants under Rule 2(a) shall submit the petition/questionnaire not later than February 1 for the July examination, and not later than September 1 of the next preceding year in which they intend to take the February examination. The petition/questionnaire shall also contain a certificate signed by two (2) persons certifying the applicant's good moral character. The questionnaire shall be executed by the applicant under oath.

(f) Any person who seeks to practice law in the State of Rhode Island shall at all times have the burden of proving his/her good moral character before the Committee on character and fitness of the Supreme Court. The failure of any applicant to answer any question on the petition/questionnaire or any question propounded by any member of the Committee on Character and Fitness of the Supreme Court, or to supply any documentary material requested by them or any of them, shall justify a finding that the applicant has not met the burden of proving his/her good moral character.

(g) Any person who seeks admission to practice law in the State of Rhode Island shall agree to waive all rights of privacy with reference to any and all documentary materials filed or secured in connection with his/her application. The applicant shall also agree that any such documentary material, including the character questionnaire, shall be offered into evidence, without objection, by the Committee on Character and Fitness in any proceeding in regard to the applicant's admission to the practice of law.

(h) The petition/questionnaire provided by an applicant shall be maintained by the Committee. Sections A and D of the petition/questionnaire shall be available to the public. Any documentary material submitted in connection with the petition/questionnaire, and Sections B and C of the petition/questionnaire shall be maintained by the Committee and shall not be available to the public except by order of the Court. The entire petition/questionnaire of each applicant shall be maintained for a period of no less than ten (10) years from the date of filing the petition/questionnaire, and thereafter destroyed in accordance with Supreme Court retention policies. All hearings and matters referred to the Committee for investigation shall be confidential. No member of the Committee at any time, either while a member of the Committee or thereafter, shall disclose any matter in any file, except at the request of the Committee, or the Supreme Court or unless legally required to do so. All minutes or records circulated to members of the Committee shall be kept confidential. All petitions/questionnaires and any documentary material in connection therewith which have been submitted to or are maintained by the Committee or the Clerk of the Supreme Court prior to the enactment of this rule, which do not contain separate sections B and C as described above, shall continue to be confidential and shall not be available to the public. Subject to any fees set by the Court, applicants may obtain copies of petition/questionnaires submitted to the Clerk, and shall be provided access to transcripts of hearings held before the Committee, and materials supplied by third parties which have been the subject of a hearing before the Committee. Additional application materials shall not be available to the applicant except by order of the Court.

(i) Upon receiving the petition/questionnaire, the Committee on Character and Fitness shall promptly (1) verify such facts stated in the questionnaire, communicate with such references given therein, and make such further investigation as it deems desirable or necessary; (2) arrange for a personal interview with the applicant; (3) consider the character and fitness of the applicant to be admitted to the practice of law; and (4) transmit to the Supreme Court a report of its investigation and its recommendation in regard to the character and fitness of the applicant for admission to the practice of law.

(j) The Committee on Character and Fitness may obtain information from the applicant and other persons and to this end is authorized to issue subpoenas for the attendance of witnesses and for the production of books, papers, and documents. Upon the giving of testimony, the Committee is authorized to administer oaths and affirmations.

(k) Following its investigation, the Committee on Character and Fitness shall recommend to the Supreme Court that an applicant be (1) granted admission to the practice of law, (2) granted conditional admission to the practice of law subject to probationary terms specified by the Committee, or (3) denied admission to the practice of law.

(l) The Committee on Character and Fitness may recommend that an applicant be granted conditional admission to the practice of law when it is determined that the protection of the pub-

lic may require the temporary monitoring of the applicant. In recommending that the Supreme Court issue a conditional license to practice law, the Committee shall recommend specific conditions of the license, to be fulfilled at the applicant's expense, which may include but are not limited to the following:

(1) requiring assessment and/or treatment for alcohol, drugs or other chemical dependency, and/or gambling by a professional approved by the Committee;

(2) requiring medical, psychological or psychiatric care;

(3) requiring the individual to practice law under the supervision of a member of the Rhode Island Bar, approved by the Committee, and prescribing the terms and conditions of such supervision;

(4) requiring professional office practice or management counseling;

(5) requiring submission to periodic, random drug testing to be administered by a professional approved by the Committee;

(6) requiring the individual and/or a mutually agreed upon supervisor to report periodically to the Committee or its designee;

(7) requiring the individual to take specific actions designed to cure or end any deficiencies in his or her moral character and fitness; and/or

(8) requiring the applicant, upon request at any time during the period of conditional admission, to provide business or personal financial records.

(m) If the recommendation of the Committee on Character and Fitness is for conditional admission pursuant to subsections (k)(2) and (1) or against admission pursuant to (k)(3), the report of the Committee shall set forth the facts upon which such recommendation is based and its reasons for rendering such recommendation. The Committee shall promptly notify the applicant about such conditional or adverse recommendation. The applicant shall have thirty (30) days from the date of notice of the recommendation to withdraw the application. If the applicant elects not to withdraw the application, the Committee shall forward its recommendation to the Supreme Court for action thereon.

(n) The Court, upon receipt of the recommendation by the Committee, may (1) accept, reject, or modify the recommendations of the Committee; (2) grant the application with conditions for a specified period of time, or without conditions; (3) or require the applicant to show cause why his/her application should not be denied.

(o) The Court shall give notice to the Clerk of the Supreme Court and the Chief Disciplinary Counsel of any conditional admission and the terms thereof. Notwithstanding any other confidentiality provisions under this Rule or Article II, Rule 21 of the Supreme Court Rules of Disciplinary Procedure, the Committee, Clerk of the Supreme Court and Disciplinary Counsel may share relevant information among each other regarding any breach of the conditions imposed by this Court. A conditional license shall expire on the date specified by the Supreme Court un-

less temporarily extended by the Supreme Court at the request of the Committee on Character and Fitness or at the request of the individual. A conditional licensee may apply for a renewal of the conditional license or for an unrestricted license to practice law in the State of Rhode Island, by filing a written request with the Committee on Character and Fitness at least sixty (60) days prior to the expiration of the conditional license. Notwithstanding any other provision of this Rule, a conditional license may be immediately terminated upon notice to the conditional licensee in the following circumstances and by the following procedures:

(1) If the Committee has reason to believe that a conditional licensee is in breach of a condition of the license, it may petition the Supreme Court for an order to show cause why the conditional license should not be immediately terminated.

(2) The Supreme Court shall examine the petition and determine whether a *prima facie* showing of a breach of the conditional license has been demonstrated. If the Court determines that such a showing has been made, it may immediately suspend the conditional licensee and may issue an order to the conditional licensee to show cause why the license should not be permanently revoked.

(3) In addition to the provisions set forth in (o)(1) and (o)(2), the Disciplinary Board may exercise jurisdiction over a lawyer who has been conditionally admitted, and may proceed with disciplinary action for misconduct committed while a conditional license was in effect.

Rule 4. Fees and Notice

An applicant for admission by examination shall pay to the Character and Fitness Committee a fee of Seven Hundred Twenty-Five Dollars (\$725.00). Rule 1 applicants who are graduates of a law school in a country other than the United States and Rule 2(a) applicants shall pay a separate fee to the National Conference of Bar Examiners for the required character investigation, including a supplemental report upon retaking the examination. An applicant who has failed an examination and wishes to take a subsequent examination shall pay to the Clerk a fee of Seven Hundred Twenty-Five Dollars (\$725.00). An applicant who chooses to defer to the next scheduled examination shall pay to the Clerk an additional fee of Three Hundred Dollars (\$300.00). Applicants who request that their Multi-State Bar Examination scores be forwarded to another jurisdiction shall pay to the Clerk a fee of Twenty-five Dollars (\$25.00). Applicants who request a copy of their previously submitted petition/questionnaire and copies of any additional bar application materials shall pay to the Clerk a fee as set by the Court. At least ten (10) days prior to the examination the Clerk shall cause to be published in a legal notice or news story in a daily newspaper of general circulation in this state the names of all applicants for admission. All fees collected pursuant to this rule shall be used to cover the costs of administering the examination with any surplus to be deposited into the general fund.

Rule 5. Composition of Board

The board of bar examiners shall consist of eleven (11) members to be appointed by the court. The members of the board shall hold office for the term of five (5) years from the date of their several appointments, or until their successors are appointed. The court may remove any examiner at its pleasure and fill any vacancy in said board.

Subject to the approval of the court, the board may make rules for its organization, conduct, and government.

The members of the board shall serve without compensation and shall be immune from suit for any conduct in the course of their official duties.

Note. The Rules of Practice of the Board of Bar Examiners Governing Admission on Examination are available on the Rhode Island Supreme Court website or by contacting the Bar Administrator at the Rhode Island Supreme Court Clerk's Office, Licht Judicial Complex, 250 Benefit Street, Providence, Rhode Island 02903, (401) 222-4233, ribarexam@courts.ri.gov.

Rule 6. Powers and Duties of the Board

The Board of Bar Examiners shall ascertain the character and qualifications of the applicants, and, unless otherwise specially ordered, shall examine the applicants as to their knowledge of law and shall report to the court the names of applicants they recommend for admission to the bar. Each applicant recommended, unless the court otherwise orders, shall be admitted as an attorney of this court and, such as, shall be entitled to practice law in all the courts of this state.

All candidates for admission to the bar shall complete and execute all written applications, questionnaires, affidavits, and other statements that the board in its discretion shall require of them.

Upon petition, for good cause shown, the board, in its discretion, may waive compliance with any of the foregoing rules if it finds that such waiver will not be detrimental to the public interest. An applicant aggrieved by a denial of the board of his/her petition for a waiver may file a petition for review with the court within thirty (30) days of the issuance of notice by the board of such denial. Included among the individuals who may invoke the waiver provisions of this rule are applicants with a past, present, or future military obligations with any branch of the armed forces of the United States.

Rule 7. Examinations

The Board of Bar Examiners shall determine the time and place of all examinations for admission to the bar.

Rule 8. Oath Taken by Attorneys

Every person who is admitted as attorney and counselor at law shall take the following engagement before a Justice of the Supreme Court:

“You solemnly swear that in the exercise of the office of attorney and counselor you will do no falsehood, nor consent to any being done; you will not wittingly or willingly promote, sue or cause to be sued any false or unlawful suit; or give aid, or consent to the same; you will delay no man's cause for lucre or malice; you will in all respects demean yourself as an attorney and counselor of this court and of all other courts before which you may practice uprightly and according to law, with fidelity as well to the court as to your client; and that you will support the constitution and laws of this state and the constitution and laws of the United States. So help you God.”

Rule 9. Nonresident Attorneys - In-House Counsel - Senior Law Students

(a) *Pro Hac Vice Admissions.* Any attorney who is a member in good standing of the bar of any other state, not resident in this state, whether practicing in such other jurisdiction as an individual or a member or employee of a limited liability entity authorized to practice law in such jurisdiction, may, upon special and infrequent occasion and for good cause shown upon a written miscellaneous petition presented by a member of the bar of this state, be permitted in the discretion of this Court, or such other court to which authority is delegated, to participate to such an extent as the court may prescribe in the presentation of a cause or appeal in this or any court, tribunal, commission, board, or agency in this state; provided, however, that, unless waived for good cause shown by this Court upon the filing of a miscellaneous petition requesting such relief, (a) in no instance shall a nonresident attorney be permitted to appear pro hac vice in more than three (3) cases or other proceedings in the State of Rhode Island within the five (5) year period preceding the filing of the miscellaneous petition; (b) a member of the bar of this state who is actively engaged in the practice of law out of an office located in this state must sign all pleadings, briefs, and other papers filed with the court, tribunal, commission, board, or agency, and shall assume full responsibility for them and for the conduct of the cause and of the attorney to whom such privilege is accorded; and (c) the sponsoring attorney shall sign the miscellaneous petition, and the attorney seeking pro hac vice admission and the client (that is, the party named in the pleading) who will be represented by pro hac vice counsel shall sign certifications in support of the petition, in substantially the form appended hereto as Exhibits 9-A, 9-B, and 9-C, respectively. The nonresident attorney shall, in his or her certification accompanying the petition, indicate the number of times he or she has, within the five (5) years preceding the filing of the petition, appeared pro hac vice in a case or other proceeding in the State of Rhode Island, identifying the other cases or proceedings in which he or she has been admitted pro hac vice. Unless the Supreme Court, the court granting pro hac vice admission, or the tribunal itself permits otherwise, any attorney who is granted such leave to practice before a particular tribunal shall not engage in any proceeding, hearing, or trial therein unless there is present in the courtroom or hearing room for the duration of the proceeding, hearing, or trial a member of the bar of Rhode Island who shall be prepared to continue with the proceeding, hearing, or trial in the absence of counsel who has been so granted leave.

Good cause for according such privilege shall be limited to facts or circumstances affecting

Revised October 16, 2015

the personal or financial welfare of the client and not the attorney. Such facts may include but are not limited to the following: (a) a showing that the cause involves a complex field of law in which the nonresident attorney is a specialist, (b) a long-standing attorney-client relationship, (c) lack of local counsel with expertise in the field involved, (d) the existence of legal questions involving the law of a foreign jurisdiction, (e) the need for extensive discovery proceedings in a foreign jurisdiction.

Subject to the provisions of this rule and to the adoption and approval by the court delegated the authority to admit attorneys pro hac vice of an administrative rule and forms relating to pro hac vice admission in substantial accord with the sample forms and uniform rule that are appended as exhibits 9-A through 9-D to these rules, the following courts are delegated the authority to permit nonresident attorneys to participate in causes or appeals before them and before those state and municipal tribunals, courts, boards, and agencies from which an appeal or petition for review may be taken to that court: the superior court, the family court, the district court, the workers' compensation court, and the traffic tribunal. Nonresident attorneys who seek permission to participate before a state tribunal, commission, board or agency, or municipal court, commission, board, or agency shall file a miscellaneous petition for admission pro hac vice before the court to which an appeal is taken from that court, tribunal, commission, board, or agency.

A separate miscellaneous petition and filing fee shall be required of each attorney seeking pro hac vice admission, except where such admission is sought to represent a party in respect to a prior pending action, appeal, or other proceeding in the court from which admission pro hac vice is sought, in which event a motion in lieu of a miscellaneous petition may be filed within that action, appeal, or other proceeding without the necessity of any additional filing fee.

(b) *Registration of In-House Counsel.* An attorney who is employed by a corporation or other entity at an office in this state, and who is a member in good standing of the bar of any other state but is not a member of the bar of this state, shall register with this Court as an "in-house counsel." An in-house counsel shall be subject to Articles III (Disciplinary Procedures), IV (Periodic Registration of Attorneys and Mandatory Continuing legal Education Regulations) and V (Rules of Professional Conduct) of these rules. An in-house counsel shall be permitted to practice law in this state but only on behalf of the corporation or other entity by which the in-house counsel is employed, its directors, officers, and employees in their respective official or employment capacities, and/or its commonly owned or controlled organizational affiliates, except that an in-house counsel shall not appear in the courts of this state, and shall not appear in any agency or municipal proceeding that the attorney has reason to believe prior to the proceeding is contested unless the attorney is admitted pro hac vice pursuant to subsection (a) and any provisional orders of this Court. In-house counsel registered with the Court pursuant to this rule may provide pro bono legal services offered and supervised by the Rhode Island Bar Association.

SENIOR LAW STUDENTS

(c)(1) A senior law student in a law school accredited and approved by the American Bar Association may appear without compensation on behalf of the State (including a subdivision thereof or a municipal corporation) or on behalf of indigent parties in criminal or civil proceedings in the District Court, in the Family Court, in the Administrative Adjudication Court or its suc-

Revised October 16, 2015

cessor tribunal, in any municipal court (including probate or housing), or before any state or municipality administrative agency, board, or department, providing that the conduct of the case is under the general supervision of a member of the bar of this State who, as appropriate, is a regular or special assistant attorney general or municipality solicitor, or is employed by the Office of the Public Defender or any other State agency, or is associated with an organized and approved program providing legal services to indigents which program is either 1) funded in whole or in part by the federal government or by the Rhode Island Bar Foundation or 2) sponsored by a law school accredited and approved by the American Bar Association.

(2) The term "general supervision" shall not be construed to require the attendance of the supervising attorney in court or before the tribunal. Where a supervising attorney is present, however, he or she shall have the right to participate with the student in the proceedings at his or her discretion. Provided further that no senior law student shall conduct a trial on the merits on behalf of an indigent defendant in the District or Family Courts unless the supervising attorney is present to oversee the conduct of the proceedings.

(3) The term "senior student" or "senior law student" shall mean a student who has completed successfully the equivalent of at least three full-time semesters of his or her course of law school study and who has completed or is enrolled in a course for credit in evidence or trial practice. Such student shall also secure the written approval by the dean of his or her law school certifying to the student's good character, legal ability, and training. The dean's written approval shall be filed in respect to a student or group of students with the Clerk of the Supreme Court and shall remain in effect, unless withdrawn earlier, until the date of the first bar examination following the student's graduation, and as to a student taking that examination, until the announcement of the results thereof. For any student who passes that examination, the approval shall continue in effect until the date of his or her admission to the bar.

(4) The justices of the Supreme Court or a justice of the Superior Court may, in the exercise of judicial discretion, permit a senior law student qualified and supervised as provided in subsections (a) through (c) hereof, to appear without compensation on behalf of the State or an indigent party in a criminal or civil proceeding or appeal. The supervising attorney shall be present in the Supreme or Superior Court to oversee the conduct of the proceedings and may participate in the proceedings, either at his or her discretion or if required to do so by the Court in the interest of justice or to ensure the orderly administration of court business.

(5) Any indigent party represented by a senior law student shall be informed at the commencement of the representation that the student is practicing pursuant to this rule. No student shall represent an indigent party in any proceeding in court or before any administrative agency, board or department without the client's written consent and, if the client is a child, without the written consent of the guardian ad litem, if any, as well.

(6) The term "without compensation" used in this rule shall not be construed to make such senior law students ineligible to be paid as interns or work study participants in the office of the Attorney General or the Public Defender wherein their compensation shall not depend in any way upon the number of cases, if any, in which they might be called upon to participate. Such programs, whether supported by federal, state or other funding resources shall not in any way be inhibited or adversely affected by any provisions of this rule.

Rule 10. Professional Service Corporations, Limited Liability Partnerships and Limited Liability Companies (Limited Liability Entities)

(a) Attorneys at law admitted to practice before this Court may engage in the practice of law in the form of professional service corporations as provided by the Professional Service Corporation Law, G.L. 1956 (1999 Reenactment), §§ 7-5.1-1 to 7-5.1-12, as amended, as registered limited liability partnerships, as provided by the Uniform Partnership Act, G.L. 1956 (1999 Reenactment), §§ 7-12-31.1, 7-12-56 to 7-12-59, as amended, or as limited liability companies, as provided by the Rhode Island Limited Liability Company Act, G.L. 1956 (1999 Reenactment) §§ 7-16-1 to 7-16-75, as amended.

(b) As used in this rule, the term “limited liability entity” shall include a professional service corporation and a registered limited liability partnership and limited liability company organized to practice law pursuant to the laws of any state or other jurisdiction of the United States and which practices law in the State of Rhode Island; the term “limited liability entity charter” shall mean its Articles of Incorporation (in the case of a professional service corporation), its Articles of Organization (in the case of a domestic limited liability company), its Application for Registration (in the case of a foreign limited liability company), its Application for Registered Limited Liability Partnership (in the case of a domestic partnership) or its Notice of Foreign Registered Limited Liability Partnership (in the case of a foreign partnership); and the term “limited liability entity amendment” shall mean its Articles of Amendment to the Articles of Incorporation (in the case of a professional service corporation), its Articles of Amendment to Articles of Organization (in the case of a domestic limited liability company), its Amendment to Application for Registration (in the case of a foreign limited liability company) or its renewal Application for Registered Limited Liability Partnership (in the case of a domestic partnership) or its new Notice of Foreign Registered Limited Liability Partnership (in the case of a foreign partnership). In order to obtain a license from this Court a foreign limited liability entity must have one or more attorneys who are licensed and in good standing to practice law in this state.

(c) A limited liability entity may not engage in the practice of law unless and until it applies to and receives from this Court a license to operate as a limited liability entity and only so long as such license remains in good standing.

(d) Within thirty (30) days after filing its limited liability entity charter with the Secretary of State, each limited liability entity formed to engage in the practice of law shall file with the Clerk of the Supreme Court a copy of its limited liability entity charter together with an application for license on a form to be prescribed by the Clerk setting forth:

(1) The name and address of the limited liability entity;

(2) The names and addresses of all shareholders, directors and officers, if the applicant is a professional service corporation; partners if the applicant is a registered limited liability partnership; and managers and members if the applicant is a limited liability company, each of whom must be an attorney authorized to practice law; and the state or jurisdictions where each is licensed to practice law;

(3) A representation that at the time of filing, each attorney in the organization is in good standing in this state or, if licensed to practice elsewhere, in every state or jurisdiction in which

Revised October 16, 2015

he or she is licensed;

(4) The names and address of all of its attorneys who will practice law in Rhode Island.

(5) The name and address of the insurance company writing the insurance required by G.L. 1956 (1999 Reenactment), § 7-5.1-8 or § 7-12-58, or 7-16-3.3 and shall attach to the application a copy of the certificate furnished by the insurance company to the limited liability entity;

(6) Such other information as the court may from time to time prescribe.

The license application shall be submitted electronically through the electronic filing system of the Clerk's Office, when such systems are available. The application shall be submitted by an attorney who is licensed and in good standing to practice law in this state. The Clerk is authorized to waive the electronic filing requirement in a given year if filing electronically will cause undue hardship.

The license application shall be submitted with a two hundred dollar (\$200.00) application fee. Applications filed after thirty (30) days from the filing of the limited liability entity charter with the Secretary of State, shall be subject to an additional one hundred and twenty five dollar (\$125.00) late fee.

The Clerk shall review the copy of the limited liability entity charter and the application for license to determine if all requirements of law and these rules have been complied with and notify the court of his or her findings. The court may then order the issuance of a license to practice to the limited liability entity or may refer the application for further consideration to such committee as it may appoint or designate.

(e) Within thirty (30) days after filing any limited liability entity amendment, articles of dissolution, or certificates of cancellation or withdrawal with the Secretary of State, a copy of the limited liability entity amendment, articles of dissolution, or certificates of cancellation or withdrawal (duplicate original in the case of professional corporations and limited liability companies) shall be filed with the Clerk. Within thirty (30) days of any change in the facts set forth in any application for license filed with the Clerk, a statement describing such change shall be filed with the Clerk. If such change would require additional insurance under applicable law, a new insurance company certificate shall be obtained and filed with the Clerk, together with the statement describing the change. The Clerk shall review any such documents filed with him or her to determine if such amendments or changes comply with the law and these rules, and notify the court of any non-compliance.

(f) In issuing a license the Court shall consider whether the limited liability entity meets the standards of admission imposed upon individual attorneys. The limited liability entity shall comply with and be subject to all rules governing the practice of law by attorneys and it shall do nothing which, if done by an individual attorney, would violate the standard of professional conduct applicable to attorneys licensed to practice law in this state. Any violation of this rule by the limited liability entity shall be grounds for the court to discipline it, including termination or suspension of its right to practice law. A lawyer who, while acting as a shareholder, member, officer, director, manager, partner, agent or employee of a limited liability entity engaged in the practice of law, violates or sanctions the violation of the provisions of the Professional Service Corporation Law, the provisions of the Uniform Partnership Act applicable to registered limited

Revised October 16, 2015

liability partnerships practicing law in Rhode Island, the provisions of the Rhode Island Limited Liability Company Act applicable to limited liability companies practicing law in Rhode Island or the rules of the Supreme Court of the State of Rhode Island relating to the practice of law, shall be subject to disciplinary action. No attorney may be a shareholder, member, officer, director, manager, partner, or employee of any other limited liability entity engaged in the practice of law in this state without the prior written approval of this Court.

(g) No shareholder, member, or partner of a limited liability entity practicing law shall enter into a voting trust, proxy, or any other agreement which will give an unlicensed person the authority to exercise the voting power of his or her ownership interest in said limited liability entity; provided, however, that a limited liability entity may be a shareholder of a professional service corporation, a member of a limited liability company or a partner of a registered limited liability partnership so long as all of the owners of such limited liability entity are otherwise licensed hereunder. Any such agreement shall be void.

(h) If a shareholder, member, or partner dies or becomes ineligible, the entity shall:

(1) Redeem the interest of the shareholder, member or partner unless prohibited by law from accomplishing such redemption, or

(2) Cause the interest of the shareholder, member or partner to be purchased by an eligible person or persons, or

(3) If neither of the foregoing is accomplished within nine (9) months from that date that the ineligibility occurred, then the corporation's license to practice shall be terminated forthwith and the shareholders, members, or partners shall promptly take all steps necessary to cause the dissolution and liquidation of the entity. Nothing in this rule is intended to prevent the payment for interests in the entity redeemed or purchased over any period of time that is agreed upon by the parties.

(4) The entity and the ineligible shareholder, member, or partner shall have three (3) months from the date that the ineligibility occurs to agree on the fair market value of such interest. If no agreement is reached within such three (3) month period, the entity shall apply to this court for appointment of three (3) qualified persons, as provided by G.L. 1956 (1999 Reenactment), § 7-5.1-5, to determine the fair market value; they shall report their decision within six (6) months of the date that the ineligibility occurred.

(5) The court may, upon a showing of good cause, extend any of the time periods provided by this rule.

(6) The shares of an ineligible shareholder, member or partner shall not be voted for any purpose, nor shall they be counted in determining a quorum or the number of votes required for action by the entity.

(i) Any partner of a registered limited liability partnership or member of a limited liability company who dies or becomes ineligible to be a partner or member and the executor, administrator or other legal representative of a deceased partner or member shall be required to dispose of his or her partnership or membership interest as soon as reasonably possible either to

Revised October 16, 2015

the entity or to an individual or entity duly qualified to be a partner or member of the entity; provided, however, that nothing in this rule shall affect the terms and timing of payments as may be set forth in a partnership agreement, operating or similar agreement to which such partner or member is a party.

(j) The name of every limited liability entity engaged in the practice of law shall comply with Article V, Rule 7.5. It shall end with the words “corporation,” “incorporated,” “limited,” “professional corporation”, or the abbreviations “Corp.,” “Inc.,” “Ltd.,” “P.C.” (in the case of a professional corporation), the words “limited liability company” or “professional limited liability company” or the abbreviations “l.l.c” or “p.l.l.c.” in upper or lower case and with or without punctuation (in the case of a limited liability company) or “limited liability partnership” or the abbreviations “LLP” or “L.L.P.”, (in the case of a partnership) or such other similar words or abbreviations as may be required or authorized by the laws of the jurisdiction where the limited liability company is formed or the partnership is registered. A limited liability entity shall operate under the entity name as listed in the records of the Secretary of State and shall not operate under a fictitious business name.

(k) Every limited liability entity shall register annually with this Court as required by Article IV, Rule 1A (Periodic registration of limited liability entities). Limited liability entity licenses issued by this Court shall remain in effect until termination, revocation, dissolution, cancellation, or withdrawal of the limited liability entity.

Rule 11. Legal Service Organizations. Nonprofit organizations incorporated in this state for the purpose of providing legal assistance to the poor and that provide legal assistance to a defined and limited class of clients, may practice law in their own names through attorneys who are members of the Rhode Island Bar, subject to the approval of this Court. These organizations shall follow the application and registration requirements imposed on limited liability entities pursuant to Rule 10 but shall be exempt from the payment of application and registration fees. Organizations providing legal assistance pursuant to this rule may practice law under a trade name as approved by the Court.

Rule 12. Law Clerks of Justices Not to Practice

No one serving as a law clerk or secretary to a justice of the Supreme Court shall practice as an attorney or counsel in any court or before any agency of government while continuing in that position except as a participant in the Court-Appointed Law-Clerk Advocate Program; nor shall he or she after separating from that position practice as an attorney or counselor in the Supreme Court until one (1) year has elapsed after such separation; nor shall he or she ever participate, by way of any form of professional consultation and assistance, in any case that was pending in the Supreme Court during the period that he or she held such position.

Rule 13. Court-Appointed Law-Clerk Advocate Program

The Court-Appointed Law-Clerk Advocate Program shall be comprised of persons serving as law clerks to the justices of the Supreme Court or as members of the Supreme Court Law Clerk Department. Advocates under the program may, with the approval of the Supreme Court, and under the general supervision of an experienced member of the bar of this state, appear

without compensation in Family Court, upon appointment by a justice of that court, as guardians-ad-litem in (1) dependency, neglect, abuse, and termination of parental rights proceedings, (2) wayward and delinquency proceedings, and (3) proceedings conducted in accordance with R.I.G.L. § 23-4.7-6. Such law clerks need not be members of the bar of this state at the time of their appointment.

Exhibit 9-A

STATE OF RHODE ISLAND
, SC

_____ COURT

v.

:
:
:
:
:
:

C.A. No.

MISCELLANEOUS PETITION FOR ADMISSION PRO HAC VICE

_____ hereby requests that _____
Petitioner

be admitted pro hac vice in the above-case/agency proceeding as associate trial counsel with local associate counsel identified below, on the following grounds [Please check appropriate grounds and provide specifics]:

- The case/agency proceeding involves the following complex areas of the law, in which pro hac vice counsel concentrates:

- Pro hac vice counsel's long-standing representation of the client:

- The local trial bar lacks experience in the field of:

- The case/agency proceeding involves complex legal questions under the law of a foreign jurisdiction with which pro hac vice counsel is familiar, specifically:

- The case/agency proceeding requires extensive discovery in a foreign jurisdiction convenient to pro hac vice counsel, as follows:

- It is a criminal case, and pro hac vice counsel is defendant's counsel of choice.
- Other: _____

I hereby represent that I am a member in good standing of the bar of the State of Rhode Island and that I am actively engaged in the practice of law out of an office located in this state.

Attorney for: _____

Dated: _____

Pro Hac Vice Counsel

CERTIFICATE OF SERVICE

I, _____, hereby certify that a true copy of the within petition for admission pro hac vice with accompanying attorney and client certifications were sent postage prepaid to _____, on this ____ day of _____, 200_.

Exhibit 9-B

**STATE OF RHODE ISLAND
, SC**

_____ **COURT**

v.

:
:
:
:
:
:

C.A. No.

ATTORNEY CERTIFICATION FOR PRO HAC VICE ADMISSION

1. I certify that I am a member in good standing of the bar of the State(s) of _____, without any restriction on my eligibility to practice, and that I understand my obligation to notify this Court immediately of any change respecting my status in this respect.

2. Within the preceding sixty (60) months, I was or am currently admitted pro hac vice, or have applied to be admitted pro hac vice, in the following cases or proceedings in this State:

3. I have read, acknowledge, and agree to observe and to be bound by the local rules and orders of this Court, including the Rules of Professional Conduct of the Rhode Island Supreme Court, as the standard of conduct for all attorneys appearing before it.

4. I acknowledge that if specially admitted to appear in the above-entitled matter that I will be subject to the disciplinary procedures of the Rhode Island Supreme Court. I hereby authorize the disciplinary authorities of the bar of the State(s) of _____ to release any information concerning my practice in said State(s) pursuant to the request of the Disciplinary Counsel of the Rhode Island Supreme Court.

5. For purposes of this case I have associated with local associate counsel identified below, and have read, acknowledge, and will observe the requirements of this Court respecting the participation of local associate counsel, recognizing that failure to do so may result in my being disqualified, either upon the Court's motion or motion of other parties in the case.

Signature

Name

Firm Name

Business Address

CERTIFICATION OF LOCAL ASSOCIATE COUNSEL

I certify that I have read and join in the foregoing Certification, and acknowledge and agree to observe the requirements of this Court as related to the participation and responsibilities of local associate counsel.

Signature

Local Associate Counsel
RI Bar ID #

Firm Name

Business Address

Exhibit 9-C

**STATE OF RHODE ISLAND
, SC**

_____ **COURT**

v.

:
:
:
:
:
:

C.A. No.

CLIENT CERTIFICATION

I, _____, certify that:

1. I am the plaintiff/defendant or an authorized representative of a corporate or business entity which is the plaintiff/defendant in this case;

2. I am aware that Attorney _____, is not a member of the Rhode Island bar, but that he/she has applied for permission to appear in this case on my behalf;

3. I am also aware that, if Attorney _____ is permitted to appear in this case, I will also be required to engage as co-counsel and pay for the services of a lawyer who is a member of the Rhode Island bar;

4. I am also aware that the Rhode Island lawyer engaged must be fully prepared to assume complete responsibility for the case at any time, and may be required to conduct the trial/hearing/appeal in this case on my behalf (or on behalf of the corporate or business entity);

5. Having been advised of the matters set forth above, I support the request of Attorney _____ to be permitted to appear in this case on my behalf (or on behalf of the corporate or business entity), in accordance with the rules of this Court and of the Supreme Court of the State of Rhode Island.

Witness

Signature

Print Name

Date