

Supreme Court

In re: Amendment to Article II, Rule 9 :  
(Pro Hac Vice Admissions and In-House :  
Counsel) :

**ORDER**

Section 1. Article II, Rule 9 of the Supreme Court rules, entitled “Nonresident Attorney – Senior Law Students,” is hereby amended by deleting therefrom the first paragraph of the current rule dealing with nonresident attorneys.

Section 2. The following amended provisions of Article II, Rule 9 are hereby adopted and approved by this Court. The current provisions of Rule 9 relating to “Senior Law Students” shall remain unaffected by this amendment, except for subdivision and paragraph designations. The “Senior Law Students” provisions of the rule shall hereafter be designated subdivision (c), and the current paragraphs thereof, lettered (a) through (f), shall hereafter be designated (1) through (6) of said subdivision (c). Amended Rule 9 shall read as follows:

**“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, 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 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, and the workers' compensation court. 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 the 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.”

(c) Senior Law Students

- (a-1) \* \* \*
- (b-2) \* \* \*
- (e 3) \* \* \*
- (d 4) \* \* \*
- (e 5) \* \* \*
- (f 6) \* \* \*

Section 3. Provisional Order No. 19, entitled “Pro Hac Vice Motions,” is hereby

vacated.

Entered as an Order of this Court this <sup>5<sup>th</sup></sup> 21 day of *November 2003*.

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Williams, C.J.

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Flanders, J.

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Goldberg, J.

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Flaherty, J.

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Suttell, J.