

Supreme Court

Provisional Order No. 20.

Pro Hac Vice Motions

Section I. In order to expedite the implementation of a uniform policy with respect to *pro hac vice* admissions by the courts of this state pending their separate adoption, pursuant to §8-6-2 and §28-30-12, of an appropriate rule governing such admissions (as authorized by this Court's recent amendment of Article II, Rule 9 of the Supreme Court Rules), this Court, in the exercise of its constitutional and supervisory powers and pursuant to statutory authority [Article X of the Rhode Island Constitution and G.L. 1956 (1997 Reenactment) §8-1-2], hereby promulgates the following provisional rule, along with attached forms, for use in the Superior Court, Family Court, District Court, and Workers' Compensation Court:

Out of State Counsel. No person, who is not an attorney and counselor of the Supreme Court of the State of Rhode Island, shall be permitted to act as attorney or counselor for any party in any proceeding, hearing, or trial in the Superior, Family, District, or Workers' Compensation Courts, respectively, or before a state or municipal tribunal, court, board, or agency (collectively referred to herein as administrative tribunals) from which an appeal or petition for review may be taken to one of those courts, unless granted leave to do so by a justice of such court or by the Supreme Court. Unless a justice of one of the aforementioned courts or of the Supreme Court, or the administrative tribunal itself, permits otherwise, any attorney who is granted leave to practice before such court or administrative tribunal shall not engage in any proceeding, hearing, or trial therein unless there is present in the courtroom or before the administrative tribunal 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.

Subject to the limitations and exceptions set forth in Article II, Rule 9 of the Supreme Court Rules for the Admission of Attorneys and Others to Practice Law, admission *pro hac vice* may be granted by the justices respectively of the Superior, Family, District, or Workers' Compensation Courts in their discretion upon a miscellaneous petition signed by the petitioner in a form approved by the court [Exhibit A], supported by certifications of the attorney seeking admission *pro hac vice* and of Rhode Island associate counsel [Exhibit B], and assented to by the party being represented in a client certification [Exhibit C].

Section 2. The provisions of Rule 50(c) of the Superior Court Rules of Criminal Procedure, entitled "Out of State Counsel," and any other rule or practice of the Superior, Family, District, or Workers' Compensation Courts relating to *pro hac vice* admissions are superceded by this Provisional Order and shall no longer be effective. Upon this Court's approval of a *pro hac vice* rule submitted by the Superior, Family, District, or Workers' Compensation Courts pursuant to §8-6-2 or §28-30-12, this provisional rule shall cease to be effective in such court.

Entered as an Order of this Court this 21st day of *November 2003*.

S/S _____
Williams, C. J.

S/S _____
Flanders, J.

S/S _____
Goldberg, J.

S/S _____
Flaherty, J.

S/S _____
Suttell, J.

Exhibit D

Sample Uniform Rule for Pro Hac Vice Admission

Out of State Counsel. No person, who is not an attorney and counselor of the Supreme Court of the State of Rhode Island, shall be permitted to act as attorney or counselor for any party in any proceeding, hearing or trial in the [] Court unless granted leave to do so by the [] Court or by the Supreme Court. Unless the [] Court or the Supreme Court permits otherwise, any attorney who is granted such leave to practice before the [] Court shall not engage in any proceeding, hearing, or trial therein unless there is present in the courtroom 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.

Subject to the limitations and exceptions set forth in Article II, Rule 9 of the Supreme Court Rules for the Admission of Attorneys and Others to Practice Law, leave shall be granted by the [] Court in its discretion upon a miscellaneous petition signed by the petitioner in a form approved by the court [Exhibit A], supported by certifications of the attorney seeking admission pro hac vice and of Rhode Island associate counsel [Exhibit B], and assented to by the party being represented in a client certification [Exhibit C].

Exhibit B

STATE OF RHODE ISLAND
COURT

, SC

[]

v.

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:
:
:
:
:

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 A

STATE OF RHODE ISLAND
COURT

, SC

[]

v.

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:
:
:

C.A. No.

MISCELLANEOUS PETITION FOR ADMISSION PRO HAC VICE

[Petitioner] _____ hereby requests that _____
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 C

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