

## TRAFFIC TRIBUNAL RULES OF PROCEDURE

Rule 29. APPEARANCE, WITHDRAWAL, AND EXCUSAL OF ATTORNEYS. --

(a) **Appearance.** (1) *In general.* The attorney for a defendant in a civil traffic violation action shall forthwith file his or her appearance in writing with the clerk of the court wherein the action is pending.

(2) *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 Traffic Tribunal unless granted leave to do so by the Traffic Tribunal or by the Supreme Court. Unless the Traffic Tribunal or the Supreme Court permits otherwise, any attorney who is granted such leave to practice before the Traffic Tribunal 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 Traffic Tribunal 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]

(b) **Withdrawal.** (1) *By Motion.* An attorney who has appeared on behalf of any defendant in a civil traffic violation action may not withdraw unless he or she first obtains the consent of the court. All withdrawals shall be upon motion with notice to the defendant and the attorney for the State or prosecuting officer. A motion to withdraw shall not be granted unless the attorney who seeks to withdraw shall append to his or her motion the last known address of his or her client, which shall be the official address to which notices may be sent. A motion to withdraw shall be accompanied by an affidavit setting forth facts showing the military status of the defendant. If it appears that the defendant is in the military service of the United States, as defined in the Soldiers' and Sailors' Civil Relief Act of 1940, and any amendments thereto, the motion shall not be granted unless the defendant consents thereto in writing or another attorney appears of record as counsel at the time of such withdrawal.

(2) *By Stipulation.* Where a defendant for whom an attorney has filed an entry of appearance is desirous of substituting new counsel a stipulation may be entered pursuant to which the first counsel withdraws his or her entry and replacement counsel enters his or her appearance. Such a stipulation shall not be entered where the substitution of counsel shall be cited by the defendant as a justification for delay of proceedings.

(c) **Excusal.** No attorney shall be excused from attendance upon the traffic tribunal except upon application to the Chief Judge or the administrative judge or magistrate in the absence of the Chief Judge, and such excuse from attendance shall be granted on such terms and conditions as the Court may set. In case of the sudden

illness of an attorney, or the attorney's absence from a hearing for some other imperative and unforeseen cause, a Judge shall take such action, without notice, as shall appear reasonable in the circumstances.