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 electronically file, under oath, with the Clerk of the Supreme Court the Petition for Admission to the Rhode Island Bar available on the Rhode Island Supreme Court Attorney Portal and shall satisfy the Board of Bar Examiners that:

(a) He/She is a citizen of the United States, an alien lawfully admitted for permanent residence, or an alien otherwise authorized to work lawfully in the United States, 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; and

(d) He/She is otherwise qualified to practice law. No person who 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 be permitted to seek admission to the Rhode Island Bar either by transfer of a Uniform Bar Examination score or by taking 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. Failure to achieve the minimum passing score required by the rules in place at the time of the administration of the Uniform Bar Examination constitutes a failed bar examination for purposes of this rule.

Rule 1A. 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:

(a) He/She shall electronically file, under oath, with the Clerk of the Supreme Court the Petition for Admission to the Rhode Island Bar available on the Rhode Island Supreme Court Attorney Portal and shall satisfy the Board that he/she meets the requirements of subdivisions (a), (b), and (d) of Rule 1; and

(b) 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 petition; or

(c) 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 petition.

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

Individuals must achieve a total scaled score of 135 or higher on the examination to be eligible for admission to this state's bar pursuant to this rule.

Rule 1B. Admission on Transferred Uniform Bar Examination Score.

Individuals may seek admission to this state's bar by transfer of a Uniform Bar Examination score of 270 or higher earned on an administration of the Uniform Bar Examination which occurred within two (2) years of filing a Petition for Admission to the Rhode Island Bar. Applicants seeking admission by transfer of a Uniform Bar Examination Score shall electronically file, under oath, with the Clerk of the Supreme Court the Petition for Admission to the Rhode Island Bar available on the Rhode Island Supreme Court Attorney Portal and shall satisfy the Board that they meet the requirements set forth in Rule 1(a) – (d). An applicant's score on the Uniform Bar Examination, as certified by the National Conference of Bar Examiners, is final.

Note. The Rules of Practice of the Board of Bar Examiners Governing Admission on Examination and by Transfer of a Uniform Bar Examination Score 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, *ribarexam@courts.ri.gov*.

Rule 2. Temporary Attorney Admission.

(a) *Qualifications and Requirements*. Attorneys who are a member of the bar of the highest judicial court of a state, district, or territory of the United States, and who meet the qualifications set forth in this rule, may seek temporary admission to the Rhode Island bar.

(1) Attorneys who have previously failed the Rhode Island Bar Examination are not eligible for admission under this rule.

(2) Attorneys who fail the Rhode Island Bar Examination while temporarily admitted under this rule shall have their temporary admission immediately revoked.

(3) Time spent practicing law pursuant to this rule shall not be used to satisfy the requirement of Rule 1A.

(4) The conduct of attorneys admitted under this rule shall conform to the conduct expected of members 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.

(b) *Programs providing legal services to indigents.* 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 has been engaged in the full-time active practice of law for at least one (1) year and seeks to be admitted to practice before the courts of this state in cases in which the attorney is associated with an organized and Supreme Court approved program providing legal services to indigents may be temporarily admitted to practice upon electronically filing with the Clerk of the Supreme Court the Petition for Temporary/Limited Admission to the Rhode Island Bar available on the Rhode Island Supreme Court Attorney Portal and after satisfying this Court that the attorney is a member in good standing of said court and the attorney 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;

(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.

The petition shall be filed with a statement from the program administrator certifying the proposed placement of the attorney and that the proposed placement meets the requirements of this rule.

Admission to practice under this subdivision shall cease to be effective whenever the attorney is no longer associated 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.

(c) *Admission while on active duty with the armed services – Temporary admission of military spouse attorneys*. (1) *Member of 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 law in this state upon electronically filing the Petition for Temporary/Limited Admission to the Rhode Island Bar available on the Rhode Island Supreme Court Attorney Portal and after satisfying this Court that the attorney is a member in good standing of said court. Admission under this subdivision is limited to representing 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. The petition shall be filed with a statement from the senior legal officer on active duty with the division of armed services in the district for the State of Rhode Island certifying the proposed placement of the attorney and that the proposed placement meets the requirements of this rule.

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

(2) *Spouse of Member of 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 graduated from a law school accredited and approved by the American Bar Association, who has been engaged in the full-time active practice of law for at least one (1) year, and whose spouse is on active duty with any one of the armed services and is stationed in the State of Rhode Island, may be admitted to practice law in this state upon electronically filing the Petition for Temporary/ Limited Admission to the Rhode Island Bar available on the Rhode Island Supreme Court Attorney Portal. Admission under this rule shall terminate and the attorney shall cease the practice of law in Rhode Island three (3) years from the date of admission. The three (3) years shall be inclusive of any time admitted under Article II, Rules 2(b) - (e) and 9(b) of the Rhode Island Supreme Court Rules. Additionally, admission under this rule shall terminate sixty (60) days after any of the following events:

(i) The spouse's separation or retirement from the armed services;

(ii) The spouse's transfer to another jurisdiction, unless the spouse's assignment specifies that the Department of Defense does not allow the attorney to accompany the service member, in which case the attorney upon petition to the Supreme Court may continue to practice law in Rhode Island as provided in this rule;

(iii) The marriage terminates due to death or divorce;

(iv) The attorney fails to meet the annual licensing requirements for an active attorney licensed to practice law in Rhode Island, including any and all continuing legal education requirements;

(v) Upon the attorney's written request;

(vi) The attorney is admitted to practice law in Rhode Island under any other admission rule; or

(vii) Upon notice by the Supreme Court at any time.

(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 electronically filing the Petition for Temporary/Limited Admission to the Rhode Island Bar available on the Rhode Island Supreme Court Attorney Portal and after satisfying this Court that the attorney is a member in good standing of said court. Admission to practice under this subdivision is limited to representing the Rhode Island National Guard, its officers, members, and employees acting in their official capacities. The petition shall be filed with a statement from the State Judge Advocate of the Rhode Island National Guard certifying placement of the attorney and that the proposed placement meets the requirements of this rule.

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

(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 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 upon electronically filing the Petition for Temporary/Limited Admission to the Rhode Island Bar available on the Rhode Island Supreme Court Attorney Portal and after satisfying this Court that the attorney is a member in good standing of said Court. Admission to practice under this subdivision is solely for the purpose of supervising clinical law students in a clinical law program providing legal services to indigent clients. The petition shall be filed with a statement from the dean of the law school certifying the proposed placement of the attorney and that the proposed placement meets the requirements of this rule.

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.

(f) *Temporary Practice Pending Attorney Admission*. 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 has applied for admission under Rule 1A may practice law out of an office in this state for a period of one year from filing a Rule 1A petition for admission with the Court subject to the requirements in this rule. The out-of-state attorney must be in good standing in all jurisdictions and shall not have been disbarred or resigned with disciplinary matters pending in any jurisdiction or have previously applied for admission under Rule 1A. Attorneys practicing under this rule shall be supervised by a designated active member of the Rhode Island bar working full-time at the same Rhode Island office and shall clearly state in all advertisements

and written communications related to their practice of law that their practice here is pending admission under this rule. All court pleadings must be signed by the supervising attorney.

Any attorney seeking to practice pursuant to this subsection shall advise the Court by filing a notice of intention to practice pending admission on the Rhode Island Supreme Court Attorney Portal (RISCAP) as a formal amendment to the attorney's pending petition for admission to the Rhode Island Bar. The notice shall identify the active member of the Rhode Island bar who will be the supervising attorney and shall be filed on a form that is prescribed by the Clerk. The attorney shall not engage in the practice of law in the state until this filing has been accepted and the Clerk's Office has issued the attorney a bar number.

For purposes of this rule, an "office" is a private law firm located in Rhode Island with at least five (5) attorneys actively practicing in the state on behalf of the firm, or the Rhode Island Department of the Attorney General. Attorneys seeking to practice law pending admission at an office with fewer than five (5) attorneys, or seeking to practice law for a state or municipal entity other than the Rhode Island Department of the Attorney General, shall petition the Court for an exception to this rule setting forth sufficient information for the Court to conclude that the attorney will be adequately supervised.

Any attorney engaged in the private practice of law, who is practicing pursuant to this rule, must be covered by professional liability insurance.

In no event shall permission to practice under this subdivision remain in effect longer than one (1) year from the filing of the Rule 1A petition for admission.

Rule 3. Filing a Petition for Admission to the Rhode Island Bar.

(a) *Filing Deadlines for Admission on Examination.* Persons seeking admission under Rule 1 shall file a petition for admission no later than May 1 of the year in which they intend to take a July examination and no later than December 1 next preceding the year in which they intend to take the February examination. Applicants seeking admission under Rule 1A shall file a petition for admission no later than February 1 for the July examination and no later than September 1 of the next preceding year in which they intend to take the February examination.

(b) *Confidentiality.* Petitions for admission and any documentary material submitted in connection with the petitions shall be maintained by the Clerk of the Supreme Court and shall not be available to the public except by order of the Court and upon notice to the petitioner. Members of the Board of Bar Examiners and Committee on Character and Fitness may access the petitions and documentary material submitted in connection with the petitions, as needed, in order to carry out their

duties under these rules. Upon written request, the Clerk of the Supreme Court shall make available to the public the following information about an applicant as included in a petition filed pursuant to these rules: Name, address, year of birth, law schools attended, and the month and year of the examinations taken by the applicant in this or any other jurisdiction.

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 information and documentary materials filed or secured in connection with the applicant's petition. The applicant shall also agree that any such documentary material, including the petition, shall automatically be entered into evidence, without objection, by the Board of Bar Examiners and the Committee on Character and Fitness in any proceeding held pursuant to these rules.

All hearings and matters referred to the Board and the Committee for investigation shall be confidential. No member of the Board or the Committee at any time, either while a member of the Board or the Committee or thereafter, shall disclose any matter in any file except at the request of the Court, as permitted by an authorization and release executed by the applicant, or unless legally required to do so. All meeting agendas and minutes and records circulated to members of the Board and the Committee shall be kept confidential.

(c) The petition of each applicant shall be maintained by this Court for a period of no less than ten (10) years from the date of filing the petition and thereafter destroyed in accordance with Supreme Court retention policies.

(d) Subject to any fees set by the Court, applicants may obtain copies of the petition filed with the Clerk of the Supreme Court, of transcripts from stenographically recorded hearings held before the Board and the Committee, and of any materials supplied by third parties which have been the subject of a hearing before the Board or the Committee. Additional materials shall not be available to the applicant except by order of the Court.

Note. The Rules of Practice of the Board of Bar Examiners Governing Admission on Examination and by Transfer of a Uniform Bar Examination Score 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, *ribarexam@courts.ri.gov*.

Rule 4. Character and Fitness Process – Admission on Examination or Transfer of Uniform Bar Examination score.

(a) *Burden on the Applicant.* Applicants seeking admission to this state's bar upon examination or by transfer of a Uniform Bar Examination score shall be

required to establish by clear and convincing evidence their good moral character and fitness to practice law to the satisfaction of the Committee on Character and Fitness in advance of admission to the Rhode Island Bar. Applicants shall at all times have the burden of proving their good moral character and fitness to practice law to the Committee and to the Supreme Court. The failure of any applicant to answer any question on the petition or any question propounded by any member of the Committee or to supply any documentary material requested by the Committee, shall justify a finding that the applicant has not met the burden of proving the applicant's good moral character and fitness to practice law. Rule 1B applicants may be required to submit to a character investigation conducted by the National Conference of Bar Examiners.

(b) *Composition of the Committee.* The Committee on Character and Fitness shall consist of seven (7) members appointed by the Supreme Court and shall include:

(1) One (1) member of the Board of Bar Examiners, or a designee of the Chair of the Board, said designee being a member of the Rhode Island Bar;

(2) The Attorney General or a designee of the Attorney General, said designee being a member of the Rhode Island Bar;

(3) The Clerk of the Supreme Court or a designee of the Clerk of the Supreme Court; and (4) Four (4) members of the Rhode Island Bar. The Court shall designate the Chair and Vice-Chair of the Committee.

The terms of the Attorney General or a designee and of the Clerk of the Supreme Court or a designee as members of the Committee shall be coterminous 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 a designee and the Clerk of the Supreme Court or a 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. Subject to the approval of the Court, the Committee may make rules of practice.

Each person shall be immune from civil liability for all 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 petition. 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.

(c) *Powers and Duties of the Committee.* Upon receiving the petition of an applicant seeking admission on examination or by transfer of a Uniform Bar Examination score, the Committee on Character and Fitness shall as soon as practicable:

(1) Arrange for a personal interview with the applicant;

(2) Conduct such investigation of the applicant as it deems desirable or necessary; and

(3) Consider the character and fitness of the applicant to be admitted to the practice of law and recommend that the applicant be admitted to the practice of law without further investigation; or that the applicant be referred to the full Committee for further investigation.

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.

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.

(d) *Conditional Admission.* 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 public 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 applicant 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 applicant and/or a mutually agreed upon supervisor to report periodically to the Committee or the Committee’s designee;

(7) Requiring the applicant to take specific actions designed to cure or end any deficiencies in the applicant’s 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.

If the recommendation of the Committee on Character and Fitness is for conditional admission or against admission, the report of the Committee shall set forth the facts upon which such recommendation is based and the 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 petition. If the applicant elects not to withdraw the petition, the Committee shall forward the recommendation to the Supreme Court for action thereon.

(e) The Court, upon receipt of the recommendation by the Committee, may:

(1) Accept, reject, or modify the recommendations of the Committee;

(2) Grant the petition with conditions for a specified period of time, or without conditions; or

(3) Require the applicant to show cause why the applicant's petition should not be denied.

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 III, Rule 21 of the Supreme Court Rules of Disciplinary Procedure, the Committee, the 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.

(f) *Expiration or Breach of Conditional License.* A conditional license shall expire on the date specified by the Supreme Court unless temporarily extended by the Supreme Court at the request of the Committee on Character and Fitness or at the request of the conditional licensee. 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 Court at least sixty (60) days prior to the expiration of the conditional license. The Court may refer the request to the Committee for investigation. Following any such investigation, the Committee shall transmit to the Court a report and recommendation on the request.

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, the Committee 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, the Court 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; and

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

Rule 5. Fees and Notice.

An applicant for admission on examination or by transfer of a Uniform Bar Examination score shall pay to the Clerk of the Supreme Court a fee of nine hundred and seventy five dollars ($975.00). Rule 1B applicants who are required to submit to a character investigation conducted by the National Conference of Bar Examiners and Rule 1A applicants shall pay a separate fee to the National Conference of Bar Examiners for the required character investigation, including a supplemental report upon retaking or deferral of the examination. An applicant who has failed an examination may petition to retake the next scheduled examination and shall pay to the Clerk a fee of nine hundred and seventy five dollars ($975.00). An applicant who requests 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 Multistate 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 shall pay to the Clerk a fee as set by the Court. 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.

At least ten (10) days prior to the examination the Clerk of the Supreme Court 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.

Note. The Rules of Practice of the Board of Bar Examiners Governing Admission on Examination and by Transfer of a Uniform Bar Examination Score 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, *ribarexam@courts.ri.gov*.

Rule 6. Board of Bar Examiners.

(a) *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 the Court's 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.

(b) *Powers and Duties of the Board.* The Board of Bar Examiners shall ascertain the qualifications of the applicants seeking admission on examination and shall examine the applicants as to their knowledge of law and shall report to the Supreme Court the names of applicants the Board recommends for admission to the bar. The Board shall also ascertain the qualifications of the applicants seeking admission by transfer of a Uniform Bar Examination score. Each applicant recommended, unless the Court otherwise orders, shall be admitted as an attorney of this court and 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 for any applicant seeking admission on examination and by transfer of a Uniform Bar Examination score if the Board finds that such waiver will not be detrimental to the public interest. An applicant aggrieved by a denial of the Board of the applicant's petition for a waiver may file a petition for review with the Supreme Court within thirty (30) days of the issuance of notice by the Board of such denial. Petitions seeking review of decisions of the Board shall be filed in accordance with Article I of the Supreme Court Rules of Appellate Procedure. 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.

Note. The Rules of Practice of the Board of Bar Examiners Governing Admission on Examination and by Transfer of a Uniform Bar 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, *ribarexam@courts.ri.gov*.

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 Rhode Island Supreme Court or, if residing outside of the state, before the state or local official vested with the authority to administer oaths:

"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:

(1) 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;

(2) 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

(3) 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 using the forms prescribed by the Clerk of the Supreme Court.

The nonresident attorney shall, in the certification accompanying the petition, indicate the number of times the nonresident attorney 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 the nonresident attorney has been admitted pro hac vice. Unless the Supreme Court, the court granting pro hac vice admission, or the tribunal itself permits otherwise, any nonresident 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 the nonresident attorney 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:

(i) A showing that the cause involves a complex field of law in which the nonresident attorney is a specialist;

(ii) A long-standing attorney-client relationship;

(iii) Lack of local counsel with expertise in the field involved;

(iv) The existence of legal questions involving the law of a foreign jurisdiction; and

(v) The need for extensive discovery proceedings in a foreign jurisdiction.

Subject to the provisions of this rule, 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 Rhode Island 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 with the required filing fee.

Miscellaneous petitions seeking admission pro hac vice shall be filed in the respective courts using the Rhode Island Judiciary's Electronic Filing System in accordance with Article X of the Rhode Island Supreme Court Rules and the respective court rules of procedure. The most current forms for pro hac vice are located on the Judiciary's website at www.courts.ri.gov under the heading of Public Resources, Forms.

(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, may be permitted to practice law in Rhode Island consistent with this rule upon electronically filing the Petition for Registration as In-House Counsel available on the Rhode Island Supreme Court Attorney Portal and after satisfying this Court that the attorney is a member in good standing of said court. Attorneys who have previously failed the Rhode Island Bar Examination are not eligible for registration under this rule. Attorneys who fail the Rhode Island bar examination while temporarily admitted under this rule shall have their temporary admission immediately revoked.

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.

(c)(1) *Senior Law Students.* A senior law student in a law school accredited and approved by the American Bar Association may seek certification from the Supreme Court to 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 Rhode Island

Traffic 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 funded in whole or in part by the federal government or by the Rhode Island Bar Foundation, or 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, the supervising attorney shall have the right to participate with the student in the proceedings at the supervising attorney's 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 (3) full-time semesters of the student's 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 the student's 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 the student's 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 (1) through (3) 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 the supervising attorney's 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.

(7) Senior law students seeking certification under this rule shall electronically file the Petition for Senior Law Student Certification available on the Rhode Island Supreme Court Attorney Portal.

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

(a) Attorneys 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 §§ 7-5.1-1 to 7-5.1-12, as amended, professional service benefit corporations as provided by G.L. 1956 §§ 7-5.3-1 to 7-5.3-13, as amended, registered limited liability partnerships as provided by the Uniform Partnership Act, G.L. 1956 §§ 7-12-31.1, 7-12.1-101 to 7-12.1-1204, as amended, or as limited liability companies as provided by the Rhode Island Limited Liability Company Act, G.L. 1956 §§ 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, a professional service benefit corporation, a registered limited liability partnership, and a 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. In order to practice law, a foreign limited liability entity must have one (1) 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 registers with the Secretary of State to operate as a limited liability entity and only so long as such registration remains in good standing. Limited liability entities shall indicate in the records of the Rhode Island Secretary of State that the purpose of the entity is to engage in the practice of law.

(d) All shareholders, directors, and officers if the applicant is a professional service corporation or a professional service benefit corporation; all partners if the applicant is a registered limited liability partnership; and all managers and members if the applicant is a limited liability company, must be an attorney authorized to

practice law and each attorney in the organization shall at all times be in good standing in this state or, if licensed to practice elsewhere, in every state or jurisdiction in which the attorney is licensed.

(e) In lieu of the limited liability entity licensure and annual registration requirement, all attorneys practicing law in the corporate form will be required to notify the Court of their corporate practice as part of the annual attorney registration process. All limited liability entities practicing law in the state shall follow 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. An attorney 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 G.L. 1956 §§ 7-5.3-1 to 7-5.3-13, as amended applicable to professional service benefit corporations, the provisions of the Uniform Partnership Act applicable to registered limited 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.

(f) All limited liability entities practicing law in the state shall maintain professional liability insurance in the aggregate amount of fifty thousand dollars ($50,000) multiplied by the number of attorneys practicing law on behalf of the entity in the state as of the policy anniversary date; provided, however, that in no case shall the coverage be less than one hundred thousand dollars ($100,000) but in no event shall the necessary coverage exceed a maximum of five hundred thousand dollars ($500,000). Any policy for insurance coverage may include a deductible provision in any amount not to exceed twenty-five thousand dollars ($25,000) for each claim multiplied by the number of attorneys practicing law on behalf of the entity in the state as of the date of the issuance of the policy.

(g) 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.

(h) 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 an ownership interest in said limited liability entity; provided, however, that a limited liability entity may

be a shareholder of a professional service corporation or a professional service benefit 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.

(i) 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 authority to practice shall terminate 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 the Court for appointment of three (3) qualified persons, as provided by G.L. 1956 § 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.

(j) 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 the partnership or membership interest as soon as reasonably possible either to 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.

(k) The name of every limited liability entity engaged in the practice of law shall comply with Article V, Rule 7.5. The name shall end with the words “corporation,” “incorporated,” “limited,” or “professional corporation,” or the abbreviations “Corp.,” “Inc.,” “Ltd.,” or “P.C.” (in the case of a professional corporation or a

professional service benefit 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.

Rule 11. Nonprofit entities.

A nonprofit entity organized pursuant to the laws of any state or other jurisdiction of the United States, and duly authorized to do business in the State of Rhode Island with one of its primary purposes being to provide legal assistance to the indigent and/or to a defined and limited class of clients, may practice law in its own name through attorneys who are members of the Rhode Island Bar.

A nonprofit entity may not engage in the practice of law unless and until it registers with the Secretary of State to operate as a nonprofit entity and only so long as such registration remains in good standing. Nonprofit entities shall indicate in the records of the Rhode Island Secretary of State that the purpose of the entity is to engage in the practice of law. Within thirty (30) days of registering with the Secretary of State to practice law in Rhode Island, the nonprofit entity shall file with the Clerk of the Supreme Court a notice describing its operations on a form to be prescribed by the Clerk. Organizations providing legal assistance pursuant to this rule may practice law under a trade name which complies with Article V, Rule 7.5.

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 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 the 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 G.L. 1956 § 23-4.7-6. Such law clerks need not be members of the bar of this state at the time of the law clerks' appointment.