

**State of Rhode Island and Providence Plantations**

**Public Utilities Commission**

**MEMORANDUM**

**To:** All Attorneys Who Practice Before the Commission  
**From:** Public Utilities Commission  
**Date:** July 3, 2001  
**Re:** Ramifications of the June 26, 2001, Rhode Island Supreme Court Decision, *In re Steven E. Ferrey*, regarding admission to practice *pro hac vice* before this Commission.

On June 26, 2001, the Rhode Island Supreme Court issued a written opinion in the matter of *In re Steven E. Ferrey*, No. 2001-172-M.P. (June 26, 2001). Mr. Ferrey is an attorney admitted to practice in Massachusetts, but not in Rhode Island. He was providing services to his client by appearing before a state agency. The agency had previously admitted him *pro hac vice* for the purposes of appearing before that agency. That admission was challenged and the Supreme Court held that the agency did not have the authority to admit him. In fact, the Supreme Court emphasized that it “alone possesses the sole authority” to admit an out-of-state attorney to practice *pro hac vice* in Rhode Island. *In re Steven E. Ferrey*, at 3.

Because the Public Utilities Commission has entertained Motions for Admission *pro hac vice*, it is now faced with the issue of dockets in which out-of-state attorneys, not properly admitted by the Supreme Court, have entered appearances. As a result of the Supreme Court’s mandate, the Commission is instituting certain procedural requirements. Some of these requirements will apply to all attorneys who appear before the Commission and some will apply only to those matters in which out-of-state attorneys have entered or will be entering appearances.

First, from this date forward, only attorneys who are members in good standing of the Rhode Island Bar and attorneys properly admitted *pro hac vice* by the Supreme Court will be authorized to practice before the Commission. In addition, local counsel shall review and sign all documents filed by the attorney who is admitted *pro hac vice*.

Second, Rhode Island attorneys shall now include their Rhode Island Bar Number with their signature on all filings with the Commission. In doing so, the attorney is certifying to this Commission that he or she is an active member of the Rhode Island Bar, in good standing.

Third, in open dockets where any out-of-state attorney has previously filed documents with this Commission only in his or her name, local counsel shall review each document submitted by the out-of-state attorney for compliance with Rhode Island Rule of Civil Procedure No. 11 and Commission Rule of Practice and Procedure 1.5(d). Local counsel shall then file an Affidavit (substantially in the form attached) with the Commission, incorporating by reference and adopting each and every document

reviewed, with reference to the exact language in Rule 1.5(d). This Affidavit will also serve as local counsel's entry of appearance in the docket. Local counsel is expected to review all subsequent filings for compliance with the Commission's Rules of Practice and Procedure. Finally, no out-of-state attorney shall appear before the Commission unless and until such attorney has filed a signed order evidencing such attorney's admission *pro hac vice*.

Fourth, as a result of the Supreme Court's mandate, the Commission has determined that it should not proceed with any open dockets involving out-of-state attorneys, not properly admitted *pro hac vice* by the Supreme Court, without assurance that the record of the proceeding and/or any decision of the Commission therein will not be subject to appeal based on the *pro hac vice* issue. The Commission recommends that the parties in every such open docket (any docket for which a final order has not been issued) stipulate their agreement to waive any appeal based on the *pro hac vice* issue. The stipulation shall be signed by local counsel for each party and shall be filed with this Commission no later than July 31, 2001. (This waiver will not be deemed a waiver of any other issue for appeal.) When all parties to an open docket have executed and filed the stipulation, the Commission will proceed with the docket. While the Commission will accept a stipulation covering multiple dockets, a signed original must be filed for each open docket listed. The Commission is adopting this practice until it receives further guidance from the Supreme Court on how to proceed under the circumstances presented.

For your convenience, we have attached a sample affidavit.

Please feel free to contact Steve Frias, Esq. or Cindy Wilson, Esq. with any questions regarding these changes.

