

STATE OF INDIANA
INDIANA UTILITY REGULATORY COMMISSION

Notice of Proposed Rulemaking

IURC RM #08-11
LSA #11-590

The Indiana Utility Regulatory Commission (the "Commission"), pursuant to IC 8-1-1-3(g) and IC 8-1-2-47, hereby proposes to amend 170 IAC 1-1.1-7 regarding attorney appearances in commission proceedings. The Commission shall hear public comments on the attached Proposed Rule at a date and time to be determined, in Suite 220, of the National City Center, 101 W. Washington Street, Indianapolis, Indiana.

The Secretary of the Commission is hereby directed to maintain copies of the proposed rule continuously on file in the Commission Offices for public inspection, and forward copies of the attached proposed rule to the Indiana Legislative Services Agency for publication in the Indiana Register.

IT IS SO ORDERED.

ATTERHOLT, LANDIS, MAYS, AND ZIEGNER CONCUR; BENNETT ABSENT:

APPROVED: **MAR 07 2012**

**I hereby certify that the above is a true
and correct copy of the Rule as approved.**



Brenda A. Howe
Secretary to the Commission

JPH
43
CM

TITLE 170 INDIANA UTILITY REGULATORY COMMISSION

Proposed Rule LSA Document #11-590

DIGEST

Amends 170 IAC 1-1.1-7 regarding attorney appearances in commission proceedings.
Effective 30 days after filing with the Publisher.

170 IAC 1-1.1-7

SECTION 1. 170 IAC 1-1.1-7 IS ADDED TO READ AS FOLLOWS:

170 IAC 1-1.1-7 Attorneys; representation; withdrawal of appearance

Authority: IC 8-1-1-3; IC 8-1-2-47

Affected: IC 8-1-1-5; IC 8-1-1.1-5.1

Sec. 7. (a) Any person filing an appearance pro se to represent his or her own interest is required to:

(1) sign and verify any pleadings or documents in accordance with section 8(d) of this rule; and

(2) comply with all rules applicable to commission proceedings.

(b) The interest of another person or entity may only be represented by an attorney admitted to practice before the supreme court of Indiana in good standing.

(c) An attorney **that is** not admitted to practice before the supreme court of Indiana in good standing, ~~but admitted to practice before the Supreme Court of the United States, or the highest court of any other state or territory of the United States, in good standing, may appear at the discretion of the presiding officer before the commission upon filing a verified petition for limited admission to practice before the commission that meets the requirements of~~ **is a member of the bar of another state or territory of the United States, or the District of Columbia must apply for and receive temporary admission through** the Indiana Rules for Admission to the Bar and the Discipline of Attorneys Rule 3, ~~Section 2(a)~~ **Section 2 prior to practicing law before the commission.** Upon being granted limited admission to practice before the commission, an attorney must **do the following:**

(1) **File the following with the commission prior to appearing in a cause:**

(A) **An appearance in the cause.**

(B) **A copy of the notice of temporary admission filed with the clerk of the Indiana supreme court.**

(2) **Appear with co-counsel admitted to practice in Indiana unless authorized by the presiding officers.** ~~Pending approval of the petition, such an attorney may be permitted to appear, at the discretion of a presiding officer, at any hearing.~~ Local counsel shall:

(1) **(A)** sign all briefs, papers, and pleadings in such cause; and

(2) **(B)** be jointly responsible therefor.

(d) Any withdrawal of appearance by an attorney on behalf of any party must:

(1) comply with the Indiana Rules of Professional Conduct;

- (2) be in writing; and
- (3) be granted by leave of the presiding officer.

(e) Except for good cause shown, a request for withdrawal of appearance by an attorney must be filed with the commission at least ten (10) days prior to the next scheduled hearing date. *(Indiana Utility Regulatory Commission; 170 IAC 1-1.1-7; filed Oct 30, 2000, 2:10 p.m.: 24 IR 656; readopted filed Apr 6, 2006, 11:00 a.m.: 29 IR 2670; filed May 21, 2008, 9:29 a.m.: 20080618-IR-170070514FRA)*