

Summary of State Foreign Lawyer Practice Rules (4/29/15*)

Prepared by Professor Laurel Terry (<u>LTerry@psu.edu</u>) based on implementation information contained in charts prepared by the ABA Center for Professional Responsibility dated 4/28/2015 and 4/28/15 available at

http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/recommendations.authcheckdam.pdf and http://www.americanbar.org/content/dam/aba/administrative/professional_responsibility/state_implementation_selected_e20_20_rules.authcheckdam.pdf

*This document (or an updated version) is available online on an ABA webpage and my webpage: see http://tinyurl.com/laurelterrymap

There are five methods by which foreign lawyers might *actively* practice in the United States: 1) through a license that permits only limited practice, known as a foreign legal consultant rule [addressed in MJP Report 201H]; 2) through a rule that permits temporary transactional work by foreign lawyers [addressed in MJP Report 201J]; 3) through a rule that permits foreign lawyers to apply for pro hac vice admission [ABA Resolution #107C (Feb. 2013)]; 4) through a rule that permits foreign lawyers to serve as in-house counsel [ABA Resolutions #107A&B (Feb. 2013)]; and 5) through full admission as a regularly licensed lawyer in a U.S. jurisdiction. (The ABA does not have a policy on Method #5 although there are a number of foreign lawyers admitted annually; information about state full admission rules is available in NCBE's annual COMPREHENSIVE GUIDE TO BAR ADMISSIONS. See also NCBE Statistics.)

In 2015, the Conference of Chief Justices [CCJ] adopted a <u>Resolution</u> that urged states to adopt explicit policies on issues 1-4 and on the issue of "association." States that are considering whether to adopt rules regarding these five methods of foreign lawyer admission might want to consider the model provided in <u>International Trade in Legal Services and Professional Regulation: A Framework for State Bars Based on the Georgia Experience</u>, available at http://tinyurl.com/GAtoolkit. The CCJ endorsed this "Toolkit" in <u>2014</u>.

Jurisdictions with FLC Rules	Explicitly Permit Foreign Lawyer Temporary Practice	Jurisdictions that Permit Foreign Lawyer Pro Hac Vice	Jurisdictions that Permit Foreign In-House Counsel	Since 2010 has had a foreign-educated full-admission applicant
33	10	16	15	32
AK, AZ, CA, CO, CT, DE (Rule 55.2), DC, FL, GA, HI, ID, IL, IN, IA, LA, MA, MI, MN, MO, NH, NJ, NM, NY, NC, ND, OH, OR, PA, SC, TX, UT, VA, WA	CO, DC (Rule 49(c)(13), DE (RPC 5.5(d)), FL, GA, NH, NM (includes transactional matters), OR, PA, VA	CO, DC (Rule 49), GA (Rule 4.4), IL, ME, MI, NM, NY, OH (Rule XII), OK (Art. II(5)), OR, PA, TX (Rule XIX), UT (appellate courts only; see Utah Rule of Appellate Procedure 40; cf. Rule 14-806), VA, WI	AZ, CO (205.5), CT, DC, DE (Rule 55.1), GA, IN (Rule 6(2), KS, NC, OR (allowed on a temporary basis under Rule 5.5(c); further study underway); TX, VA (Part 1A), WA, WI, WV	AL, AK, AZ, CA, CO, CT, DC, FL, GA, HI, IL, IA, LA, ME, MD, MA, MI, MO, NV, NH, NY, OH, OR, PA, RI, TN, TX, UT, VT, VA, WA, WI
ABA Model FLC Rule (2006)	ABA Model Rule for Temporary Practice by Foreign Lawyers	ABA Model Pro Hac Vice Rule	ABA Model Rule re Foreign In-House Counsel and Registration Rule	No ABA policy; Council did not act on Committee Proposal; see state rules
ABA Commission on Multijurisdictional Practice web page	State Rules—Temporary Practice by Foreign Lawyers (ABA chart)	Comparison of ABA Model Rule for Pro Hac Vice Admission with State Versions and Amendments Since August 2002 (ABA chart)	In-House Corporate Counsel Registration Rules (ABA chart); Comparison of ABA Model Rule for Registration of In-House Counsel with State Versions (ABA chart); State- by State Adoption of Selected Ethics 20/20 Commission Policies (ABA chart)	NCBE COMPREHENSIVE GUIDE TO BAR ADMISSIONS

*Note: As the map on the back of this page shows, five jurisdictions—Colorado, the District of Columbia, Georgia, Oregon, and Virginia—have rules for all 5 methods; two jurisdictions have rules on 4 methods (PA, and TX); and 12 jurisdictions have rules on 3 methods (AZ, CT, DE, FL, IL, MI, NH, NY, OH, UT, WA, and WI). [Prior editions of the map erroneously included Pennsylvania among the "five method" states.]

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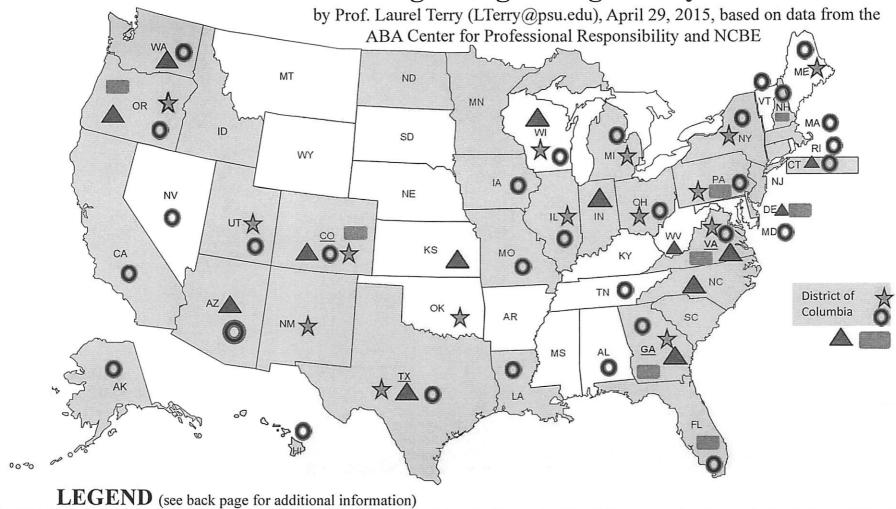
State Rules - Temporary Practice by Foreign Lawyers

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	Model Rule for Temporary Practice by Foreign Lawyers
ABA	(Adopted August 12, 2002)
ADA	http://www.americanbar.org/content/dam/aba/migrated/cpr/mjp/201j.authcheckdam.pdf
	Rules Governing Admission To The Practice Of Law In Colorado
	Rule 205.2 Temporary Practice by Foreign Attorney-Conditions of Practice
CO	https://www.courts.state.co.us/userfiles/file/Court_Probation/Supreme_Court/Rule_Cha
	nges/2014/2014(09)%20clean.PDF
	Delaware Rules of Professional Conduct
	Delaware Rules of Professional Conduct
DE	Dula 5.5 (a) Hamiltonia di Ci di Mili di Ci di Ci
DE	Rule 5.5 (c). Unauthorized practice of law; multijurisdictional practice of law
	http://courts.delaware.gov/Rules/DLRPCFebruary2010.pdf
	D.C. App. R. 49. Unauthorized Practice
DC	Rule 49(c)(13).Incidental and Temporary Practice
	http://www.dccourts.gov/internet/documents/rule49.pdf
	On October 15, 2004, the Committee on the Unauthorized Practice of Law of the District
	of Columbia Court of Appeals issued opinion 14-04 that states a foreign lawyer may
	engage in the incidental practice of law in the District.
	http://www.dccourts.gov/internet/documents/rule49_opinion14-04.pdf
	Florida Rules of Professional Conduct
	Translation of Translation and
FL	Rule 4-5.5(d) Authorized Temporary Practice by Lawyer Admitted in a Non-United
	States Jurisdiction.
	http://www.floridabar.org/divexe/rrtfb.nsf/FV/AE4F324F9F246B2085257A2C0062827
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	Georgia Rules of Professional Conduct
CA	Dula 5.5 (a). Hannahadand Duada a Cham Markita in Rich and Duada a
GA	Rule 5.5 (e): Unauthorized Practice of Law; Multijurisdictional Practice of Law
1	http://www.gabar.org/barrules/handbookdetail.cfm?what=rule&id=129

	Dulgo of the Surgeon Court of the State CN VY		
	Rules of the Supreme Court of the State of New Hampshire		
	Administrative Rules 35 To 59		
NH			
	Rule 42C. Temporary Practice by Foreign Lawyers.		
	http://www.courts.state.nh.us/rules/scr/scr-42c.htm		
	New Mexico 24-106. Practice by nonadmitted lawyers.		
	http://www.nmcompcomm.us/nmrules/NMRules/24-106 11-1-2013.pdf		
NM	http://public.nmcompcomm.us/nmpublic/gateway.dll/nmsa1978/nmra/rset24/34170?f=te		
	mplates\$fn=reference.htm\$3.0\$s=%3C/b%3E%20%3E%20%3Cb%3E\$p=nmsa1978/n		
	mra/rset24/34170		
	Oregon Rules of Professional Conduct		
	Oregon Rules of Professional Conduct		
OR	Rule 5.5 Unauthorized Practice of Law; Multijurisdictional Practice		
OK	Rule 3.3 Offaction reactice of Law, Multijurisaletional Practice		
	https://www.osbar.org/_docs/rulesregs/orpc.pdf		
13.4	Pennsylvania Rules of Professional Conduct		
PA			
İ	Rule 5.5 (c). Unauthorized Practice of Law; Multijurisdictional Practice of Law.		
	http://www.pacode.com/secure/data/204/chapter81/s5.5.html		
	Virginia Rules of Professional Conduct		
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VA	Rule 5.5 (d). Unauthorized Practice of Law; Multijurisdictional Practice of Law.		
	http://www.vsb.org/docs/Rules-5.5-8.5 final.pdf		

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Jurisdictions with Rules Regarding Foreign Lawyer Practice



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Yellow shading = has a foreign legal consultant rule

= rule permits temporary practice by foreign lawyers (also known as FIFO or fly-in, fly-out)

= rule permits foreign pro hac vice admission

= rule permits foreign in-house counsel

= has had at least one foreign-educated applicant sit for a bar exam between 2010 and 2013.