

**UPDATED REPORT OF THE CBA TASK FORCE ON MULTIJURISDICTIONAL  
PRACTICE**

**Introduction**

In response to concerns expressed by CBA members, on October 31, 2000, Donat C. Marchand, then President of the Connecticut Bar Association, appointed the Task Force on Multijurisdictional Practice to "study the facts and questions surrounding the delivery of legal services by lawyers in states in which they are not admitted to practice".<sup>1</sup> The Task Force was to report to the CBA President and House of Delegates by the Annual Meeting on June 11, 2001.

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<sup>1</sup> The complete charge to the Task Force reads as follows: The purpose of the task Force on Multijurisdictional Practice is to study the facts and questions surrounding the delivery of legal services by lawyers in states in which they are not admitted to practice, a phenomenon caused by increasing demands for attorneys to provide legal services to clients with facilities or activities in a number of states, by clients who have relocated to other jurisdictions and wish to continue the client relationship, and by clients seeking the services of specialists in specific areas of the law. The Task Force will examine the extent of the activity, the causes, potential responses to the issue ranging from keeping the *status quo* to adopting a single-license national system, and the possible effect upon clients and members of the Connecticut Bar, as well as possible approaches to issues of unauthorized practice of law by the delivery of legal services by an attorney admitted in another state.

To provide a broad perspective, the members appointed to the Task Force include members of small, medium and large firms, specialists and generalists, and house counsel.<sup>2</sup>

Because of the widespread recognition of the problem, the ABA had earlier established a Commission on Multijurisdictional Practice to investigate the issue and present recommendations. That Commission conducted hearings and released its draft Report in December 2001. Its final report is to be made to the ABA House of Delegates in August 2002.

The CBA Task Force presented its original report to the House of Delegates at the Annual Meeting in June 2001 with endorsements in principle from a number of sections and the New Haven Bar Association. At the annual meeting, the Report was tabled to permit consideration by the Litigation Section which later endorsed it in principle.

In its original report, the CBA Task Force had endorsed a modified version of the change to Rule 5.5 of the Rules of Professional Conduct recommended by the Ethics 2000 Commission. Subsequent to the original report, the ABA MJP Commission issued a draft report which recommends a rule substantially modified from the proposal of the Ethics 2000 Commission. As a result, the CBA Task Force has reviewed Rule 5.5 as proposed by the ABA MJP Commission and has revised this report based upon the text of Rule 5.5 as proposed by the ABA MJP Commission in its draft

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<sup>2</sup> The members of the Task Force are set forth in Appendix A.

report.

### **The Nature Of The Unauthorized Practice Problem**

There exists a host of ethical rules, state laws and case law intended to prevent an attorney from practicing law in a state in which the attorney is not licensed. These unauthorized practice of law rules arose in the nineteenth century when most law was state law, when most business was local in nature and when most lawyers seldom had work which required them to venture beyond their states' boundaries. These practice limitations served the purpose of protecting clients from lawyers who were ill-equipped to deal with the vagaries of legal systems with which they were unfamiliar.

Today's environment is vastly different. The law today is much more complex and vast areas of the law are national in scope rather than state or local. Moreover, business and commerce are predominantly interstate and/or international in nature with the consequence that many lawyers and their clients are constantly on the move and handling transactions that cut across state and national boundaries. Added to the foregoing is the reality that vastly improved systems of communication and transportation have significantly diminished the relevance of state boundaries to the legal profession and to the public generally. The landscape is now dotted with national law firms with offices in multiple jurisdictions. Multinational corporations employ large cadres of attorneys who regularly advise their employers/clients on legal matters involving the laws of numerous jurisdictions.

As a result, most legal observers who have studied the issue have concluded that the existing patchwork of unauthorized practice of law rules is ill-suited for the world in which we now live. Today there is also a widespread perception that clients' interests are best and most efficiently served by allowing lawyers to represent their clients even when that representation takes the lawyer outside the jurisdiction in which she is licensed. A client, for example, which has facilities in ten states, should not have to retain ten different local counsel every time a legal issue is raised regarding the operation of those facilities. Nor should a corporation which does business in all fifty states be expected to employ lawyers licensed in fifty jurisdictions to review its practices and procedures.

In fact, actual practice *has* kept pace with these changes, but the rules have not. Many lawyers regularly provide services to their clients which would easily violate the unauthorized practice of law rules if applied literally. However, enforcement of the rules in this context had been rare although this may be changing. The profession seems to have accepted a "Don't Ask -- Don't Tell" approach. Since the rules have been seldom enforced, enforcement appears to be arbitrary and the result is often perceived as being unfair or unsound. Moreover, when rules are only sporadically enforced, conscientious attorneys are provided little guidance as to what is allowed and what is not--what conduct is proper and what is sanctionable.

In short, the time is ripe for reform. Numerous alternatives have been suggested. These range from national licensure to more modest proposals. Chapter 1, Section 3 of The American Law Institute's *The Restatement (3rd) of the Law Governing Lawyers*, for example, would permit an attorney to provide services outside the jurisdiction in which the attorney is admitted "to the extent that the lawyer's activities arise out of or are otherwise reasonably related to the lawyer's practice in the jurisdiction in which the lawyer is admitted". The ABA Ethics 2000 Commission proposed a more far reaching solution. Its proposed revision of Model Rule 5.5 not only captures the essence of the Restatement provision, but it also goes on to provide other safe harbors, including one allowing in-house attorneys to provide services exclusively to their employers in

jurisdictions in which the attorneys are not admitted. The Connecticut Bar Association has previously addressed the in-house attorney problem and is advocating a change in the Rules.

Connecticut lawyers have also been considering the broader issues of multijurisdictional practice. A Connecticut Bar Foundation Symposium in December 2000 probed the issues raised by recent court decisions which have rigidly applied existing unauthorized practice of law statutes or rules to conduct which many lawyers view as perfectly appropriate.

### **Conclusions And Recommendations**

After reviewing the literature, analyzing the various proposals and discussing the alternatives, the Task Force reached certain conclusions:

- Change is needed. The multijurisdictional practice of law raises immediate issues under the State's current rules of professional conduct and unauthorized practice laws or rules. To the extent possible, an immediate solution should be pursued, even if it is only a partial solution.
- Existing laws, rules and precedent lack uniformity, are only sporadically enforced, are widely ignored, and are at odds with prevalent practices. Moreover, they are ill designed to ensure attorney competency, the rationale under which they are defended.
- The multijurisdictional practice of law issue is not an issue which primarily focuses on competence; Rule 1.1 of the

Rules of Professional Conduct requires a lawyer to act in a competent manner. Rule 1.1 requires lawyers to represent their clients competently, and the threat of civil malpractice liability, together provide a more direct and effective framework for ensuring lawyer competency than do the unauthorized practice of law rules. Any resolution of the multijurisdictional practice of law issue should maintain this preeminent principle.

- Courts and governmental entities should be free to maintain control over the persons who appear before them in a professional capacity. To a reasonable degree, the State's rules should not impede persons who are, or who expect to be, parties to a proceeding before such a body from engaging counsel of their choice, notwithstanding that the

necessary formalities of his or her compliance with the rules of the Court or governmental entity may not take place until a later date.

- The multijurisdictional practice of law is a feature of the current marketplace for legal services. Accommodating the reality of multijurisdictional practice within the ethical constraints of the legal profession should not have the effect of changing the marketplace unless it imposes rules not now commonly observed in practice.
- Loosening the restraints on out-of-state practice will not have a substantial impact on most local practitioners. Local real estate, matrimonial, personal injury and trusts and estates practice will be unaffected by out-of-state lawyers who have no economic incentive to make inroads into such local matters.
- Imposition of constraints on multijurisdictional practice of law which prevent a lawyer admitted in this or another state from acting for a client in an otherwise appropriate manner imposes additional costs in time and expense. These increased costs are or would be perceived by clients as economically unwarranted and unreasonable, would result in less utilization of legal services, and disadvantage those

less able to afford legal services. Such constraints are not sufficiently justifiable.

- Some accommodation also needs to be made with respect to the in-house counsel aspects of the multijurisdictional practice of law.
- It is in the Bar's interest to facilitate the delivery of quality legal services by its members at reasonable cost.
- It is in the State's interest to foster interstate commerce in legal services as in other fields.

Because of the above considerations, the Task Force rejected approaches to multijurisdictional practice issues for which implementation would require the involvement of other states or the federal government. In particular, it was felt a federal system of licensing, or a uniform state licensing or registration system, was not likely to be implemented in the immediate future. Similarly, more comprehensive approaches, such as those that might be the product of the ABA Commission, should be considered, if and when proposed, as a replacement or refinement of a more immediate resolution.

For these reasons, the original report of the CBA Task Force endorsed a modified version of Proposed Model Rules 5.5 and 8.5 as proposed in the Report of the ABA's Ethics 2000 Commission.<sup>3</sup>

As indicated previously, since the CBA Task Force generated its original report, the ABA Commission on MJP in December 2001 recommended the adoption of an revision of Rule 5.5 expanded from that proposed by the Ethics 2000 Commission.<sup>4</sup> This expanded proposal results from hearings in cities around the country and incorporates suggestions made by various bar groups.

Upon consideration of Rule 5.5 as proposed by the ABA MJP Commission, the Task Force supports its recommendations in principle and suggest modifications as discussed hereinafter.

**Comparison of the Ethics 2000 Commission and ABA MJP Commission**

**Proposals**

**ABA MJP PROPOSAL**

**ABA ETHICS 2000 PROPOSAL**

(a) A lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction.	A lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction.
(b) A lawyer admitted in another United States jurisdiction, but not in this jurisdiction, does not engage in the unauthorized practice of law when the lawyer represents a client on a temporary basis in this jurisdiction if the lawyer's services do not create an unreasonable risk to the interests of the lawyer's client, the public, or the courts.	A lawyer admitted to practice in another jurisdiction, but not in this jurisdiction, does not engage in the unauthorized practice of law in this jurisdiction when:

<sup>3</sup> Th text of the revised rule, observations and comments of the Ethics 2000 Commission are set forth in Appendix B.

<sup>4</sup> The text of the ABA MJP Commission draft report is attached as Appendix C.

<p>(c) Services for a client that are within paragraph (b), if performed on a temporary basis by a lawyer admitted and in good standing in another United States jurisdiction, include services that:</p> <p>1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the representation;</p> <p>(2) may be performed by a person who is not a lawyer without a law license or other authorization from a state or local governmental body;</p> <p>(3) are in or reasonably related to a pending or potential proceeding before a tribunal or administrative agency held or to be held in this or another jurisdiction, if the lawyer is authorized by law or court or agency order to appear in such proceeding or reasonably expects to be so authorized;</p> <p>(4) are in or reasonably related to a pending or potential arbitration, mediation, or other alternate dispute resolution proceeding held or to be held in this or another jurisdiction;</p>	<p>the lawyer is associated in the matter with a lawyer admitted to practice in this jurisdiction who actively participates in the representation.</p> <p>New</p> <p>the lawyer is authorized by law or order to appear before a tribunal or administrative agency in this jurisdiction or is preparing for a proceeding in which the lawyer reasonably expects to be so authorized.</p> <p>New</p>
<p>(5) are not within paragraph (c)(3) or (c)(4) and:</p> <p>(i) are performed for a client who resides or has an office in a jurisdiction in which the lawyer is authorized to practice, or</p> <p>(ii) arise out of or are reasonably related to a matter that has a substantial connection to a jurisdiction in which the lawyer is admitted to practice; or</p> <p>(6) are governed primarily by federal law, international law, the law of a foreign nation, or the law of a jurisdiction in which the lawyer is admitted to practice.</p>	<p>New</p> <p>the lawyer acts with respect to a matter that arises out of or is otherwise reasonably related to the lawyer's representation of a client in a jurisdiction in which the lawyer is admitted to practice</p> <p>New</p>

<p>(d) A lawyer admitted to practice in another jurisdiction but not in this jurisdiction does not engage in the unauthorized practice of law in this jurisdiction:</p> <p>(1) if the lawyer is an employee of a client and acts on behalf of the client or its commonly owned organizational affiliates except for work for which <i>pro hac vice</i> admission is required; or</p> <p>(2) when the lawyer renders services in this jurisdiction pursuant to other authority granted by federal law or the law or a court rule of this jurisdiction.</p>	<p>a lawyer who is an employee of a client acts on the client's behalf or, in connection with the client's matters, on behalf of the client's commonly owned organizational affiliates;</p> <p>New</p>
<p>(e) Except as authorized by these rules or other law, a lawyer who is not admitted to practice in this jurisdiction shall not:</p> <p>(i) establish an office or other permanent presence in this jurisdiction for the practice of law; or</p> <p>(ii) represent or hold out to the public that the lawyer is admitted to practice law in this jurisdiction.</p>	<p>New</p> <p>New</p> <p>New</p>
	<p>a lawyer shall not assist another person in the unauthorized practice of law.</p>

**MJP Commission Major Modifications of Rule 5.5 From That Proposed  
By The Ethics 2000 Commission**

Rule 5.5 as proposed by the MJP Commission would codify what is considered to be an exemption for services rendered

pursuant to "other authority granted by federal law or the law or a court rule of this jurisdiction." (§5.5(c)(6))

The additional safe harbors for services as proposed by the MJP Commission would include:

- (i) arbitration and other dispute resolution proceedings (§5.5(c)(h));
- (ii) services which can be performed by a person who is not a lawyer (§5.5(c)(2); and
- (iii) services governed by federal, international or foreign law, or the law of the lawyer's home jurisdiction (§5.5(c)(6))

The MJP Commission proposal would exclude from the safe harbor for house counsel those matters which require *pro hac vice* admission. (§5.5(d)(1))

The MJP Commission proposed rule specifically states:

Except as authorized by these rules or other law, a lawyer who is not admitted to practice in this jurisdiction shall not:

- (i) establish an office or other permanent presence in this jurisdiction for the practice of law; or
- (ii) represent or hold out to the public that the lawyer is admitted to practice law in this jurisdiction.

(§5.5(e)) but it eliminates ¶5.5(c) in the Ethics 2000 proposed rule:

A lawyer shall not assist another person in the unauthorized practice of law.

**CBA Task Force Concerns with respect to the MJP Commission**

**Proposed Rule.**

The safe harbors contained in Rule 5.5 as proposed by the MJP Commission are considered to treat appropriately a significant number of the multijurisdictional practice issues that arise in common practice. However, the included safe harbors are not considered a comprehensive resolution of all the issues. In particular:

- The Task Force feels a lawyer admitted in Connecticut with offices in Connecticut, contacted by an out-of-state client to render services partially or wholly outside Connecticut that arise out of or are reasonably related to a matter that has a substantial connection to work being performed for the client in Connecticut, should not be viewed as engaged in the unauthorized practice of law. The ABA MJP Commission proposal limits safe harbors to "temporary" representation and further requires a connection to the home state, either by reference to its laws or by the existence of an office of the client in the home state. The Ethics 2000 Commission proposal did not specifically state that the representation in the host state had to be "temporary". It also did not limit the services encompassed to those performed for a client located in the home state or to those arising out of or reasonably related to

a matter that has a substantial connection to the home state.

Connecticut is among those states with regionally and nationally recognized practitioners in special transactional areas of the law and clients from outside the state seek such practitioners to represent them throughout the United States. The MJP Commission proposal would not provide a safe harbor for those practitioners because the ABA MJP safe harbor only covers services that are "performed on a temporary basis" and

(i) performed for a client who resides or has an office in a jurisdiction in which the lawyer is authorized to practice or;

(ii) arise out of or are reasonably related to a matter that has a substantial connection to a jurisdiction in which the lawyer is admitted to practice.

To take advantage of a safe harbor for continuing services if the client has no office in Connecticut, Connecticut practitioners would have to maintain in each jurisdiction a relationship with attorneys who must actively participate in the representation. This represents no change from the existing state of the law and would require the client to use multiple lawyers, thus providing little or no improvement for these specialists or their clients.

- The Task Force considered whether the safe harbor in section §5.5 (d)(1) is overly limited by using the term "employee". The arrangements between many business entities and their work forces go beyond conventional employee/employer relationships and include temporary employees, independent contractors,

leased employees and other similar arrangements. The Task Force believes developing a consensus about an appropriate expansion of the safe harbor to address such circumstances would delay adoption and therefore believes that this matter can be addressed later.

- The MJP Commission rule has qualified the safe harbor for house counsel by precluding them from acting in matters where *pro hac vice* admission is required. This is clearly advisable but it should be noted that *pro hac vice* admission is the province of the courts, and the language might be clarified by providing that the safe harbor should not be construed as a basis for authorizing *pro hac vice* admission. Moreover, the exclusion should be expanded to exclude appearances before federal, state and local agencies and tribunals. It should also exclude performance of legal services for persons who may be customers of their employer (e.g., real estate closings and trust agreements.) The inclusion of the in-house counsel provision in the rule proposed by the CBA Task Force has been questioned in view of the broader, but significantly different, proposed rule as to house counsel which has been forwarded by the CBA to the Rules Committee of the Superior Court. That proposed rule does not require reciprocity and would be effective in Connecticut except to the extent that other states were to adopt a rule similar to proposed Rule 5.5. It is more likely that other states will adopt a revised Rule 5.5 and thus reciprocity could be available as to house counsel admitted in those states.

- The ABA MJP rule provides a safe harbor for attorneys representing parties in an arbitration, but not for those who function as arbitrators since they are not acting on behalf of a client unless one construes an administering organization (e.g., AAA) as a client.
- The introductory clause to the prohibition against opening an office (§ 5.5(e)) as proposed by the MJP Commission could be seen as an opening wedge by those attorneys who fear an influx of out-of-state attorneys. If some activity is authorized by statute or by other mandate, then only to that extent could an attorney practice in the host state. As a practical matter, it is unlikely that any attorney would confine his or her activity to only that permitted by other law (e.g., patent prosecution before the Patent Office). Accordingly, "Except as authorized by these rules or other law" should be deleted in its entirety, or at least "these rules or" should be deleted.
- It would seem desirable to retain the Ethics 2000 clear prohibition:

A lawyer shall not assist another person in the unauthorized practice of law.

#### **Inclusion Of A Reciprocity Provision**

The efficacy of revised Model Rule 5.5 as proposed by the Ethics 2000 Commission or the ABA MJP Commission is based upon an assumption that it will be adopted nationwide, and accordingly it focuses on when an out-of-state lawyer would be engaged in the

unauthorized practice of law in this state. The Task Force believes a nationwide rule would have significant advantages and should be encouraged. It therefore considers a reciprocity element to be desirable to encourage states to adopt similar rules. For that reason, the Task Force proposes the addition to Model Rule 5.5 of a reciprocity provision. It also considers that reciprocity would prevent inequitable treatment of lawyers located in border areas, who might be disadvantaged by the ability of lawyers in a neighboring state to practice in Connecticut when Connecticut lawyers could not do so in the neighboring state. The Task Force believes it would be worthwhile for the Connecticut Bar to reach out to neighboring states to seek to develop a common, reciprocal approach at least on a regional basis.

The Task Force feels that, as proposed, and in the absence of nationwide adoption, Proposed Model Rule 5.5 might impose on lawyers in this State greater restrictions than are placed on out-of-state lawyers. In particular, subsection (a) as proposed by the ABA Commission would penalize a lawyer admitted in this State under this State's rules for conduct in another state which would be permitted in this State by lawyers admitted in that state. This is the other side of the reciprocity issue. It should be noted that Rule 8.5 of the Rules of Professional Conduct deals with the disciplinary authority and choices of law. Therefore, the Task Force believes it is necessary to amend subsection (a) to provide a similar safe harbor for such conduct by adding a new second sentence to that effect.

As recommended by the CBA Task Force for adoption in Connecticut, Model Rule 5.5 as proposed by the ABA MJP Commission would be amended to read as follows:

**CBA Proposed Model Rule 5.5: Unauthorized Practice Of Law**

(a) A lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction. **Conduct described in subsections (b), (c) and (d) in another jurisdiction** shall not be deemed the unauthorized practice of law for purposes of this subsection (a).

(b) A lawyer admitted in another United States jurisdiction, but not in this jurisdiction, does not engage in the unauthorized practice of law when the lawyer represents a client on a temporary basis, in this jurisdiction if the lawyer's services do not create an unreasonable risk to the interests of the lawyer's client, the public, or the courts *and provided such activities would not constitute the unauthorized practice of law in such other jurisdiction if conducted in such other jurisdiction by a lawyer admitted in this jurisdiction.*

(c) Services for a client that are within paragraph (b), if performed on a temporary basis by a lawyer admitted and in good standing in another United States jurisdiction, include services that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the representation;

(2) may be performed by a person who is not a lawyer without a law license or other authorization from a state or local governmental body;

(3) are in or reasonably related to a pending or potential proceeding before a tribunal or administrative agency held or to be held in this or another jurisdiction, if the lawyer is authorized by law or court or agency order to appear in such

proceeding or reasonably expects to be so authorized;

(4) are in or reasonably related to a pending or potential arbitration, mediation, or other alternate dispute resolution proceeding held or to be held in this or another jurisdiction;

(5) are not within paragraph (c)(3) or (c)(4) and:

(i) are performed for a client who resides or has an office in a jurisdiction in which the lawyer is authorized to practice, or

(ii) arise out of or are reasonably related to a matter that has a substantial connection to **work being performed for the client in** a jurisdiction in which the lawyer is admitted to practice; or

(6) are governed primarily by federal law, international law, the law of a foreign nation, or the law of a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted to practice in another jurisdiction but not in this jurisdiction does not engage in the unauthorized practice of law in this jurisdiction:

(1) if the lawyer is an employee of a client and acts on behalf of the client or its commonly owned organizational affiliates except for work for which *pro hac vice* admission is required **and for representation as counsel in proceedings before**

**any federal, state and local tribunals; or**

(2) when the lawyer renders services in this jurisdiction pursuant to other authority granted by federal law or the law or a court rule of this jurisdiction; or

*(3) when the lawyer serves as an arbitrator, mediator or facilitator in an alternate dispute resolution proceeding.*

(e) [Except as authorized by these rules or other law, a] A lawyer who is not admitted to practice in this jurisdiction shall not:

(i) establish an office or other permanent presence in this jurisdiction for the practice of law; or

(ii) represent or hold out to the public that the lawyer is admitted to practice law in this jurisdiction.

**(f) A lawyer shall not assist another person in the unauthorized practice of law.**

The additions are italicized and the deletions are overstruck.

The changes to Rule 8.5 proposed in the report of the Ethics 2000 Commission would be compatible with our recommended Rule 5.5. A copy of the proposed revised Rule 8,.5 is appended hereto as Appendix C.

### LIMITATIONS ON OUT OF STATE ATTORNEYS

The Task Force believes it appropriate to identify what Proposed Rule 5.5 would not permit:

- The Proposed Rules would not allow a lawyer not admitted in this State to open an office in this State, to advertise in this State, or to be held out as admitted in this State.
- The Proposed Rules would not excuse compliance with the other rules of professional conduct; it would in fact cause them to be applicable and do not guarantee that a lawyer not admitted in Connecticut would be able to comply with all applicable provisions.
- The Proposed Rules would not excuse incompetence.

### Proposed Further Action

It should be recognized that many small firm lawyers in Connecticut may express concern that proposed Rule 5.5 would open the flood gates to lawyers from other states soliciting business in Connecticut. This concern is even more likely in those states which do not have a large number of business law firms and corporations which operate in other jurisdictions. As a result, it is quite possible that proposed Rule 5.5 may not be

adopted nationally and/or by the majority of the states. If Connecticut lawyers do not fully understand the situation, they may oppose even the limited solution proposed by the Task Force.

To obtain support for the proposed rule change, steps must be taken to inform the Bar of the problem, the reasons for finding a reasonable accommodation, and the constraints on the influx of attorneys from other states, all as discussed hereinbefore.

The realities of the situation are that most Connecticut clients will continue to look for local representation as to most matters. It is the clients of the medium and large size firms which are more likely to avail themselves of counsel in other states. However, these firms are also most likely to be currently engaged in multijurisdictional practice because they have clients which are engaged in national and international matters.

Because clients seeking attorneys to provide multijurisdictional services are heavily clustered in a limited number of states (e.g, New York, Massachusetts, Connecticut, Pennsylvania, New Jersey, Ohio, North Carolina, California and Illinois), it is more likely that the Bar in those states will have interest in fostering multijurisdictional practice and exempting it from the present unauthorized practice of law restriction.

To secure support for, or at least reduce opposition to, the proposal by Connecticut attorneys, the Task Force should make presentations to local bar associations at which the presenters

disseminate information and answer questions. Enlightened discussions should dispel much of the concerns.

Concurrently with efforts to secure endorsement and ultimate adoption of the proposed rule in Connecticut, efforts should be made to explore reciprocal compacts with at least some of the New England states and New York. Such compacts would then provide the impetus for reciprocity discussions with other states.

To this end, the New England Bar Association has appointed an MJP Committee. The Maine, New Hampshire and Vermont Bar Associations did not perceive MJP to be a problem in their states. A Rhode Island Bar Association committee favors the safe harbor principles of Rule 5.5. The Massachusetts Bar Association and Boston Bar Association have appointed committees to consider the matter.

Several state bar associations have already endorsed the safe harbor concepts of Rule 5.5 including California which first started the string of MJP unauthorized practice decisions. Three states (Washington, Oregon and Idaho) have endorsed a reciprocal "green card" arrangement. Numerous proposals were

reported at hearings of the MJP Commission during the ABA mid-year meeting.

The MJP Commission is continuing to hold hearings around the country to receive comments and suggestions on its proposal. The Connecticut Task Force will present the foregoing comments and suggestions at a hearing in New York City in March 2002.