

17 A A.R.S. Sup. Ct. Rules, Rule 33

RULES OF THE SUPREME COURT OF ARIZONA

V. ADMISSION AND DISCIPLINE OF ATTORNEYS

B. ADMISSION TO BAR

Rule 33. Committees; Practice

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(f) Foreign Legal Consultant.

1. Definition. A "foreign legal consultant" is a person who is admitted to practice and is in good standing as an attorney or counselor at law or the equivalent in a foreign country or political subdivision of a foreign country, and has been issued a certificate of registration as a foreign legal consultant.

2. Requirement for certificate of registration. To be issued a certificate of registration as a foreign legal consultant, an applicant must:

A. For a period of not less than five of the seven years immediately preceding the date of the application, have been admitted to practice and have been in good standing as an attorney or counselor at law or the equivalent in a foreign country or political subdivision of a foreign country; and have engaged either: (i) in the practice of law in such country or political subdivision; or (ii) in a profession or occupation that requires admission to practice and good standing as an attorney or counselor at law or the equivalent in such country or political subdivision.

B. Possess the good moral character necessary for a member of the state bar.

C. Intend to practice as a registered foreign legal consultant in this state and to maintain an office in the state for such practice.

D. Possess the necessary documentation evidencing compliance with the immigration laws of the United States.

E. Have attained the age of eighteen.

F. File with the secretary of the committee on character and fitness, a written application in the form supplied by the committee. The application must be accompanied by required supporting documents and filing fee. Upon receipt, the committee will provide applicant with the character investigation application, which may be a form produced by the National Conference of Bar Examiners (NCBE). The applicant is responsible for payment to the NCBE for preparation of the character report.

3. Documents required in support of application. The following must accompany every application:

A. An application fee as established by the supreme court.

B. A complete set of the applicant's fingerprints. The committee on character and fitness is authorized to receive criminal history information regarding any applicant for admission from any law enforcement agency in conjunction with the admissions process.

C. A certificate, with a duly authenticated English translation, if not in English, from the authority having jurisdiction over admission in the foreign country or political subdivision of the foreign country in which the applicant was admitted to practice, which shall be signed by a responsible official or one of the members of the executive body of such authority and which shall be accompanied by the official seal, if any, of such authority and which shall certify (a) as to the authority's jurisdiction in such matters, and (b) as to the applicant's admission to practice in such foreign country or political subdivision of such country, the date of such admission, and the applicant's good standing as an attorney or counselor at law or the equivalent thereof.

D. A certificate, with a duly authenticated English translation, if not in English, from the authority having jurisdiction over professional discipline in the foreign country or political subdivision of the foreign country in which the applicant was admitted to practice, which shall be signed by a responsible official or one of the members of the executive board of such authority and which shall be accompanied by the official seal, if any, of such authority and which shall certify (a) as to the authority's jurisdiction in such matters, and (b) as to whether any charge or complaint has ever been filed against the applicant with such authority, and if so, the substance of each such charge or complaint and the adjudication or resolution thereof.

E. A letter of recommendation, with a duly authenticated English translation, if not in English, from one of the members of the executive body of the authority mentioned in subdivision (3)C above or from one of the judges of the highest law court or of a court of original jurisdiction in the foreign country or political subdivision of the foreign country.

F. Upon receipt, the committee shall provide the applicant with a form for the detailed character report, which may be the form of the National Conference of Bar Examiners. The fee for such investigation shall be borne by the applicant.

G. The committee on character and fitness and its agents may require such information or further documents from a foreign legal consultant applicant as it is authorized to require of any applicant for admission to the state bar and may make such investigations, conduct such hearings and otherwise process said application as if made pursuant to the provisions of the rules governing application for admission by examination.

H. The committee on character and fitness may receive and act upon any such application at any time or in its discretion may require that such applications be received and processed by the committee at the same time and in the same manner as applications for admission upon examination.

4. Hardship waiver. Upon a showing that strict compliance with the provisions of subdivision 3C or 3D above would cause the applicant unnecessary hardship, or upon a showing of exceptional professional qualifications to practice as a foreign legal consultant, the committee may in its discretion waive or vary the application of either or both of those provisions and permit the applicant to furnish other evidence in lieu thereof.

5. Reciprocity. In considering whether to issue a certificate of registration as a foreign legal consultant, the committee may consider whether a member of the state bar would have a reasonable and practical opportunity to establish an office for the giving of legal advice to clients in the applicant's country of admission; provided, however, there is pending with the committee a request from a member of the state bar to take this factor into account, the member is actively seeking or has actively sought to establish such an office in that country, and there is a serious

question as to adequacy of the opportunity for a member of the state bar to establish such an office.

6. Scope of practice.

A. A person licensed to practice as a foreign legal consultant under this rule may render legal services in this state subject, however, to the limitations that he or she shall not:

- i. Appear for a person other than himself or herself as attorney in any court, or before any magistrate or other judicial officer, in this state other than upon admission pro hac vice pursuant to rule 33(d);
- ii. Prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States of America; or
- iii. Prepare any will or trust instrument affecting the disposition on death of any property located in the United States of America and owned by a resident thereof; or
- iv. Prepare any instrument relating to the administration of a decedent's estate in the United States of America; or
- v. Prepare any instrument in respect to marital relations, rights or duties of a resident of the United States of America or the custody or care of the children of a resident;
- vi. Render professional legal advice on the law of this state or of the United States of America (whether rendered incident to the preparation of legal instruments or otherwise), except on the basis of advice from a person duly qualified and entitled (otherwise than by virtue of having been licensed under this rule) to render professional legal advice in this state;
- vii. In any way hold himself or herself out as a member of the state bar.

B. A person registered as a foreign legal consultant under this rule shall at all times use the title "legal consultant", which shall be used in conjunction with the name of the foreign country of his or her admission to practice, and shall not carry on his or her practice under, or utilize in connection with such practice, any name, title or designation other than one or more of the following:

- i. His or her own name;
- ii. The name of his or her law firm;
- iii. His or her authorized title in the foreign country of his or her admission to practice, which may be used in conjunction with the name of such country.

7. Rights and obligations. A foreign legal consultant registered under this rule shall not be a member of the state bar but shall be considered an affiliate of the state bar subject to the same conditions and requirements as apply to a member of the state bar under the rules of court governing members of the state bar, insofar as conditions and requirements are consistent with the provisions of this rule, and shall:

- A. have the right, in the same manner and to the same extent as members of the state bar to:
- i. employ one or more members of the state bar;
 - ii. be employed by one or more members of the state bar or by any partnership or professional corporation which includes members of the state bar or which maintains an office in this state; or
 - iii. be a partner in any partnership or shareholder in any professional corporation which includes members of the state bar or which maintains an office in this state; and
- B. enjoy and be subject to all rights and obligations with respect to attorney-client privilege, work-produce privilege, and other professional privileges in the same manner and to the same extent as members of the state bar.

8. Disciplinary provisions. A person registered as a foreign legal consultant under this rule shall be subject to professional discipline in the same manner and to the same extent as members of the state bar.

9. Course on Professionalism. Within one year after receiving a certificate of registration, a foreign legal consultant shall complete the state bar course on professionalism, or an equivalent course on the principles of professionalism approved or licensed by the Board of Governors of the State Bar of Arizona for this purpose. The provisions of rule 34(e) regarding summary suspension and reinstatement shall apply.

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