

SUPREME COURT OF GEORGIA

Atlanta September 3, 2004

The Honorable Supreme Court met pursuant to adjournment.
The following order was passed:

It is ordered that Part E Licensure of Foreign Law Consultants of the Rules Governing the Admission to the Practice of Law be deleted in its entirety and the following be hereby substituted:

PART E

LICENSURE OF FOREIGN LAW CONSULTANTS

§ 1. General Regulation as to Licensing of Legal Consultants

A person who meets the following qualifications may apply to the Office of Bar Admissions for licensing as a Foreign Law Consultant. The applicant must:

- (a) be a member in good standing of a recognized legal profession in a foreign country, the members of which are admitted to practice as attorneys or counselors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority;
- (b) for at least five of the seven years immediately preceding his or her application have been a member in good standing of such legal profession and has actually been engaged in the practice of law in the said foreign country or elsewhere substantially involving or relating to the rendering of advice or the provision of legal services concerning the law of the said foreign country;
- (c) possess the good moral character and general fitness requisite for a member of the bar of this State;
- (d) intends to practice as a legal consultant in this State.

§ 2. Proof Required

- (a) An applicant under this Rule shall file with the Office of Bar Admissions:
 - (1) a certificate from the professional body or public authority in such foreign country having final jurisdiction over professional discipline, certifying as to the applicant's admission to practice and the date thereof, as to his or her good standing as such attorney or counselor at law or the equivalent, and as to whether any charge or complaint has ever been filed against the applicant with such authority, and, if so, the substance of each charge or complaint and the adjudication or resolution thereof;
 - (2) a letter of recommendation from one of the members of the executive

body of such professional body or public authority or from one of the judges of the highest law court or court of original jurisdiction of such foreign country;

- (3) a duly authenticated English translation of such certificate and such letter i in either case, it is not in English;
 - (4) a letter of recommendation from at least two (2) active members of the State Bar of Georgia setting forth the length of time, when, and under what circumstances they have known the applicant, and their appraisal of the applicant's moral character; and
 - (5) such other evidence as to the applicant's educational and professional qualifications, good moral character and general fitness, and compliance with the requirements of Section 1 of these **Rules** as the Office of Bar Admissions may require.
- (b) The fee for filing an original application to determine the character and fitness of an applicant shall be determined from time to time by the Fitness Board, but in no event shall such fee be less than \$1,000.
 - (c) The review of the moral character and fitness of an applicant for a license to practice law as a foreign law consultant shall be conducted in compliance with the provisions of Sections 6 through 10 of Part A of these **Rules**.
 - (d) Upon showing that strict compliance with the provisions of Sections 2(a)(1) and 2(a)(2) of this Part E of these **Rules** is impossible for reasons beyond the control of an applicant, the Fitness Board may, in its discretion, waive or vary the application of such provisions and permit the applicant to submit other comparable evidence of the applicant's qualifications and moral character and fitness.
 - (e) If the Fitness Board determines that an applicant possesses the integrity and character requisite to be a member of the State Bar of Georgia, the Fitness Board shall certify the applicant as fit to practice as a foreign law consultant. Certifications may be in the form of a letter to the applicant which shall include the certification's expiration date, which shall be one (1) year after the date issued.
 - (f) Certification of fitness issued to foreign law consultant applicants may be renewed upon application to the Fitness Board not less than one (1) month prior to the certificate's expiration date. Applications for renewal of certification shall be on such forms as the Fitness Board may determine and shall be accompanied by a fee of \$100.00. Applications for renewal of certification by foreign law consultant applicants shall otherwise be governed by the provisions in Section 11 of Part A of the **Rules Governing Admission to the Practice of Law** in Georgia.

§ 3. Certification of Eligibility

- (a) Upon receiving the Fitness Board's certificate of fitness to practice law, an applicant shall file an application for admission to practice as a foreign law consultant with the Board of Bar Examiners on a form furnished by the Board of Bar Examiners, or, if so designated by the Board, by the Director of Bar Admissions, accompanied by the requisite fee, the certificate of fitness to practice law and the following documents, together with duly authenticated English translations if they are not in English:

- (1) the documents referred to in Sections 2(a)(1) and 2(a)(2) or Section 2(d) of Part E of these **Rules**; and
 - (2) such other evidence as to the applicant's educational and professional qualifications and required practice as the Board of Bar Examiners may require.
- (b) The fee for filing an original application to be licensed to practice as a foreign law consultant shall be the fee determined from time to time by the Board of Bar Examiners, but in no event shall such fee be less than \$75.00.
 - (c) If the Board of Bar Examiners determines that an applicant possesses all of the qualifications and has satisfied all the requirements set forth in Sections 1 and 3 of this Part E of these **Rules**, the Board shall issue to the applicant a certification of eligibility for admission to practice as a foreign law consultant. Certification may be in such form as the Board of Bar Examiners prescribes, including a letter, bearing the seal of the Board and signed by the chair of the Board, or any member of the Board designated by the chair or by the Director of Bar Admissions. Such certificate shall be valid for one year from the date of its issuance. Upon application being made to the Office of Bar Admissions, a certificate of eligibility shall be subject to renewal in the same manner as outlined in Section 2(f) of Part E of these **Rules**.
 - (d) Upon receiving the certificate of the Office of Bar Admissions that an applicant is eligible for admission to practice as a foreign law consultant, the applicant shall deliver the certificate to the Chief Judge of the circuit in which he or she wishes a license to practice as a foreign law consultant.
 - (e) Upon receiving the certificate of eligibility for admission, the superior court shall enter an order that, upon payment of the usual fee to the Clerk of the superior court, the Clerk issue a license authorizing such applicant to render legal services and give professional legal advice as a foreign law consultant.

§ 4. Limited Scope of Practice

- (a) A person licensed to practice as a 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;
 - (ii) prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America;
 - (iii) prepare:
 - (a) any will or trust instrument effecting the disposition on death of any property located in the United States of America and owned by a resident thereof, or
 - (b) any instrument relating to the administration of a decedent's estate in the United States of America;
 - (iv) prepare any instrument in respect of the marital or parental relations, rights or duties of a resident of the United States of America, or the custody or care of the children of such a resident;
 - (v) render professional legal advice on the law of this State, or of any other United States jurisdiction, 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;

- (vi) be, or in any way hold himself or herself out as, a member of the bar of this State; or
- (vii) 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:
 - (a) his or her own name;
 - (b) the name of the law firm with which he or she is affiliated;
 - (c) 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; and
 - (d) the title "legal consultant," which may be used in conjunction with the words "admitted to the practice of law in [name of the foreign country of his or her admission to practice]."

- (b) A person licensed to practice as a legal consultant under this Rule may render legal advice regarding matters which are governed by international law, the law of the foreign country where the applicant is admitted to practice, or the law of a non-United States jurisdiction.

§ 5. Disciplinary Provisions

A person licensed to practice as a legal consultant under this Rule shall be subject to professional discipline in the same manner and to the same extent as members of the bar of this State and to this end:

- (a) Every person licensed to practice as a legal consultant under these **Rules** shall be subject to control by the Supreme Court and the State Bar of Georgia and to censure, suspension, removal or revocation of his or her license to practice by the Supreme Court;
- (b) An applicant for licensure to practice as a foreign law consultant shall execute and file with the Office of Bar Admissions, in such form and manner as the Office of Bar Admissions may prescribe:
 - (1) his or her commitment to observe the Georgia Rules of Professional Conduct and the Rules of the State Bar of Georgia to the extent applicable to the legal services authorized under Section 5 of this Rule;
 - (2) a duly acknowledged instrument, in writing, setting forth his or her address in this State and designating the Clerk of the Supreme Court as his or her agent upon whom process may be served, with like effect as if served personally upon him or her, in any action or proceeding thereafter brought against him or her and arising out of or based upon any legal services rendered or offered to be rendered by him or her within or to residents of this State, whenever after due diligence service cannot be made upon him or her at such address or at such new address in this State as he or she shall have filed in the office of the Clerk of the Supreme Court by means of a duly acknowledged supplemental instrument in writing;
 - (3) a written undertaking to notify the Office of Bar Admissions of any

change in such person's good standing as a member of the foreign legal profession referred to in Section 1(a) of this Rule and of any final action of the professional body or public authority referred to in Section 2(a)(1) of this Rule imposing any disciplinary censure, suspension, or other sanction upon such person; and

- 4) a commitment to notify the Office of Bar Admissions of any lawsuit brought against the consultant which arises out of or is based upon any legal services rendered or offered to be rendered by the consultant within this State or any other jurisdiction.
- (c) Service of process on the Clerk of the Supreme Court, pursuant to the designation filed as aforesaid, shall be made by personally delivering to and leaving with the Clerk, or with a deputy or assistant authorized by him or her to receive such service, at his or her office, duplicate copies of such process together with a fee of \$10. Service of process shall be complete when such attorney has been so served. Such clerk shall promptly send one of such copies to the legal consultant to whom the process is directed, by certified mail, return receipt requested, addressed to such legal consultant at the address specified by him or her as aforesaid.

§ 6. Revocation of License

In the event that the Office of Bar Admissions determines that a person licensed as a legal consultant under this Rule no longer meets the requirements for licensure set forth in Section 1(a) or Section 1(c) of this Rule, it shall revoke the license granted to such person hereunder.

§ 7. Admission to Bar

In the event that a person licensed as a legal consultant under this Rule is subsequently admitted as a member of the bar of this State under the provisions Part C or Part D of the Rules governing such admission, the license granted to such person hereunder shall be deemed superseded by the license granted to such person to practice law as a member of the bar of this State.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I hereby certify that the above is a true extract from
the minutes of the Supreme Court of Georgia
Witness my signature and the seal of said court hereto
affixed the day and year last above written.

, Clerk