

**Indiana Rules of Court
Rules for Admission to the Bar
and the Discipline of Attorneys**

Rule 5. Foreign Legal Consultants

(1) General Regulation as to Licensing. In its discretion, the Supreme Court may license to practice in Indiana as a foreign legal consultant, without examination, an applicant who:

(a) is 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 has 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) possesses the good moral character and general fitness requisite for a member of the bar of Indiana; and

(d) intends to practice as a foreign legal consultant in Indiana and to maintain an office in this State for that purpose.

(2) **Proof Required.** An applicant under this Rule shall file with the State Board of Law Examiners:

(a) 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, and as to his or her good standing as such attorney or counselor at law or the equivalent;

(b) 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 and a letter of recommendation from at least one attorney who is licensed to practice law in the State of Indiana other than as a foreign legal consultant;

(c) a duly authenticated English translation of such certificate and such letter if, in either case, it is not in English;

(d) the National Conference of Bar Examiners questionnaire and affidavit along with the payment of the requisite fee and 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 this Rule as the State Board of Law Examiners may require;

(e) a copy or summary of the law and customs of the foreign country that describes the opportunity afforded to members of the Bar of Indiana to establish offices for the giving of legal advice to clients in such foreign country, together with an authenticated English translation if it is not in English; and

(f) the requisite documentation evidencing compliance with the immigration laws of the United States.

(3) Reciprocal Treatment of Members of the Bar of Indiana. In considering whether to license an applicant to practice as a foreign legal consultant, the Supreme Court may in its discretion take into account whether a member of the bar of Indiana 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. Any member of the bar who is seeking or has sought to establish an office in that country may request the court to consider the matter, or the Court may do so sua sponte.

(4) Scope of Practice. A person licensed to practice as a foreign legal consultant under this Rule shall be limited to rendering professional legal advice on the law of the foreign country where the foreign legal consultant is admitted to practice. A foreign legal consultant shall not:

(a) 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;

(b) prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America;

(c) prepare:

(i) 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

(ii) any instrument relating to the administration of a decedent's estate in the United States of America;

(d) 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;

(e) 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;

(f) be, or in any way hold himself or herself out as, a member of the bar of Indiana; or

(g) use any title other than "foreign legal consultant" and affirmatively state in conjunction therewith the name of the foreign country in which he or she is admitted to practice (although he or she may additionally identify the name of the foreign or domestic firm with which he or she is associated).

(5) Rights and Obligations. Subject to the limitations set forth in Section 4 of this Rule, a person licensed as a legal consultant under this Rule shall be considered a lawyer affiliated with the bar of this State and shall be entitled and subject to:

(a) the rights and obligations set forth in the Indiana Rules of Professional Conduct or arising from the other conditions and requirements that apply to a member of the bar of Indiana under the Indiana Rules of Court; and

(b) the rights and obligations of a member of the bar of Indiana with respect to:

(i) affiliation in the same law firm with one or more members of the bar of Indiana with respect to:

(A) employing one or more members of the bar of Indiana;

(B) being employed by one or more members of the bar of Indiana or by any partnership or professional corporation which includes members of the bar of this State or which maintains an office in this State;

(C) being a partner in any partnership or shareholder in any professional corporation which includes members of the bar of Indiana or which maintains an office in this State; and

(ii) attorney-client privilege, work product privilege and similar professional privileges.

(6) 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 Indiana and to this end:

(a) every person licensed to practice as a foreign legal consultant under these Rules:

(i) shall be subject to control by the Supreme Court and to censure, suspension, removal or revocation of his or her license to practice by the Supreme Court and shall otherwise be governed by the Admission and Discipline Rules; and

(ii) shall execute and file with the Supreme Court, in such form and manner as such court may prescribe:

(A) his or her commitment to observe the Rules of Professional Conduct and the Indiana Rules of Court to the extent applicable to the legal services authorized under Section 4 of this Rule;

(B) a written undertaking to notify the court 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) of this Rule imposing any disciplinary censure, suspension, or other sanction upon such person; and

(C) a duly acknowledged instrument, in writing, setting forth his or her address in this State and designation the clerk of such 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 Indiana, 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 such clerk by means of a duly acknowledged supplemental instrument in writing.

(b) service of process on such clerk, pursuant to the designation filed as aforesaid, shall be made by personally delivering to and leaving with such 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 ten dollars (\$10). Service of process shall be complete when such clerk has been so served. Such clerk shall promptly send one of such copies to the foreign legal consultant to whom the process is directed, by certified mail, return receipt requested, addressed to such foreign legal consultant at the address specified by him or her as aforesaid.

(7) Application and Renewal Fees. An applicant for a license as a foreign legal consultant under this Rule shall pay an application fee which shall be equal to the fee required to be paid by a person applying for admission as a member of the bar of Indiana under Ind. Admission and Discipline Rule 6. A person licensed as a foreign legal consultant shall pay the annual registration fee required by Admis. Disc. R. 23(21).

(8) Revocation of License. In the event 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 1(c) of this rule, the license granted to such person hereunder is revoked.

(9) Admission to Bar. In the event that a person licensed as a foreign legal consultant under this Rule is subsequently admitted as a member of the bar of Indiana under the provisions of the Rules governing such admissions, 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 Indiana.

(10) Application for Waiver of Provisions. The Supreme Court, upon application, may in its discretion vary the application of or waive any provision of this Rule where strict compliance

will cause undue hardship to the applicant. Such application shall be in the form of a verified petition setting forth the applicant's name, age and residence address, the facts relied upon and a prayer for relief.

Adopted effective Jan. 1, 1994