

**Louisiana State Bar Association Articles of Incorporation for  
Licensing of Legal Consultants in Foreign Law**

Louisiana Revised Statutes, Title 37, Professions and Occupations, Chapter 4, Attorneys

**Article 14, Section 11. Licensing of Legal Consultants in Foreign Law**

**1. General Requirements.**

A. In its discretion, the Supreme Court of Louisiana may license to practice as a consultant in foreign law, without examination, an applicant who:

(1) is a member in good standing as an attorney or counselor at law of a recognized legal profession in a foreign country;

(2)(a) for the five (5) years immediately preceding the application has been admitted to practice and has been continuously in good standing as an attorney or counselor at law in the foreign country for whose legal system the applicant wishes to become licensed as a legal consultant and while so admitted has actually practiced the law of such country, or

(b) has been a full-time professor or instructor of one or more aspects of the law of the foreign country for whose legal system the applicant wishes to become licensed as a legal consultant at an accredited university or college for at least five (5) years immediately preceding the application;

(3) possesses the good moral character and general fitness requisite for a member of the bar of this State; and,

(4) is over 25 years old.

**2. Application for License; Denial of Application.**

A. An applicant shall file with the Committee on Bar Admissions:

(1) an application on a form provided by the Committee on Bar Admissions, accompanied by a fee in an amount to be determined by the Committee on Bar Admissions and approved by the Supreme Court;

(2) a duly authenticated certificate from the licensing authority of the legal profession in the foreign country, certifying as to the applicant's admission to practice and the date thereof, and as to the applicant's good standing as an attorney or counselor at law or the equivalent, with a duly authenticated English translation of the certificate if it is not in English;

(3) a letter of recommendation from one of the members of the executive body of such authority, from one of the judges of the highest court or court of original jurisdiction, or from the dean of the school from which the applicant was graduated or at which the applicant teaches, with a duly authenticated translation of the letter if it is not in English; and,

(4) other evidence as to the applicant's educational and professional qualifications, good moral character, and compliance with such other requirements as the Committee may require.

B. Upon a showing that strict compliance with the provisions of A(2) and/or A(3) of this subsection would cause the applicant undue hardship, the Committee may, in its discretion, permit the applicant to furnish other evidence in lieu thereof.

C. Upon notice from the Committee on Bar Admissions that the applicant has failed to fulfill one or more of the requirements of paragraph A of this subsection, the applicant may appeal by petition directly to the Supreme Court, following the procedures set forth in Article XIV, s 9 of these Articles of Incorporation.

### **3. License.**

A. The Committee on Bar Admissions shall report in writing to the Supreme Court the names of all applicants the Committee finds eligible and qualified to practice as a legal consultant in this State. Such qualified applicant, upon being properly introduced to the Supreme Court, shall be sworn in by the Court as a legal consultant in the State of Louisiana, and the Court shall grant to such applicant a limited license to act as a legal consultant in this State.

B. Prior to the receipt of a license, applicants shall provide to the Clerk of the Supreme Court of Louisiana, in such form and manner as the Clerk may prescribe, all documents and information required by subsections 5A(2) and (3), and such fee as prescribed therefor must be paid.

### **4. Scope of Practice.**

A. A person licensed as a legal consultant may render professional opinions in this State on the law of the foreign jurisdiction or jurisdictions authorized by the Supreme Court; however, such person shall not:

(1) appear as an advocate for a person other than himself or herself in any court, or before any magistrate or other judicial officer, in this State (other than upon admission pro hac vice pursuant to R.S. 37:214);

(2) render professional legal advice on the law of this State or any State of the United States, or of the United States;

(3) in any way hold himself or herself out as a member of the bar of this State; or

(4) utilize in connection with such consultancy, any name, title or designation other than one or more of the following:

(a) his or her own name;

(b) the name of the foreign and/or domestic law firm with which he or she is affiliated;

(c) authorized title in the foreign country of admission to practice, which may be used in conjunction with the name of such country;

(d) "Licensed Consultant on the Law of [name of the foreign country or countries for whose legal systems he or she has been licensed by the Supreme Court to act as a legal consultant]."

B. A person by virtue of being licensed as a legal consultant is not entitled to appointment as a notary public in the State of Louisiana.

## **5. Disciplinary Provisions.**

A. Every person licensed as a legal consultant in this State 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:

(1) shall be subject to the control of the Supreme Court, and to censure, suspension, removal or revocation of his or her license to practice by the Supreme Court; and,

(2) shall execute and file with the Clerk of the Supreme Court of this State, in such form and manner as the Clerk may prescribe:

(a) his or her commitment to observe the Rules of Professional Conduct;

(b) a duly acknowledged instrument in writing setting forth his or her address in this State and designating a Louisiana resident as his or her agent for service of process whenever personal service cannot be made upon the legal consultant at his or her address of record; and,

(c) a written commitment to promptly notify the Clerk of the resignation from practice in the foreign country of admission, or of any censure, suspension, or revocation of the right to practice in any such foreign country;

(3) shall provide evidence of malpractice or professional liability insurance in an amount determined by the Supreme Court of this State, to assure his or her proper professional conduct and responsibility.

B. (1) For the purposes of service of process on the Louisiana resident pursuant to the designation filed as required by subparagraph A(2)(b) above, the Louisiana resident appointed as agent for service of process shall be the designated agent for service of process only in proceedings or actions brought against the legal consultant arising out of or based upon any legal services rendered or offered to be rendered by the consultant within or to residents of this State and only after diligent attempts have been made without success to serve such legal consultant at his or her last address of record.

(2) Service on the Louisiana resident appointed as agent for service of process shall be made pursuant to the provisions of the Code of Civil Procedure or other applicable law. The Agent shall promptly send a copy to the legal consultant to whom the process is directed, by certified mail, return receipt requested, addressed to the legal consultant at the address given to the Clerk by the legal consultant as required by this subsection, or to the last address known to the Agent.

C. In imposing any sanction authorized by subparagraph A(1) of this subsection, the Court may act sua sponte, on the recommendation of the Disciplinary Board of the Bar Association or on complaint of any person. To the extent feasible, the Court shall proceed in a manner consistent with its Rules for Lawyer Disciplinary Enforcement.

## **6. Annual Fee and Report.**

A. A person licensed as a legal consultant shall file annually, at a time to be determined by the Clerk, a report and a fee.

(1) The annual report shall include:

(a) a certificate from the licensing authority of legal professional discipline in the foreign country of admission, certifying that the legal consultant is in good standing as an

attorney or counselor at law, with a duly authenticated English translation of the certificate if it is not in English, or other proof of good standing as the Clerk may permit;  
(b) the current address at which the legal consultant is practicing; and,  
(c) proof of malpractice or professional liability insurance.

(2) Failure to timely file the annual report or pay the annual fee will result in the suspension of the right to act as a legal consultant until such time as the report is filed and/or the fee is paid.

B. Such annual fee shall include annual dues as determined in accordance with Article V of the Articles of Incorporation of the Louisiana State Bar Association and the disciplinary assessment fee as determined in accordance with Supreme Court Rule XIX.

## **7. Affiliation with the Louisiana State Bar Association; Business Associations.**

A. Subject to the limitations set forth in subsection 4, every person licensed to practice as a legal consultant shall be entitled and subject to:

(1) the rights and obligations set forth in the Rules of Professional Conduct or arising from the other conditions and requirements that apply to a regular member of the bar of this State under the Rules of the Supreme Court of Louisiana; and,

(2) the rights and obligations of a regular member of the bar of this State with respect to:

(a) affiliation in the same law firm with one or more members of the bar of this State, including by:

(i) employing one or more members of the bar of this State;

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

(iii) being a partner in any partnership, shareholder in any professional law corporation, or member of a limited liability company which includes members of the bar of this State or which maintains an office in this State; and

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

B. Notwithstanding paragraph A(1) of this subsection, a person licensed as a legal consultant is not required to comply with the minimum requirements of continuing legal education as mandated by Rule 1.1(b) of Article XVI of these Articles of Incorporation.

## **8. Revocation of License.**

In the event the Supreme Court determines that a person licensed as a legal consultant no longer meets the requirements for licensure, it shall revoke the license granted to such person.

Adopted May 9, 1996, effective July 1, 1996.