

**Missouri Supreme Court Rules Governing the Missouri Bar and the Judiciary, Rules 9.05 to 9.12**

**MO R BAR Rule 9.05-9.12, Foreign Legal Consultants.**

**9.05. Foreign Legal Consultants--General Requirements**

A person who is admitted to practice in a foreign country as an attorney or counselor at law or the equivalent and who is certified for practice as a foreign legal consultant as provided by Rules 9.05 to 9.12 may provide legal services in the state of Missouri to the extent allowed by Rules 9.05 to 9.12.

This Court may certify for practice as a foreign legal consultant any individual who:

- (a) Has been admitted to practice law in a foreign country and has engaged in the full-time practice of law of that country for a period of not less than five of the ten years immediately preceding the date of original application and has been in good standing as an attorney or counselor at law or the equivalent in that country throughout the period of such admission;
- (b) Possesses the good moral character and fitness requisite for a member of The Missouri Bar;
- (c) Is over twenty-six years of age;
- (d) Intends to practice as a foreign legal consultant in this state;
- (e) Is associated with a law office for such practice in this state; and
- (f) Furnishes to the Board of Law Examiners proof of taking the Multistate Professional Responsibility Examination within one year of seeking certification and scoring a grade at least equal to that established by the board as passing at the time the examination was taken.

**9.06. Foreign Legal Consultants--Application Procedure**

An applicant for certification as a foreign legal consultant for the law of specific jurisdictions shall file an application with the board of law examiners. The application shall include, but not be limited to:

- (a) A certificate from the authority in such jurisdictions having final responsibility over professional discipline, certifying as to the applicant's admission to practice and the date thereof and certifying as to his or her good standing since his or her admission as such attorney or counselor at law or the equivalent, together with a duly authenticated English translation of such certificate if it is not in English;
- (b) A letter of recommendation from one of the members of the executive body of such authority or from one of the judges of the highest law court or court of original jurisdiction of such jurisdictions, together with a duly authenticated English translation of such letter if it is not in English;
- (c) In such amount as the board may prescribe, evidence of professional liability insurance or such other proof of financial responsibility as the board may require, to assure the applicant's proper professional conduct and responsibility;
- (d) An oath in the form prescribed by the board attesting that the applicant will abide by the Missouri rules of professional conduct and all other rules and regulations applicable to certified foreign legal consultants;

(e) Such other evidence as to the applicant's educational and professional qualifications, good moral character and general fitness, and compliance with the requirements of Rules 9.05 to 9.12 as the board may require; and

(f) A duly acknowledged instrument in writing setting forth the applicant's address in the state of Missouri and designating the clerk of this Court as agent upon whom process may be served, with like effect as if served personally upon the applicant, in any action or proceeding thereafter brought against the applicant arising out of or based upon any legal services rendered or offered to be rendered by the applicant within the state of Missouri or to residents of the state whenever service cannot be made upon the applicant at such address or at such new address in the state of Missouri as the applicant shall have filed in the office of the clerk of this Court by means of a duly acknowledged supplemental instrument in writing.

#### **9.07. Foreign Legal Consultants--Waiver**

Upon a showing that strict compliance with the provisions of Rule 9.05 to 9.12 is very difficult for reasons beyond the control of the applicant, the board may waive or vary the application of such provisions and permit the applicant to submit such other evidence as the board deems appropriate.

#### **9.08. Foreign Legal Consultants--Review of Applications**

(a) The board shall investigate the qualifications, moral character, and general fitness of any applicant for a certificate to practice as a foreign legal consultant and may in any case require the applicant to submit any additional proof or information as the board may deem appropriate. The board may also require the applicant to submit a report with respect to the applicant's character and fitness from the National Conference of Bar Examiners and pay the prescribed fee therefor.

(b) Upon completion of its investigation, if the board determines that the applicant meets the requirements of Rules 9.05 to 9.12, the board shall recommend to this Court the issuance of a certificate of registration as a foreign legal consultant.

(c) If the board refuses to recommend that the applicant be granted a certificate to practice as a foreign legal consultant, the applicant shall have the right to a hearing in the manner provided in Rule 8.12.

(d) This Court shall determine from the recommendation of the board whether the applicant shall be issued a certificate of registration as a foreign legal consultant. The clerk of this Court shall notify the applicant concerning the acceptance or rejection of the application.

#### **9.09. Foreign Legal Consultants--Application and Annual Fees**

(a) The non-refundable prescribed application fee shall accompany the original application.

(b) A foreign legal consultant certified pursuant to these Rules 9.05 to 9.12 shall pay an annual enrollment fee as provided in Rule 6.01 in the amount specified for those described in Rule 6.01(j)(1).

### **9.10. Foreign Legal Consultants--Scope of Practice**

A person registered as a foreign legal consultant pursuant to Rules 9.05 to 9.12 may render legal services and give professional advice only on the laws of the jurisdictions identified in the certificate. Such person shall not by virtue of such registration:

- (a) Appear for a person other than herself or himself as an attorney in any court, before any judicial officer, or before any administrative agency in this state except as provided in Rule 9.03;
- (b) Issue subpoenas in any action or proceeding or sign pleadings or any other papers that are to be filed in any action or proceeding brought in any court, before any other judicial officer, or before any administrative agency;
- (c) Render professional legal services or advice on the law of the state of Missouri or of the United States or of any other jurisdiction, whether rendered incident to the preparation of legal instruments or otherwise;
- (d) In any way hold himself or herself out as an attorney licensed in this state or as a member of The Missouri Bar; or
- (e) Use any title other than one or more of the following, in each case only in conjunction with the name of the jurisdictions identified in the certificate of registration:
  - (1) "Foreign Legal Consultant";
  - (2) Such foreign legal consultant's authorized title in the jurisdictions identified in the certificate of registration; or
  - (3) The name of such foreign legal consultant's firm in such jurisdictions.

### **9.11. Foreign Legal Consultants--Disciplinary Provisions**

- (a) Foreign legal consultants shall be subject to control by this Court and to all applicable forms of lawyer discipline in accordance with Rules 4 and 5. For the purpose of applying Rules 4 and 5, the terms "lawyer," "attorney," or other such designation in those rules shall include, so far as applicable, foreign legal consultants.
- (b) A certificate of registration may be suspended or revoked if any requirement for original issuance of the certificate no longer exists or the foreign legal consultant fails at any time to comply fully with the provisions of Rule 4 or Rules 9.05 to 9.12.
- (c) When there is reason to believe that any requirement for issuance of the certificate of registration no longer exists or that the foreign legal consultant has violated or is about to violate any of the provisions of Rule 4 or Rules 9.05 to 9.12, the chief disciplinary counsel may issue a notice directing the foreign legal consultant to show cause why he or she should not be ordered to cease and desist from specified acts or conduct or why the certificate of registration should not be suspended or revoked. If the chief disciplinary counsel has probable cause to believe that the certificate of registration should be suspended or revoked, the chief disciplinary counsel shall file an information in this Court.

### **9.12. Foreign Legal Consultants--Service on Clerk of This Court**

- (a) Service of process on the clerk of this Court shall be made by personally delivering to and leaving with the clerk or with a deputy authorized to receive such service at the clerk's office duplicate copies of such process together with a fee of \$15.00. Service of process shall be complete when the clerk has been so served.

(b) The clerk shall promptly send one of the copies to the person to whom the process is directed, by certified mail, return receipt requested, addressed to such person at the address specified by the person as provided in Rule 9.06.

(Adopted March 3, 1994, effective July 1, 1994.)