

OHIO
GOV BAR R XI LIMITED PRACTICE OF LAW BY FOREIGN LEGAL
CONSULTANTS

RULE XI. LIMITED PRACTICE OF LAW BY FOREIGN LEGAL CONSULTANTS

Section 1. General Requirements.

A "Foreign Legal Consultant" is a person who:

(A) has been admitted to the practice of law in a foreign country or political subdivision thereof as an attorney or counselor of law or the equivalent of that country and has been in good standing as an attorney or counselor of law or the equivalent in such foreign country for at least four of the six years immediately preceding the person's application for a Certificate of Registration as described in Section 2 of this Rule;

(B) possesses the character, fitness, and moral qualifications requisite for a member of the Bar of Ohio;

(C) possesses the requisite documentation evidencing compliance with the immigration laws of the United States;

(D) intends to practice as a Foreign Legal Consultant in the State of Ohio and to maintain an office in the state for such practice;

(E) is at least 21 years of age; and

(F) obtains a Certificate of Registration as a Foreign Legal Consultant from the Supreme Court pursuant to the requirements set forth in this Rule.

Section 2. Application Procedure.

(A) An applicant for a Certificate of Registration as a Foreign Legal Consultant shall file with the Clerk of the Supreme Court:

(1) a completed application and a character questionnaire on forms furnished by the Clerk of the Supreme Court, accompanied by a nonrefundable fee of five hundred dollars;

(2) a certificate from the authority in such foreign country having final jurisdiction over admission to the practice of law or professional discipline, certifying as to the applicant's admission to practice and the date thereof, and as to the good standing of such attorney or counselor of law or the equivalent, together with an authenticated English translation of such certificate if it is not in English;

(3) a letter of recommendation from one of the members or a responsible official of the executive body of the authority having final jurisdiction over admission to the practice of law or

professional discipline, or from one of the judges of the highest law court of original jurisdiction of the foreign country, together with an authenticated English translation if it is not in English;

(4) letters of recommendation from at least two attorneys or counselors of law or the equivalent admitted to and practicing in such foreign country, setting forth the length of time, when, and under what circumstances they have known the applicant, and their appraisal of the applicant's character, fitness, and moral qualifications, together with an authenticated English translation if it is not in English;

(5) a letter of recommendation from at least one attorney who is licensed to practice law in the State of Ohio, who is not registered as a Foreign Legal Consultant under this Rule, setting forth the length of time, when, and under what circumstances he or she has known the applicant, and his or her appraisal of the applicant's character, fitness, and moral qualifications;

(6) a copy or summary of the law and customs of the foreign country that describes the opportunity afforded to members of the Bar of Ohio 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

(7) such other evidence as to the applicant's education, professional qualifications, character, fitness, and moral qualifications as the Supreme Court may require.

(B) When the applicant has filed the documents required by Division (A) of this Section, the Clerk shall forward a copy of the documents to the Admissions Committee in the county where the applicant resides or intends to practice as a Foreign Legal Consultant, or to such other Admissions Committee as the Clerk deems appropriate, in accordance with Gov. Bar R. I, Section 10. The Admissions Committee shall conduct an investigation of the applicant's character, fitness, and moral qualifications for registration as a Foreign Legal Consultant. In conducting its investigation, the Admissions Committee shall follow the standards and procedures required by Gov. Bar R. I, Section 10, except that a personal interview of the applicant shall not be required. The Admissions Committee shall report its recommendation in writing to the Clerk on a form prescribed by the Clerk. Any recommendation other than an unqualified approval shall be deemed a recommendation that the applicant not be issued a Certificate of Registration. An appeal from such recommendation may be taken as provided in Gov. Bar R. I, Section 11.

(C) The Supreme Court shall determine from the documents filed under Division (A) of this Section, the report of the Admissions Committee and, in those instances where it is submitted, the report and recommendation of the Board of Commissioners on Character and Fitness, whether the applicant shall be issued a Certificate of Registration as a Foreign Legal Consultant. The Clerk shall notify the applicant concerning the acceptance or rejection of the application.

Section 3. Hardship Waiver.

Upon a showing that strict compliance with the provisions of Subsection (A)(2), (A)(3), or (A)(4) of Section 2 of this Rule would cause the applicant unnecessary hardship, or upon a

showing of exceptional professional qualifications to practice law as a Foreign Legal Consultant, the Supreme Court may waive or vary the application of such provisions and permit the applicant to make such other showing as is satisfactory to the Supreme Court.

Section 4. Reciprocity.

In considering whether to issue a Certificate of Registration under this Rule, the Supreme Court may consider whether a member of the Bar of Ohio would have a reasonable and practical opportunity to establish an office in the applicant's country or jurisdiction of admission for the giving of legal advice to clients. Any member of the Bar of Ohio who is seeking or has sought to establish an office in that country or jurisdiction may request the Supreme Court to consider the matter, or the Supreme Court may do so on its own initiative.

Section 5. Scope of Practice.

A person registered as a Foreign Legal Consultant by the Supreme Court may render legal services in this state subject to the limitation that such person shall not:

(A) appear for a person other than himself or herself as attorney in any court, before any magistrate, referee, or other judicial officer, or before any administrative agency in this state, or prepare pleadings or any other papers or issue subpoenas in any action or proceeding brought in any such court, before any such magistrate, referee, or other judicial officer, or before any such administrative agency in this state;

(B) prepare:

(1) any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real property, or statement of opinion as to the legal effect or sufficiency thereof, located in the United States;

(2) any will or trust instrument affecting the disposition on death of any property located in the United States or owned by a resident thereof;

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

(4) any instrument with respect to marital rights, relations, or duties of a resident of the United States, or the custody or care of the children of such a resident;

(C) otherwise render professional legal advice to or perform legal service for any person, firm, corporation, or other legal entity on the law of the State of Ohio, or the United States of America, or any other state or territory thereof, including the District of Columbia, except on the basis of advice from a person acting as counsel to such Foreign Legal Consultant (and not in his or her official capacity as a public employee) duly qualified and entitled (other than by virtue of having been licensed as a Foreign Legal Consultant under this Rule) to practice law in such jurisdiction who has been consulted in the particular matter at hand and has been identified to the client by name; or

(D) in any way hold himself or herself out as a member of the Bar of Ohio.

Section 6. Title.

A person registered as a Foreign Legal Consultant shall not use any title other than "Foreign Legal Consultant" and shall include the name of the foreign country in which he or she is admitted to practice law. A Foreign Legal Consultant may also add his or her authorized title and firm name used in the foreign country.

Section 7. Disciplinary Provisions.

(A) Each registered Foreign Legal Consultant shall:

(1) be subject to regulation by the Supreme Court, and to reprimand, suspension, or revocation of his or her Certificate of Registration in accordance with the Code of Professional Responsibility set forth in Gov. Bar R. IV and with the disciplinary procedural rules applicable to members of the Bar of Ohio set forth in Gov. Bar R. V;

(2) provide the Clerk of the Supreme Court with evidence of professional liability insurance or other proof of financial responsibility, in such amount as the Supreme Court may prescribe, to assure the Foreign Legal Consultant's proper professional conduct and responsibility; and

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

(a) an oath attesting that such Foreign Legal Consultant will abide by the rules and regulations applicable to such Foreign Legal Consultant;

(b) a document setting forth the Foreign Legal Consultant's address in the State of Ohio and designating the Clerk of the Supreme Court as agent upon whom process may be served, with like effect as if served personally upon the Foreign Legal Consultant, in any action or proceeding thereafter brought against the Foreign Legal Consultant arising out of or based upon any legal services rendered or offered to be rendered by the Foreign Legal Consultant within or to residents of the State of Ohio; and

(c) the Foreign Legal Consultant's commitment to notify the Clerk of the Supreme Court of any resignation or revocation of the Foreign Legal Consultant's admission to practice in the foreign country of admission, of any censure, suspension, or expulsion in respect to such admission, or of any change of address within the State of Ohio.

(B) Service of process on the Clerk of the Supreme Court, pursuant to the designation required by Paragraph (A)(3)(b) of this Section, shall be made by personally delivering to and leaving with the Clerk at his or her office, duplicate copies of such process together with a fee of ten dollars. Service of process shall be complete when the Clerk has been so served. The 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.

(C) Insofar as applicable and not inconsistent with this Rule, Gov. Bar R. IV and V shall apply to registered Foreign Legal Consultants. For the purpose of applying Rules IV and V, the terms "attorney," "attorney and counselor at law," "member of the Bar of Ohio," or other such designation in those Rules shall be deemed to include registered Foreign Legal Consultants.

Section 8. Annual Renewal.

The Certificate of Registration as a Foreign Legal Consultant shall be valid for one year, unless suspended or revoked, and may be renewed upon the filing of an annual request with the Clerk of the Supreme Court. The annual request shall be on a form furnished by the Clerk and shall be accompanied by payment of an annual renewal fee of two hundred dollars and such evidence as the Supreme Court shall deem necessary to demonstrate that all requirements for the issuance of an original certificate continue to be met.

[Effective: January 1, 1989; amended effective October 1, 2000.]