

OR R ADMIS Rule 12.05

**OREGON RULES OF COURT
RULES FOR ADMISSION OF ATTORNEYS
FOREIGN LAW CONSULTANTS**

RULE 12.05 LICENSING OF FOREIGN LAW CONSULTANTS

(1) A person who is licensed to practice law in a foreign jurisdiction, as defined in ORS 9.242 for purposes of this rule, as an attorney or counselor at law or the equivalent and who complies with the provisions of this rule for licensing of foreign law consultants may advise on the law of that foreign jurisdiction in the state of Oregon to the extent allowed by this rule. Although a person licensed as a foreign law consultant pursuant to this rule shall be subject to this rule and the provisions of ORS Chapter 9, the Oregon Code of Professional Responsibility, and the Oregon State Bar Rules of Procedure, such person shall not be considered an Oregon attorney or be a member of the Oregon State Bar.

(2) In its discretion, the Supreme Court may license to practice as a foreign law consultant, without examination, an applicant who:

(a) for a period of not less than 5 of the 7 years immediately preceding the date of application:

(i) has been admitted to practice and has been in good standing as an attorney or counselor at law or the equivalent in a foreign jurisdiction; and

(ii) has engaged either in the practice of law in such jurisdiction or in a profession or occupation that requires admission to practice and good standing as an attorney or counselor at law or the equivalent in such jurisdiction;

(b) possesses the fitness and good moral character, as defined in ORS 9.220(2), required for admission to practice as an attorney in the state of Oregon;

(c) intends to practice as a foreign law consultant in the state of Oregon; and

(d) is at least 18 years of age.

(3) The procedure for application to the Supreme Court to be licensed as a foreign law consultant shall be as follows:

(a) Every applicant for a license as a foreign law consultant shall file with the Admissions Director of the Board of Bar Examiners a verified typewritten application on a form approved by the Board, in duplicate, setting forth, in English:

(i) the applicant's name, age, current and last place of residence;

(ii) the character and term of the applicant's law study, including the name of each institution of law the applicant attended and graduated from and what degree the applicant received from each;

(iii) the names of all courts or other licensing authorities to which the applicant has made applications to practice, including the dates the applicant has taken examinations and the dates the applicant has been admitted to practice as an attorney or counselor at law or equivalent or as a foreign law consultant or equivalent;

(iv) whether the applicant has been the subject of any investigation or proceeding for professional misconduct, and if so, the substance of any such investigation or proceeding and its adjudication or resolution; and

(v) whether the applicant has ever been rejected upon an application to practice before any court or other licensing authority in any jurisdiction.

(b) The application shall be accompanied by the following documents, together with duly authenticated English translations if such documents are not in English:

(i) a certificate from the authority having final jurisdiction over professional discipline in the foreign jurisdiction in which the applicant is admitted to practice which shall be signed by a responsible official or one of the members of the executive body of such authority and which shall be accompanied by the official seal, if any, of such authority and which shall certify:

(A) as to the authority's jurisdiction in such matters;

(B) as to the applicant's admission to practice in such foreign jurisdiction, including the date thereof, and as to the applicant's good standing as an attorney or counselor at law or the equivalent therein; and

(C) as to whether any charge or complaint has ever been filed against the applicant with such authority and, if so, the substance of each such charge or complaint and the adjudication or resolution thereof;

(ii) 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 general original jurisdiction of such foreign jurisdiction certifying to the applicant's professional qualifications, together with a certificate from the clerk of such authority or of such court, as the case may be, attesting to the office held by the person signing the letter and the genuineness of the person's signature;

(iii) a letter of recommendation from at least two attorneys or counselors at law or the equivalent admitted in and practicing in such foreign jurisdiction 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;

(iv) a letter of recommendation from at least two attorneys admitted to practice in the state of Oregon 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

(v) such other relevant documents or information as may be requested by the Supreme Court or the Board of Bar Examiners.

(c) The Board of Bar Examiners is authorized to conduct investigations and to convene evidentiary hearings for the purpose of determining whether an applicant possesses the good moral character and general fitness to practice as a foreign law consultant in Oregon. The Board may, as necessary, issue subpoenas to secure information material to the Board's inquiry. An applicant may be denied admission as a foreign law consultant for refusing to provide the Board with information material to the Board's inquiry regarding the applicant's good moral character and general fitness to practice as a foreign law consultant. Subject to review by the Supreme Court under Rule 9.60, an applicant may not be recommended for admission as a foreign law consultant in the state of Oregon unless at least a majority of all nonrecused members of the Board of Bar Examiners considers the applicant to be of good moral character and to have the general fitness to practice as a foreign law consultant.

(d) In considering whether to license an applicant as a foreign law consultant under this rule, the Supreme Court may, in its discretion, take into account whether an attorney admitted to practice in the state of Oregon would have a reasonable and practical opportunity to establish an office for the giving of Oregon legal advice in the applicant's jurisdiction of admission.

(e) Application and investigation fees as prescribed by the Board of Bar Examiners and approved by the Supreme Court shall accompany each application.

(f) The Admissions Director of the Board of Bar Examiners shall cause the name of all applicants to be published in the Oregon State Bar Bulletin or For The Record.

(4) Upon a showing that compliance with the provisions of paragraphs (2)(a) or (3)(b) of this rule would cause an applicant unnecessary hardship, or upon a showing of exceptional professional qualifications to practice as a foreign law consultant, the Supreme Court may, in its discretion, waive or vary the application of such provisions and permit the applicant to make such other showing as is satisfactory to the Supreme Court for admission as a foreign law consultant in Oregon.

(5) A person licensed as a foreign law consultant under this rule may provide legal advice on the law of his or her foreign jurisdiction in the state of Oregon pursuant to this rule; provided that a foreign law consultant shall not:

(a) appear for another person as an attorney in any court or before any magistrate or other judicial officer in the state of Oregon or prepare pleadings or any other papers in any action or proceeding brought in any such court or before any such judicial officer, except as authorized by ORS 9.240;

(b) prepare any deed, mortgage, assignment, discharge, lease, agreement of sale or any other instrument affecting title to real estate located in the United States of America;

(c) prepare any will, trust or any other instrument affecting the disposition of any property located in the United States of America and owned by a resident thereof;

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

(e) prepare any instrument in respect of the marital 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;

(f) render legal advice on the laws of the state of Oregon or the United States of America or any other state or territory of the United States of America or the District of Columbia or any foreign jurisdiction, other than the foreign law consultant's jurisdiction of admission as an attorney or counselor at law or the equivalent, whether rendered incident to the preparation of legal instruments or otherwise, except on the basis of advice from a person admitted to practice law as an attorney in the state of Oregon or such other state or territory or the District of Columbia or as an attorney or counselor at law or the equivalent in such other foreign jurisdiction who has been consulted by the foreign law consultant in the particular matter at hand and who has been identified to the client by name;

(g) represent in any way that such person is licensed as an attorney in the state of Oregon or as an attorney or foreign law consultant or the equivalent thereof in another state or territory or the District of Columbia or as an attorney or counselor at law or the equivalent thereof in a foreign jurisdiction, unless so licensed; or

(h) use any title other than "foreign law consultant" except that such person's authorized title and firm name in the foreign jurisdiction in which such person is admitted to practice as an attorney or counselor at law or the equivalent may be used if the title, firm name and the name of such foreign jurisdiction are stated together with the title "foreign law consultant."

(6)(a) Each person licensed to practice as a foreign law consultant under this rule shall comply with the terms of ORS Chapter 9, the Oregon Code of Professional Responsibility and the

Oregon State Bar's Rules of Procedure, unless otherwise inconsistent with the provisions of this rule.

(b) Each person applying for a license to practice as a foreign law consultant under this rule shall execute and file with the Admissions Director, along with the application, in such form and manner as the Board of Bar Examiners may prescribe:

(i) a statement that the foreign law consultant has read and agrees to comply with ORS Chapter 9, the Oregon Code of Professional Responsibility and the Oregon State Bar's Rules of Procedure;

(ii) an undertaking or appropriate evidence of professional liability insurance, in such amount as required of attorneys through the Oregon State Bar Professional Liability Fund or as the Board of Bar Examiners may prescribe, to assure such foreign law consultant's proper professional conduct and responsibility;

(iii) a duly acknowledged instrument in writing setting forth such foreign law consultant's address within the state of Oregon and designating a resident active member of the Oregon State Bar as such foreign law consultant's agent upon whom bar documents or bar or general process may be served, with like effect as if served personally upon such foreign law consultant, in any inquiry, action or proceeding thereafter brought against such foreign law consultant whenever after due diligence service cannot be made upon such foreign law consultant at such address; and

(iv) a commitment to notify the Admissions Director of the Board of Bar Examiners of any resignation or revocation of such foreign law consultant's admission to practice in the foreign jurisdiction of admission, or of any censure, reprimand, suspension or expulsion in respect of such admission.

(c) Complaints to, and other authorized inquiries by, the Oregon State Bar concerning a foreign law consultant shall be considered and resolved in the same manner as those made about members of the Oregon State Bar pursuant to the provisions of ORS Chapter 9 and the Oregon State Bar Rules of Procedure.

[Effective April 16, 1993]

OR ST § 9.242
2001 OREGON REVISED STATUTES
TITLE 1. COURTS OF RECORD; COURT OFFICERS; JURIES
CHAPTER 9. ATTORNEYS; LAW LIBRARIES. OREGON STATE BAR
PRACTICE OF LAW; MEMBERSHIP IN THE BAR

9.242. Advice on law of foreign jurisdiction; rules.

(1) The Supreme Court may adopt rules permitting a person licensed to practice law in a foreign jurisdiction to advise on the law of that foreign jurisdiction in Oregon without the necessity of compliance with ORS 9.160.

(2) As used in this section, "foreign jurisdiction" means any nation, country, state, political or other entity other than any state of the United States, the District of Columbia, Puerto Rico or a United States Territory or possession.