

# **Comparative Analysis of United States Rules Licensing Legal Consultants**

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**TABLE 1**

| <b>Jurisdiction</b>                   | <b>How many years of experience are required, if any?</b>   | <b>Where must the experience be obtained?</b>                                       | <b>Must the applicant take the Multi-state Ethics exam?</b> | <b>Must the applicant file a NCBE character and fitness report?</b> | <b>Is reciprocity with the applicant's home country a consideration?</b>   | <b>Limitation on FLC Title</b>   | <b>Relations with local lawyers allowed</b>        | <b>Other</b> | <b>Age Requirement</b> |
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| American Bar Association <sup>1</sup> | At least 5 of 7 years preceding application ("actually been engaged in the practice of law"). §1(b).  | Practice may be in the home country or elsewhere. §1(b).                            | No.   | No provision.   | Discretion of host jurisdiction. §3.   | May not use any title other than FLC's own name, firm name, home country title, name of home country, "legal consultant" and "admitted to the practice of law in [home country]". §4(g). | Affiliation, employment and partnership. §5(b)(i). | None.        |                        |
| Alaska <sup>2</sup>                   | Not less than 5 of the 7 years immediately preceding the application (the applicant must have "engaged either (i) in the practice of law in that country or (ii) in a profession or occupation that requires admission to | Ambiguous, but likely requires practice in home country <sup>3</sup> R. 44.1(b)(1). | No.   | No provision, but must be of good character. R.44.1(b)(2).          | Discretion to consider reciprocity if an Alaska attorney has sought and been denied FLC status in home country <sup>4</sup> R. 44.1(c)(4). | Must use "foreign law consultant." May also use, with title "foreign law consultant," home country title, firm name, and name of foreign country. R. 44.1(e)(7). <sup>5</sup>            | No provision.                                      | None         | None                   |

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|                      | practice and good standing as an attorney or counselor at law or the equivalent in that country”). R. 44.1(b)(1). Hereinafter referred to as <i>Experience Type 1</i> |  |     |  |  |   |  |   |                                      |
| Arizona <sup>6</sup> | Not less than 5 of 7 years ( <i>Experience Type 1</i> ). R. 38(b)(2)(A).  | Ambiguous but may require practice in home country. R. 38(b)(2)(A). <sup>7</sup> | No. | No provision, but character report; fee is required. R. 38(b)(2)(F). | Yes. Discretionary but only if request of Arizona attorney is pending. R. 38(b)(6). <sup>8</sup> | Yes. Must use the title “legal consultant,” along with the name of home country. May also use individual’s name, law firm name, and authorized title in home country and name of home country. R. 38(b)(7)(B). <sup>9</sup> | Yes. FLCs may employ local lawyers, be employed by or in partnership with them, or be a shareholder in a professional corporation. R. 38(b)(8)(A). | Must complete state bar course on professionalism within one year of licensing, R. 38(b)(10); and immigration documentation required, R. 38(b)(2)(D). Also, \$500 fee for character and fitness report for FLC. | Must be 21 years old. R. 38(b)(2)(E) |

| <b>Jurisdiction</b>      | <b>How many years of experience are required, if any?</b>   | <b>Where must the experience be obtained?</b>  | <b>Must the applicant take the Multi-state Ethics exam?</b> | <b>Must the applicant file a NCBE character and fitness report?</b> | <b>Is reciprocity with the applicant's home country a consideration?</b> | <b>Limitation on FLC Title</b>   | <b>Relations with local lawyers allowed</b>            | <b>Other</b>  | <b>Age Requirement</b> |
|--------------------------|---|--|---|---|--|--|--|---|------------------------|
| California <sup>10</sup> | At least 4 of the 6 years immediately preceding the application (and must show that "while so admitted, [the FLC] has actually practiced the law of that country"). R. 988(c)(1) and § 3.1. <sup>11</sup> | Requires only that FLC have "actually practiced the law of that country" of admission. (emphasis added) <sup>12</sup> §3.1 & R. 988(c)(1). | No.   | No provision, but good moral character required. §3.2, & §5.0.      | No provision.  | Yes, must use title "Foreign Legal Consultant" and name of home country; may use title and name of employer. §§10.1-3, 10.4. <sup>13</sup> | No specific provision, but §10.3 refers to employment. | Current filing obligation to update changes in address, good standing, legal insurance, status in home country and filing fee. §14.2; see also R. 988(c)(5). Fee: \$370 Application + \$431 for character application <sup>14</sup> Must also file annual reports. 14.0, 14.1, 3.5. | No provision.          |

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| Connecticut <sup>15</sup>          | Not less than 5 of the 7 years immediately preceding application (practice is required for this period). §2-17(1). <sup>16</sup>                         | Practice experience must have been accomplished in the home country. §2-17(1). | No. | Yes, but this is discretionary §2-18(c).   | No provision.  | May not use title other than: "Foreign Legal Consultant" and in conjunction may indicate home country. §2-19(2).   | No provision. | None. Fee of \$500. § 2-18(a)(2) + \$20 fee §§2-20(b). | No provision.                         |
| District of Columbia <sup>17</sup> | None specified (applicant must have been admitted to practice or has obtained the equivalent of admission) in a foreign country.) See R. 46(c)(4)(A)(1). | None   | No. | Yes. Committee authorized to use NCBE report and require fee. R. 46(c)(4)(B)(3). | Yes. R. 46(c)(4)(B)(1)(d) requires summary of laws and customs of home country governing reciprocal rights of D.C. lawyers, and R. 46(c)(4)(C) gives the Committee the discretion to consider reciprocity. <sup>18</sup> | May not use title other than: "Special Legal Consultant," home country title, or name of firm <i>in home country</i> , each with name of home country. R. 46(c)(4)(D)(6) and (D)(7). | No provision. | None. Fee of \$450. R. 46(c)(4)(B)(1)(b)               | Minimum age of 26. R. 46(c)(4)(A)(4). |

| <b>Jurisdiction</b>   | <b>How many years of experience are required, if any?</b>  | <b>Where must the experience be obtained?</b>  | <b>Must the applicant take the Multi-state Ethics exam?</b> | <b>Must the applicant file a NCBE character and fitness report?</b> | <b>Is reciprocity with the applicant's home country a consideration?</b> | <b>Limitation on FLC Title</b>   | <b>Relations with local lawyers allowed</b> | <b>Other</b>   | <b>Age Requirement</b>           |
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| Florida <sup>19</sup> | Not less than 5 of 7 years immediately preceding application (practice is required for same period of time). R. 16-1.2(a) and (b). | Practice experience must have been in the law <i>of</i> the jurisdiction in which the applicant has been admitted, but does not require practice in that jurisdiction. R. 16-1.2(b). <sup>20</sup> | No.   | No provision, but Florida Bar website requires NCBE application.    | No provision.  | May not use title other than: "Foreign Legal Consultant, Not Admitted to Practice Law in Florida", and also may use with this the home country title and firm name and country name. R. 16-1.3(b). | No provision.                               | Written retainer agreements required along with a letter "disclosing the extent of professional liability insurance coverage maintained by the foreign legal consultant, if any, as well as an affirmative statement advising the client that any client aggrieved by the foreign legal consultant will not have access to the | Over 26 years old. R. 16-1.2(h). |

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|  |  |  |  |  |  |  |  | <p>Client's Security Fund of The Florida Bar. The letter must further include the list of activities that the foreign legal consultant certified under this chapter is prohibited from engaging in, as set out in R. 16-1.3(a)(2)(A)-(F)."<sup>21</sup> R. 16-1.3(b). Home country profession to have disciplinary system generally consistent with that of The Florida Bar. R. 16-1.2(c) &amp; 16-1.5(b). Also \$500 fee.<sup>22</sup></p> |  |
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| <b>Jurisdiction</b>   | <b>How many years of experience are required, if any?</b>  | <b>Where must the experience be obtained?</b>  | <b>Must the applicant take the Multi-state Ethics exam?</b> | <b>Must the applicant file a NCBE character and fitness report?</b> | <b>Is reciprocity with the applicant's home country a consideration?</b> | <b>Limitation on FLC Title</b>   | <b>Relations with local lawyers allowed</b> | <b>Other</b>   | <b>Age requirement</b> |
|-----------------------|--|--|---|---|--|--|---|--|------------------------|
| Georgia <sup>23</sup> | For at least than 5 of the 7 years immediately preceding application (actual practice is required). §1(b). | Applicant to "actually been engaged in practice of law in said foreign country or elsewhere." §1(b). | No.   | No provision, but good moral character required.                    | No provision.  | May not use title other than "foreign law consultant", and may use home country title and firm name with name of foreign country along with the FLC title. §4(a)(vii). | No provision.                               | Notification "of any lawsuit brought against the consultant ... [related to] any legal services rendered or offered to be rendered by the consultant within this state or any other jurisdiction." §5(b)(4).<br>The certification as an FLC automatically terminates if not in good standing in home jurisdiction. | No provision.          |

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|                      |  |  |    |  |  |  |               | §6. <sup>24</sup><br>Fee no less than \$1000. See §2(b). \$75. for license application. See §3(b)                       |                                |
| Hawaii <sup>25</sup> | Not less than 5 of the 7 years immediately preceding the application ( <i>Experience Type I</i> ).<br>R. 14.1(a) | Ambiguous but likely requires practice in the home country. <sup>26</sup><br>R. 14.1(a). | No | No, but the cost of a “character report or investigation shall be borne by the applicant.”<br>R. 14.2(a)(viii) | Yes.<br>Court authorized to use discretion in considering “if there is pending with the court a request to take this factor into account from a Hawaii attorney actively seeking to establish such an office in that country which raises a serious question as to the adequacy of the opportunity for such a Hawaii attorney to establish such an office.”<br>R. 14.2(d). | Shall not use any title other than “foreign law consultant” and may also use authorized title and firm name in home country with name of FLC title.<br>R. 14.4(g). | No provision. | FLC shall be subject to the exclusive disciplinary jurisdiction of the Court and the Disciplinary Board.<br>R. 14.5(a). | Over 26 years old. R. 14.1(d). |

| <b>Jurisdiction</b>    | <b>How many years of experience are required, if any?</b>  | <b>Where must the experience be obtained?</b>  | <b>Must the applicant take the Multi-state Ethics exam?</b> | <b>Must the applicant file a NCBE character and fitness report?</b> | <b>Is reciprocity with the applicant's home country a consideration?</b>  | <b>Limitation on FLC Title</b>   | <b>Relations with local lawyers allowed</b>   | <b>Other</b>   | <b>Age Requirement</b> |
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| Idaho <sup>27</sup>    | “[A]t least 5 of the 7 years immediately preceding” the application (practice is required). R. 205A(a)(2)          | The experience must be in practicing the law of the home country, but it is not necessary that the work be accomplished in that country. R. 205A(a)(2) | No.   | No provision, but must possess good moral character. R. 205A(a)(3). | Yes. The Supreme Court has discretion to consider reciprocity. R. 205A(c).  | May use individual name, and must use title “Foreign Legal Consultant” and name of country where admitted to practice in connection with use of firm name and/or authorized home country title. R. 205A(d)(7). | Yes; affiliation, employment and partnership. R. 205A (e)(2)(i).                                      | Evidence of professional liability insurance in an amount determined by the Idaho Supreme Court is required. R. 205A (f)(1)(ii)(B). Admission to the bar of Idaho results in the FLC license being superseded. R. 205A(i). | No provision.          |
| Illinois <sup>28</sup> | Not less than 5 of the 7 years immediately preceding the date of application (practice is required). R. 712(a)(1). | Applicant must have been “engaged in the practice of law of such country” of admission. R. 712(a)(1). <sup>29</sup> Location not specified.            | No.   | Yes. R. 713(a)(2), 713(b)(5), and 713(e).                           | Yes. The Supreme Court has discretion to consider reciprocity “if there is pending with the supreme court a request to take this factor | May not use any title other than “foreign legal consultant” and name of home jurisdiction; may also identify law firm (domestic or foreign). R. 712(e)(10).  | No specific provision, but implication that employment is permitted in R. 712(e)(9) <sup>30</sup> and | In addition to other scope limitations, IL prohibits FLCs from advising with respect to “a personal  | No provision.          |

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|  |  |  |  |  | <p>into account from a member of the bar of this court actively seeking to establish such an office in that country which raises a serious question as to the adequacy of the opportunity ... or if the supreme court decide to do so on its own initiative.”</p> <p>R. 712(b). An applicant must submit a summary of the home country “law and customs ... that relate to the opportunity afforded” for reciprocal rights of practice. R. 712(c)(5).</p> |  | <p>713(b)(6).<sup>31</sup> But FLCs may not “directly, or through a representative, propose, recommend or solicit employment of himself or herself . . . for pecuniary gain or other benefit with respect to any matter not within the scope of practice authorized . . .” R. 712(e)(9).</p> | <p>injury occurring within the United States; . . . United States immigration laws, United States custom laws or United States trade laws.” R. 712(e)(6) &amp; (7).</p> |  |
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| <b>Jurisdiction</b>     | <b>How many years of experience are required, if any?</b>                               | <b>Where must the experience be obtained?</b>  | <b>Must the applicant take the Multi-state Ethics exam?</b> | <b>Must the applicant file a NCBE character and fitness report?</b> | <b>Is reciprocity with the applicant's home country a consideration?</b>  | <b>Limitation on FLC Title</b>  | <b>Relations with local lawyers allowed</b>  | <b>Other</b>  | <b>Age Requirement</b>             |
|-------------------------|---|--|---|---|---|---|--|---|------------------------------------|
| Indiana <sup>32</sup>   | At least 5 of the 7 years preceding the application (practice is required). R. 5(1)(b). | The experience must be in practicing the law of the home country, but it is not necessary that the work be accomplished in that country. R. 5(1)(b). <sup>33</sup> | No.   | Yes. R. 5(2)(d).  | The Court may, in its discretion, consider reciprocal opportunities for Indiana lawyers; a member of the Indiana bar may request the court's consideration if s/he has "sought to establish an office in that country ... or the Court may do so sua sponte." Applicant must submit a summary of foreign laws on reciprocity with his/her application. R. 5(3) and 5(2)(e). | May not use any title other than "foreign legal consultant" and name of home country; may also identify law firm (domestic or foreign). R. 5(4)(g). | Yes. FLCs may affiliate with, employ, be employed by, and be a partner of or shareholder of an IN lawyer, partnership or professional corporation. R. 5(5)(b). | Admission to the bar of Indiana results in FLC license being superseded. R. 5(9). | No provision.                      |
| Louisiana <sup>34</sup> | 5 years immediately preceding the   | Practice of home country law, but does   | No.   | No provision, but good  | No provision.   | May not use any title other than personal name, firm  | Yes. Affiliations, employment  | FLC may not be a notary public in   | Over 25 years old. R. 14-1(1)(iv). |

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|                             | application (practice is required or working full-time as a professor or instructor in the foreign law). R 14-11(1)(a)(ii)(aa)-(bb) | not specify that practice must be in home country. R. 14-11(1)(a)(ii)(aa). <sup>35</sup>                           |     | moral character required. |   | (foreign/domestic) name, name of home country and home country title, and “Licensed Consultant on the Law of [home country]”. R. 14-11(4)(a)(iv).   | of or by, and partnership with Louisiana lawyers, law firms and professional law corporations is permitted. R. 14-11(7)(a)(ii)(a).  | Louisiana. R.14-11(4)(b).   |               |
| Massachusetts <sup>36</sup> | At least 5 years immediately preceding the application (practice is required). R. 3:05(1.2)(b).                                     | Practice must be of home country law, but may be accomplished outside home country. R. 3:05(1.2)(b). <sup>37</sup> | No. | No provision.             | Yes. The Board of Bar Examiners has discretion to consider reciprocity, either sua sponte or at the request of a MA lawyer who has attempted to establish an office in the country. R. 3:05(3). | May not use any title other than personal name, firm name, home country title and name of home country, “foreign legal consultant, admitted to the practice of law in [home country]”. R. 3:05(5.1)(g). | Yes. Affiliation with Mass lawyers is permitted through employment, partnership, shareholder of, by or with a Mass lawyer, law firm or professional corporation. R. 3:05(6.2)(a)-(c). | Admission to the bar of Mass renders certificate of FLC superseded. R. 3:05(9). Fee = \$510 <sup>38</sup> | No provision. |

| <b>Jurisdiction</b>     | <b>How many years of experience are required, if any?</b>  | <b>Where must the experience be obtained?</b>                            | <b>Must the applicant take the Multi-state Ethics exam?</b> | <b>Must the applicant file a NCBE character and fitness report?</b> | <b>Is reciprocity with the applicant's home country a consideration?</b>   | <b>Limitation on FLC Title</b>  | <b>Relations with local lawyers allowed</b> | <b>Other</b>   | <b>Age Requirement</b>                      |
|-------------------------|--|--|---|---|--|---|---|--|---|
| Michigan <sup>39</sup>  | At least 3 of the 5 years immediately preceding the application (actual practice is required). R. 5(E)(a)(1).                            | Practice must in the home country. R. 5(E)(a)(1). <sup>40</sup>          | No.   | Yes. NCBE report and payment of fee by applicant. R. 5(E)(c)(3).    | Yes. The Board has discretion to take reciprocity into account if there is a pending request from MI lawyer who seeks to establish office in applicant's home country. R. 5(E)(b). | May use "special legal consultant" with name of home country, and may also use title or firm name of home country, along with name of home country. R. 5(E)(d)(2).                          | No specific provision.                      | \$600, plus fee for NCBE report. R 6   | Must be over 18 years old. R.5(e)(a)(5).    |
| Minnesota <sup>41</sup> | At least 5 of the 7 years immediately preceding the application (practice is required and must be a "principal occupation"). R. 11(B)(2) | The experience must have been obtained in the home country. R. 11(B)(2). | No.   | No provision, but good character required. R.11(c)(8).              | Applicant must provide summary of rules on reciprocity. No provision explicitly authorizes taking reciprocity into consideration in exercising discretion. R. 11(C)(5).            | May not use any title other than "Foreign Legal Consultant, Not Admitted to Practice Law in Minnesota," along with home country title and firm name, and name of home country. R. 11(E)(7). | No specific provision.                      | Written retainer with name of MN lawyer is required before holding client funds. <sup>42</sup> R. 11(E)(9). All advice must be rendered pursuant to a written retainer agreement which | Must be at least 24 years old. R 11(13)(5). |

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|                        |   |   |                                      |  |               |  |  | describes in bold type the limited scope of practice rights of the FLC.<br>R. 11(E)(8).  |                               |
| Missouri <sup>43</sup> | Not less than 5 of the 10 years immediately preceding the original application; practice must have been “full-time.”<br>R. 9.05(a). | Practice in home country not required.<br>R. 9.05(a). <sup>44</sup> | Yes.<br>Rule. 9.05(f). <sup>45</sup> | Yes.<br>Board may require NCBE report and payment of fee.<br>R. 9.08(a). | No provision. | May not use any title other than “Foreign Legal Consultant” and title and name of home country, and firm name in home country. R. 9.10(e). <sup>46</sup> | No specific provision but FLC must be associated with a law office in Missouri.<br>R. 9.05(e). | Must furnish proof of passing the Multistate Ethics Exam within 1 year of certification.<br>R. 9.05(f).<br>Must be associated with a law office in Missouri in order to obtain FLC certification.<br>R. 9.05(e).<br>Fee of \$850.<br><i>See Fee Schedule J..</i> | Over 26 years old. R. 9.05(c) |

| <b>Jurisdiction</b>      | <b>How many years of experience are required, if any?</b>   | <b>Where must the experience be obtained?</b>                                     | <b>Must the applicant take the Multi-state Ethics exam?</b> | <b>Must the applicant file a NCBE character and fitness report?</b> | <b>Is reciprocity with the applicant's home country a consideration?</b>   | <b>Limitation on FLC Title</b>   | <b>Relations with local lawyers allowed</b>  | <b>Other</b>   | <b>Age Requirement</b>  |
|--------------------------|---|---|---|---|--|--|--|--|---|
| New Jersey <sup>47</sup> | Not less than 5 of the 7 years immediately preceding the application ( <i>Experience Type I</i> ). R. 1:21-9(c)(1). <sup>48</sup>                   | Ambiguous but likely requires practice in home country. R. 1:21-9(c)(1).          | No.   | No provision.   | No provision.  | May not use any title other than "foreign legal consultant" and title and firm name in home country, name of home country. R. 1:21-9(g)(7).  | No specific provision, but see R. 1:21-9(b). | FLC "shall associate and consult with a New Jersey attorney and the associating New Jersey attorney shall assume full responsibility for the conduct of the foreign legal consultant." R. 1:21-9(b). | Age required on application, but no specific cut off. See R. 1:21-9(d)(1)(A)                    |
| New Mexico <sup>49</sup> | At least 5 of the last 7 years prior to the filing of the application ("has been actively engaged in the actual practice of law"). R. 26-101(A)(1). | The experience must have been in the home country. <sup>50</sup> R. 26-101(A)(1). | No.   | No provision.   | Reciprocity appears to be mandatory <sup>51</sup> and summary of reciprocity rules must be provided in the application for FLC certification. R. 26-101(E) and 26-102(A)(3). | May not use any title other than "Foreign Legal Consultant," individual's name, or firm name in home country, and additional information permitted on business card or letterhead. R. 26-103(E). <sup>52</sup> | No specific provision.                       | None.  | Must be of suitable age, no less than set by the New Mexico Board of Bar Examiners. R. 26-10(c) |

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| New York <sup>53</sup> | At least 3 of the 5 years immediately preceding the application (“has actually been engaged in the practice of law”). §521.1(a)(2). | Home country practice not required. <sup>54</sup> §521.1(a)(2). | No. | No provision. | Yes. Discretion to consider reciprocity; NY lawyers may request such consideration. §521.1(b). | May not use any title other than name, firm name, home country title, the title “legal consultant” and “admitted to the practice of law in [home country].” §521.3(g). | FLCs may affiliate with NY lawyers through employment, partnership and being a shareholder in a professional corporation. §521.4(b). | None. | Over 26 years old. R.521.1(a)(4). |
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| <b>Jurisdiction</b>          | <b>How many years of experience are required, if any?</b>   | <b>Where must the experience be obtained?</b>                                     | <b>Must the applicant take the Multi-state Ethics exam?</b> | <b>Must the applicant file a NCBE character and fitness report?</b>                | <b>Is reciprocity with the applicant's home country a consideration?</b> | <b>Limitation on FLC Title</b>   | <b>Relations with local lawyers allowed</b>  | <b>Other</b>  | <b>Age Requirement</b>                          |
|------------------------------|---|---|---|--|--|--|--|---|---|
| North Carolina <sup>55</sup> | Admitted for at least 5 years as of date of application; "actively and substantially engaged" in practicing for at least 5 of the 7 years immediately preceding application. §84A-1(a)(1) and §84A-1(a)(5); §F.0103(b). | Practice in the home country is required. <sup>56</sup> §84A-1(a)(5); §F.0103(e). | No.   | No provision, but applicant has burden of proving character and fitness. §F.0104.. | Yes. Reciprocity is "required." <sup>57</sup> §84A-2(g); § F.0103(h).    | May not use any title other than "foreign legal consultant" and title and firm name in home country. §84A-4(b)(9). | Prohibits hiring an FLC as a partner or member; FLCs must be supervised by an NC lawyer. §84A-4(10). <sup>58</sup> | Prohibits FLC from being hired as partner, must be supervised by a North Carolina attorney. §84A-4(10) If application for FLC status is denied, may not reapply within 3 years without permission to reconsider from the Bar. 1F, §F.0113 §.0104 places the burden of proving character and fitness on FLC. | Must be 21 years old. §84A-1(a)(4), §F.0103(d). |

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|                      |   |   |     |  |   |   |                        | Application Fee \$200. See §84A-2(c), §F.0111.                          |                                       |
| Ohio <sup>59</sup>   | The applicant must have been admitted and in good standing for at least 4 of the 6 years immediately preceding the application (practice experience is not specifically required). R. XI §1(A). | There is no requirement of practice experience, in the applicant's home country or elsewhere. <sup>60</sup> | No. | No provision, but must submit a character questionnaire e. R. XI§2(A)(1).                  | Yes. Summary of reciprocity provisions is required. Court is authorized in its discretion to consider reciprocity. R. XI §2(A)(6) and §4. | Shall not use any title other than "Foreign Legal Consultant" and shall include name of home country, and also may use title and firm name in home country. R. XI §6. | No specific provision. | None. \$500 fee for character and fitness application. See XI §2(A)(1). | Must be 21 years old. R. XI §1(A)(E)  |
| Oregon <sup>61</sup> | Not less than 5 of the 7 years immediately preceding the application ( <i>Experience Type I</i> ). R. 12.05(2)(a)(ii).  | Ambiguous but likely requires practice in FLC's home jurisdiction. R. 12.05(2)(a)(ii). <sup>62</sup>        | No. | No provision, but must have good moral character and fitness. R. 12.05(3)(c), 12.05(2)(b). | Yes. The Supreme Court is authorized in its discretion to consider reciprocity. R. 12.05(3)(d).   | May not use any title other than "foreign law consultant" and title and firm name in home country and name of home country. R. 12.05(5)(h).                           | No specific provision. | None.   | At least 18 years old. R.12.05(2)(d). |

| <b>Jurisdiction</b>        | <b>How many years of experience are required, if any?</b>   | <b>Where must the experience be obtained?</b>  | <b>Must the applicant take the Multi-state Ethics exam?</b> | <b>Must the applicant file a NCBE character and fitness report?</b> | <b>Is reciprocity with the applicant's home country a consideration?</b>           | <b>Limitation on FLC Title</b>  | <b>Relations with local lawyers allowed</b>   | <b>Other</b>  | <b>Age Requirement</b>             |
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| Pennsylvania <sup>63</sup> | “[A]t least 5 of the 7 years immediately preceding” the application (practice is required). R. 341(a)(2).                 | The experience must be in practicing the law of the home country, but it is not necessary that the work be accomplished in that country. R. 341(a)(2). | Yes. R. 341(a)(6).  | No provision, but must possess good character. R. 341(a)(3)..       | Yes. The Board is authorized in its discretion to consider reciprocity. R. 341(d). | May not use any title other than FLC's own name, firm name, home country title, and/or “foreign legal consultant” and “admitted to the practice of law in [home country]”. R 342(a)(7). | Yes. FLCs may affiliate with, employ, be employed by, and be partners of a Pennsylvania lawyer or firm in which a Pennsylvania lawyer is employed, a partner or affiliated. R. 342(b)(2). | FLCs must include evidence of professional liability insurance in amount determined by Board in application for FLC license. R. 341(b)(5). Admission to the bar of Pennsylvania results in FLC license being superseded. R. 341(f). | At least 26. R. 341(a)(4).         |
| Texas <sup>64</sup>        | For at least 3 of the 5 years immediately preceding the application must have “actively and substantially been engaged in | Experience can be elsewhere. Not necessary that work be accomplished in that country. R. XIV §1(b). <sup>65</sup>                                      | No.   | No provision, but must possess good moral character. R. XIV§(1)(c). | No provision.  | May not use any title other than “Foreign Legal Consultant” or title and/or firm in home country, and name of home country. R. XIV §3(9).   | Yes. R. XIV§4(b).   | Admission to bar of Texas results in FLC license being superseded. R. XIV§8. \$990 fee for  | Must be 26 years old. R. XIV§1(d). |

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|                          | practice of law.”<br>R.XIV§1(b).   |   |  |  |   |  |   | FLC<br>license. <sup>66</sup>   |               |
| Utah <sup>67</sup>       | Admission and good standing is required, but practice experience is not required, and no particular length of time is specified.<br>R. 18-1(a) | No requirement of practice experience.<br>R. 18-1(a)  | Yes. Applicants shall pass the MPRE and shall “successfully complete the one-day Utah State Bar Ethics School.”<br>R. 18-1(d)-(e). | No provision, but must have good character and fitness. R.18-1(b). | No provision.   | No specific provision.   | Affiliation and partnership. Ethics opinion 96-14 (1997). | FLCs must pass the MPRE and complete the one-day Utah State Bar Ethics School.<br>R. 18-1(d)-(e).<br>\$625 Fee. <sup>68</sup> | No provision. |
| Washington <sup>69</sup> | At least 5 of the 7 years immediately preceding the application (“active legal experience” is required).<br>R. 14(b)(1)(i).                    | Ambiguous, but likely does not require practice in country of admission. <sup>70</sup><br>R. 14(b)(1)(i). | No.  | No provision.  | Yes. The applicant “shall demonstrate” reciprocity, and the Supreme Court may deny or limit admission as an FLC on this basis. <sup>71</sup><br>R. 14(h). | May not use any title other than “Foreign Law Consultant,” firm name, and/or home country title, and name of home country.<br>R. 14(d)(7). <sup>72</sup> | No specific provision.                                    | S. Ct. can revoke FLC license with or without cause.<br>R. 14(g).   | No provision. |

**TABLE 2**

| <b>Jurisdiction</b>                    | <b>Scope: no court appearances</b>  | <b>Scope: no real estate</b>  | <b>Scope: no estates and trusts</b>   | <b>Scope: no family law</b>   | <b>Scope: may the FLC advise on state or U.S. law with advice of a locally-admitted lawyer?</b>  | <b>Scope: Does the Rule limit FLCs to advising only on the law of their home country?</b> | <b>Subject to Rules of Prof Conduct</b>                                   |
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| American Bar Association <sup>73</sup> | Yes. FLC shall not “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 ...).” §4(a). | Yes. FLC shall not “prepare any instrument effecting the transfer or registration of title to real estate located in the [U.S.]” §4(b). | Yes (FLC shall not “prepare: (i) any will or trust instrument effecting the disposition on death of any property located in the United States ... and owned by a resident thereof; or (ii) any instrument relating to the administration of a decedent’s estate in the United States.” §4(c). | Yes. FLC shall not “prepare any instrument in respect of the marital or parental relations, rights or duties of a resident of the United States ..., or the custody or care of the children of such a resident.” §4(d). | Yes. FLC shall not “render professional advice on the law of this State or of the United States ... except on the basis of advice from a person duly qualified and entitled ... to render professional legal advice in this State.” §4(e). | Only advice on law of host state or U.S. is prohibited. §4(e).                            | Yes. §5(a) and §6 (a)(ii)(A).   |
| Alaska <sup>74</sup>                   | Yes. FLC shall not “appear for another person as attorney in any court or before any magistrate or  | Yes. FLC shall not prepare “any deed, mortgage, assignment, discharge, lease,   | Yes. FLC shall not prepare “(A)any will or trust instrument affecting the   | Yes. FLC shall not “prepare any instrument concerning the   | FLC may obtain advice from an admitted lawyer in   | Yes. Foreign law also is prohibited if FLC is not admitted in the jurisdiction            | Yes. FLCs are subject to the jurisdiction of the Alaska Supreme Court and |

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|                       | <p>other judicial officer in the state of Alaska, or prepare pleadings or any other papers in any action or proceeding brought in any such court or before any such judicial officer . . .”</p> <p>R. 44.1(e)(1). Hereinafter referred to as <i>Scope: Court Type 1</i></p> | <p>agreement, sale or any other instruction affecting title to real estate located in the United States of America.”</p> <p>R. 44.1(e)(2) Hereinafter referred to as <i>Scope: Real Estate Type 1</i></p> | <p>disposition of any property located in the”</p> <p>U.S. and “owned by a [U.S.] resident . . ., or . . . (B) any instrument relating to the administration of a decedent’s estate in the [U.S.] . . .”</p> <p>R. 44.1(e)(3). Hereinafter referred to as <i>Scope: T&amp;E Type 1</i></p> | <p>marital relations, rights or duties of a resident of the [U.S.] . . . or the custody or care of the children of a resident.”</p> <p>R. 44.1(e)(4). Hereinafter referred to as <i>Scope: Family Type 1</i></p> | <p>writing and “transmit the written legal advice to the client.” R. 44.1(e)(5).<sup>75</sup></p>   | <p>(international law is not specified as either excluded or appropriate for advice).</p> <p>R. 44.1(e)(5).<sup>76</sup></p> | <p>Disciplinary Board, and must certify that s/he has read and agrees to abide by the disciplinary rules and rules of professional responsibility.</p> <p>R. 44.1(f)(1) and (2)(A).<sup>77</sup></p>   |
| Arizona <sup>78</sup> | <p>Yes, same as Model R. (may not appear in any court, before a magistrate or other judicial officer).</p> <p>R. 38(b)(7)(A)(i).-</p>   | <p>Yes (<i>Scope: Real Estate Type 1</i>).</p> <p>R. 38(b)(7)(A)(ii).</p>   | <p>Yes (same as Model Rule).</p> <p>R. 38(b)(7)(A)(iii-iv)</p>   | <p>Yes (<i>Scope: Family Type 1</i>).</p> <p>R. 38(b)(7)(A)(v).</p>  | <p>Yes.</p> <p>Rule 38(b)(7)(A)(vi) permits an FLC to advise on state or federal law on “the basis of advice from a person duly qualified and entitled . . . to render professional legal advice in this state” (Identification of in-state lawyer is not required).<sup>79</sup></p> | <p>No.</p> <p>Only advice on law of Arizona or U.S. is prohibited.</p> <p>R. 38(b)(7)(A)(vi).</p>                            | <p>Yes; FLC is “subject to the same conditions and requirements as apply to a member of the state bar . . .” and an FLC “shall be subject to professional discipline in the same manner and to the same extent as members of the state bar.”</p> <p>R. 38(b)(8) and (9) see also R. 46(b).</p> |

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| California <sup>80</sup>           | Yes ( <i>Scope: Court Type 1</i> ).<br>R. 988(d)(1) and R. 9.1.  | Yes ( <i>Scope: Real Estate Type 1</i> ).<br>R. 988(d)(2) and R. 9.2. | Yes (same as Model Rule).<br>R. 988(d)(3) and R. 9.3.       | Yes ( <i>Scope: Family Type I</i> ).<br>R. 988(d)(4) and R. 9.4. | No.<br>R. 988(d)(5) and R. 9.5. <sup>81</sup>  | Yes, but rules do not specifically address right of FLC to advise on international law.<br>R. 988(d)(5) and R. 9.5.             | Yes.<br>R. 988(c)(6) and (7), R. 3.6, 3.7 and 3.8.   |
| Connecticut <sup>82</sup>          | No provision.  | No provision.   | No provision.   | No provision.  | No.<br>§2-19.  | Yes.<br>§2-19. <sup>83</sup>  | Yes.<br>§2-20(a)(1), (2)(A).   |
| District of Columbia <sup>84</sup> | Yes ( <i>Scope: Court Type 1</i> , but also FLC may not appear for others as attorney before administrative agencies).<br>R. 46(c)(4)(D)(1). | Yes ( <i>Scope: Real Estate Type 1</i> ).<br>R. 46(c)(4)(D)(2).       | Yes (essentially same as Model Rule).<br>R. 46(c)(4)(D)(3). | Yes ( <i>Scope: Family Type I</i> ).<br>R. 46(c)(4)(D)(4).       | Yes.<br>R. 46(c)(4)(D)(5).<br>The Special Legal Consultant may advise on D.C. or U.S. federal or state law only “on the basis of advice from a person acting as counsel” to the Special Legal Consultant, who was consulted in particular matter and identified to client by name. | No.<br>Only advising on D.C., U.S. or other state law is prohibited (international law is not specified).<br>R. 46(c)(4)(D)(5). | Yes.<br>Subject to the Code of Professional Responsibility of the American Bar Association, as amended by the Court.<br>R. 46(c)(4)(E)(1)(a), (b)(i) and 46(c)(4)(F)(1). |

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| Florida <sup>85</sup> | Yes ( <i>Scope: Court Type 1a</i> , but in addition an FLC may not appear as attorney before a “municipal governmental agency, quasi-judicial, or quasi-governmental authority in the state of Florida). R. 16-1.3(a)(2)(A). Hereinafter referred to as <i>Scope: Court Type 2</i> | Yes (substantially the same as <i>Scope: Real Estate Type 1</i> , and also may not prepare any instrument affecting title to personal property located in the U.S., except if governed by law of jurisdiction where FLC is admitted). R. 16-1.3(a)(2)(B). Hereinafter referred to as <i>Scope: Real Estate Type 2</i> | Yes (same as Model Rule). R. 16-1.3(a)(2)(C). | Yes ( <i>Scope: Family Type 1</i> ). R. 16-1.3(a)(2)(D). | No.  | Yes. R. 16-1.3(a)(1). In addition, all advice must be rendered pursuant to a “written retainer agreement that shall specify in bold type that the foreign legal consultant is not admitted to practice law in the state of Florida . . .” R. 16-1.3(a)(2)(F). | Yes. R. 16-1.2(g); 16-1.4(a)(5) and 16-1.6(a).  |
| Georgia <sup>86</sup> | Yes, same as Model Rule. §4(a)(i).   | Yes, same as Model Rule. §4(a)(ii).   | Yes, same as Model Rule. §4(a)(iii).          | Yes, same as Model Rule. §4(a)(iv).                      | Yes, same as Model Rule. §4(a)(v).   | No. “May render legal advice regarding matters which are governed by international law, the law of the foreign country where the applicant is admitted to practice, or the law of a non-US jurisdiction. §4(b). <sup>87</sup>                                 | Yes. §5(a)-(b)..  |
| Hawaii <sup>88</sup>  | Yes ( <i>Scope: Court Type 1</i> ). R. 14.4(a).  | Yes ( <i>Scope: Real Estate Type 1</i> ). R. 14.4(b).   | Yes (same as Model Rule). R. 14.4(c).         | Yes ( <i>Scope: Family Type 1</i> ). R. 14.4(d).         | Yes. Advice from licensed attorney who has been consulted in particular matter and ID to client by name. R. 14.4(e). | Yes. Excludes HI, U.S., other states, D.C. and other foreign countries where FLC not admitted. R. 14.4(e).  | Yes, and the FLC “shall be subject to the <i>exclusive</i> disciplinary jurisdiction of this court and the Disciplinary |

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|                        |  |  |  |   |  |   | Board.”<br>R. 14.5(a)<br>(emphasis<br>added).                   |
| Idaho <sup>89</sup>    | Yes, same as Model Rule.<br>R. 205A(d)(1).   | Yes, same as Model Rule.<br>R. 205A(d)(2).                 | Yes, same as Model Rule.<br>R.<br>205A(d)(3).              | Yes, same as Model Rule.<br>R.<br>205A(d)(4).         | Yes, same as Model Rule.<br>R. 205A(d)(5).   | Ambiguous.<br>Compare R. 205A(d)(5) and lead in language to R. 205A(d). <sup>90</sup>                               | Yes.<br>R. 205A(e)(1), (e)(2)(ii), (f)(1)(i) and (f)(1)(ii)(A). |
| Illinois <sup>91</sup> | Yes ( <i>Scope: Court Type 1</i> , and cannot appear before administrative agency in IL).<br>R. 712(e)(1). | Yes ( <i>Scope: Real Estate Type 1</i> ).<br>R. 712(e)(2). | Yes (essentially same as Model Rule).<br>R. 712(e)(3)-(4). | Yes ( <i>Scope: Family Type I</i> ).<br>R. 712(e)(5). | No.<br>R. 712(e). <sup>92</sup> In addition to other scope limitations, IL prohibits FLCs from advising with respect to “a personal injury occurring within the United States; . . . United States immigration laws, United States custom laws or United States trade laws.” R. 712(e)(6)-(7). | Yes.<br>R. 712(e), <sup>93</sup> but R. 712(a) adds confusion by referring to foreign <i>and international</i> law. | Yes.<br>R. 712(f)(1).   |

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| Indiana <sup>94</sup>       | Yes (same as Model Rule).<br>R. 5(4)(a).            | Yes (same as Model Rule).<br>R. 5(4)(b).                                 | Yes (same as Model Rule).<br>R. 5(4)(c).              | Yes (same as Model Rule).<br>R. 5(4)(d).             | Yes.<br>(ID not required). <sup>95</sup><br>R. 5(4)(e).                      | Yes. Limits FLC to advising “on the law of the foreign country where the foreign legal consultant is admitted to practice.” Rule 5(4). See also R. 5(4)(e) regarding advising on the basis of advice of U.S. lawyer.                            | Yes.<br>Rule 5(5)(a).   |
| Louisiana <sup>96</sup>     | Yes (same as Model Rule).<br>R.14-11(a)(i)          | No specific provision.   | No specific provision.                                | No specific provision.                               | No.<br>See R.14-11(4)(a), 4(a)(ii).  | Yes.<br>R.14-11(4)(A) and 14-1111(4)(A)(2). <sup>97</sup>   | Yes.<br>R.14-11(5)(a) and R.14-11(7)(a)(i).   |
| Massachusetts <sup>98</sup> | Yes (same as Model Rule).<br>R. 3:05 §5.1(a).       | Yes (same as Model Rule).<br>R. 3:05 §5.1(b).                            | Yes (same as Model Rule).<br>R. 3:05 §5.1(c).         | Yes (same as Model Rule).<br>R. 3:05 §5.1(d).        | No.<br>R. 3:05 §5.1(e).  | Advising on “law of this Commonwealth or of the United States” is prohibited, so foreign and international law is not prohibited (and, by implication, advising on law of other U.S. jurisdictions also is not prohibited).<br>R. 3:05 §5.1(e). | Yes.<br>R. 3:05 §6.1.   |
| Michigan <sup>99</sup>      | No specific provision.                              | No specific provision.   | No specific provision.                                | No specific provision.                               | No.<br>R. 5(E)(d)(1).  | Yes.<br>R. 5(E)(d). <sup>100</sup>  | No specific provision. Required to maintain and discharge the responsibilities of active State Bar membership.<br>R. 5(E)(d). |
| Minnesota <sup>101</sup>    | Yes ( <i>Scope: Court Type 2</i> ).<br>R. 11(E)(1). | Yes ( <i>Scope: Real Estate Type 2</i> ).<br>R. 11(E)(2). <sup>102</sup> | Yes ( <i>Scope: T&amp;E Type 1</i> ).<br>R. 11(E)(3). | Yes ( <i>Scope: Family Type 1</i> ).<br>R. 11(E)(4). | No.<br>In addition, a written retainer agreement with limitations in bold is | Yes (but international law is not referred to).<br>R. 11(E) & 115(E)(5).  | Yes.<br>R. 11(F)(1), 11(F)(3)(a).   |

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|                           |  |   |   |  | required. <sup>103</sup><br>R. 11(E) and<br>11(E)(5), (8).  |   |                          |
| Missouri <sup>104</sup>   | Yes ( <i>Scope: Court Type 1</i> , and appearance before administrative agencies also is prohibited).<br>R. 9.10(a)-(b).           | No specific provision.  | No specific provision.                                    | No specific provision.                                   | No.<br>See R. 9.10 and 9.10(c).   | Yes (international law is not specified).<br>R. 9.10 and 9.10(c). <sup>105</sup>  | Yes.<br>R. 9.06(d).      |
| New Jersey <sup>106</sup> | Yes (may not appear before court, judicial officer or administrative agency, or sign or file papers in these).<br>R. 1:21-9(g)(1). | Yes ( <i>Scope: Real Estate Type 1</i> ).<br>R. 1:21-9(g)(2). | Yes ( <i>Scope: T&amp;E Type 1</i> ).<br>R. 1:21-9(g)(3). | Yes ( <i>Scope: Family Type 1</i> ).<br>R. 1:21-9(g)(4). | Yes.<br>With ID by name and consultation in particular matter at hand. <sup>107</sup><br>R. 1:21-9(g)(5). | Yes. FLCs are restricted from advising on New Jersey, U.S., other U.S. state, other foreign law, except as provided in R. 1:21-9(g)(5). | Yes.<br>R. 1:21-9(h)(1). |

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| New Mexico <sup>108</sup>     | Yes (FLCs may not appear before court, magistrate or judicial officer, but MAY appear before administrative agency as permitted by N.M. rules).<br>R. 26-103(A)-(B).  | No specific provision.  | No specific provision.                         | No specific provision.                                | Yes.<br>ID unnecessary.<br>R. 26-103(C). <sup>109</sup>                              | No, but prohibits advising on New Mexican or U.S. law “except when such law is applicable also to the foreign country where the legal consultant is admitted to practice or on the basis of advice from a person duly qualified or entitled ... to render professional advice in the State of New Mexico.”<br>R. 26-103 (lead in language) and 26-103(C). | Yes.<br>R. 26-104(A).                   |
| New York <sup>110</sup>       | Yes (same as Model Rule).<br>R. 521.3(a).   | Yes (same as Model Rule).<br>R. 521.3(b).   | Yes (same as Model Rule).<br>R. 521.3(c).      | Yes (same as Model Rule).<br>R. 521.3(d).             | Yes.<br>ID unnecessary.<br>R. 521.3(e). <sup>111</sup>                               | No.<br>Limitation in R. 521.3(e) speaks only to NY and U.S. law. (international law possible)   | Yes.<br>R. 521.4(a) and 521.5(a)(2)(i). |
| North Carolina <sup>112</sup> | Yes (FLCs may not appear as attorney before any “judicial officer or State or municipal agency or tribunal. ... [or s]ign or file ... any pleadings, motions, or other documents in any legal proceeding or before any judicial officer or State or municipal agencies, or tribunal.”)<br>§84A-4(b)(1)-(2). | Yes (substantially the same as <i>Scope: Real Estate Type I</i> ).<br>§84A-4(b)(3). | Yes (same as Model Rule).<br>§84A-4(b)(4)-(5). | Yes ( <i>Scope: Family Type I</i> ).<br>§84A-4(b)(6). | No.<br>Can transmit written advice of a lawyer to client. § 84A-4(c). <sup>113</sup> | Yes (international law not mentioned).<br>§84A-4(b)(7), <sup>114</sup> but see also §84A-4(c).  | Yes.<br>§84A-5(1),(5)(a).               |
| Ohio <sup>115</sup>           | Yes ( <i>Scope: Court Type I</i> , and in addition FLCs may not appear before   | Yes (substantially the same as  | Yes (same as Model Rule).                      | Yes ( <i>Scope: Family Type I</i> ).                  | Yes.<br>ID and consultation in   | No.<br>Only advice on U.S., Ohio and other state law  | Yes.<br>R. XI §7(A)(1),(3)(a).          |

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|                             | any referee or administrative agency in Ohio).<br>R. XI §5(A). | <i>Scope: Real Estate Type 1).</i><br>R. XI §5(B)(1).       | R. XI §5(B)(2)-(3).                              | R. XI §5(B)(4).  | matter at hand required.<br>R. XI §5(C).  | prohibited. (international law not mentioned)<br>R. XI §5(C).  |  |
| Oregon <sup>116</sup>       | Yes ( <i>Scope: Court Type 1).</i><br>R. 12.05(5)(a).          | Yes ( <i>Scope: Real Estate Type 1).</i><br>R. 12.05(5)(b). | Yes (same as Model Rule).<br>R. 12.05(5)(c)-(d). | Yes ( <i>Scope: Family Type 1).</i><br>R. 12.05(5)(e). | Yes.<br>ID to client and consultation in particular matter at hand required.<br>R. 12.05(5)(f). | Yes. Advice on law of 3 <sup>rd</sup> countries is not permitted without consultation with attorney admitted there and ID to client.<br>R. 12.05(5)(f). <sup>117</sup> | Yes.<br>R. 12.05(6)(a), 12.05(6)(b)(i) & 12.05(1). |
| Pennsylvania <sup>118</sup> | Yes, same as Model Rule.<br>R. 342(a)(1).                      | Yes, same as Model Rule.<br>R. 342(a)(2).                   | Yes, same as Model Rule.<br>R. 342(a)(3).        | Yes, same as Model Rule.<br>R. 342(a)(4).              | No.<br>Lead-in language to R. 342(a) & (a)(5).  | Yes, but practice on international law is not mentioned.<br>R. 342(a) & (a)(5).  | Yes.<br>R. 342(b)(1) & R. 341(b)(4).               |

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| Texas <sup>119</sup>      | Yes ( <i>Scope: Court Type I</i> , and also may not appear as attorney before an administrative agency in Texas). R. XIV §3(a). | Yes ( <i>Scope: Real Estate Type I</i> ). R. XIV §3(b). | Yes (same as Model Rule). R. XIV §3(c). | Yes ( <i>Scope: Family Type I</i> ). R. XIV § 3(d). | Yes, but ID not required. R. XIV §3(e). | No. Rule only prohibits FLC from practicing US and Texas law, but does not mention international law.. R. XIV §3. <sup>120</sup>      | Yes. R. XIV §(4) & (5)(a)(ii)(A). |
| Utah <sup>121</sup>       | Yes. FLCs may not “appear as an attorney in any court in this State in other than a <i>pro se</i> capacity.” R. 18-3(a).        | Yes. R. 18-3(c).  | Yes. R. 18-3(c).                        | Yes. R. 18-3(c).                                    | No. R. 18-3(b).                         | Yes. Limited to advising on laws of jurisdiction where admitted, but rule does not mention international law. R. 18-3. <sup>122</sup> | Yes. R. 18-2(d).                  |
| Washington <sup>123</sup> | Yes ( <i>Scope: Court Type I</i> ). R. 14(d)(1).  | Yes ( <i>Scope: Real Estate Type I</i> ). R. 14(d)(2).  | Yes (same as Model Rule). R. 14(d)(3).  | Yes (essentially same as Model Rule). R. 14(d)(4).  | No. R. 14(d)(5).                        | Possibility of advising on foreign and international law left open (ambiguous). <sup>124</sup> R. 14(d)(5).                           | Yes. R. 14(e).                    |

<sup>1</sup> American Bar Association Commission on Multijurisdictional Practice, Report 201J, Aug. 2002, *available at* <http://www.abanet.org/cpr/mjp-home.html> (last visited Apr., 10, 2005). Model Rules *available at* <http://www.abanet.org/cpr/mjp/201h.doc> (last visited Apr. 10, 2005).

<sup>2</sup> ALASKA B.R. 44.1, *available at* [www.abanet.org/cpr/jclr/flc\\_alaska.pdf](http://www.abanet.org/cpr/jclr/flc_alaska.pdf) (last visited May 1, 2006).

<sup>3</sup> ALASKA B.R. 44.1(b)(1) provides that “the court may license to practice as a foreign law consultant . . . an applicant who (1) for a period of not less than 5 of the 7 years immediately preceding the date of application: (A) has been admitted to practice and has been in good standing as an attorney or counselor at law or the equivalent in a foreign country, and (B) has engaged either (i) in the practice of law in that country or (ii) in a profession or occupation that requires admission to practice and good standing as an attorney or counselor at law or the equivalent in that country.” The modifying phrase “in that country” in subparagraphs (i) and (ii) create the ambiguity.

<sup>4</sup> ALASKA B.R. 44.1(c)(4) provides that the court may exercise its discretion to consider reciprocity only upon a “reasonable showing that: (A) an attorney in Alaska actively sought to establish an office in the applicant’s country of admission; (B) the

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authority in the foreign country having final jurisdiction over the application process ... denied the attorney in Alaska an opportunity to establish an office in that foreign country; and (C) the denial ... raises serious questions as to the adequacy of the opportunity for an attorney in Alaska to establish an office in the foreign country.”

<sup>5</sup> ALASKA B.R. 44.1(e)(7) prohibits FLC from the “use [of] any title other than ‘foreign law consultant’; provided that the person’s authorized title and firm name in the foreign country in which the person is admitted to practice as an attorney ... may be used if the title, firm name, and the name of the foreign country are stated together with the title ‘foreign law consultant.’”

<sup>6</sup> ARIZ. R. SUP. CT. 33(b) available at <http://www.supreme.state.az.us/admis/pdf/Admissions%20Rulesweb.pdf> (last visited May 1, 2006).

<sup>7</sup> ARIZ. R. SUP. CT. 38(b)(2)(A) requires that FLC applicants must “[f]or a period of not less than five of the seven years immediately preceding the date of the application, have been admitted to practice and have been in good standing as an attorney or counselor at law or the equivalent in a foreign country or political subdivision of a foreign country; and have engaged either: (i) in the practice of law in such country or political subdivision; or (ii) 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 country or political subdivision.” Compare note 1, *supra*.

<sup>8</sup> ARIZ. R. SUP. CT. 38(b)(6) provides as follows: “[i]n considering whether to issue a certificate of registration as a foreign legal consultant, the Committee may consider whether a member of the state bar 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; if (a) there is pending with the Committee a request from a member of the state bar to take this factor into account, (b) the member is actively seeking or has actively sought to establish such an office in that country, and (c) there is a serious question as to adequacy of the opportunity for a member of the state bar to establish such an office.”

<sup>9</sup> ARIZ. R. SUP. CT. 38(b)(7)(B) provides that FLC “shall at all times use the title “legal consultant,” which shall be used in conjunction with the name of the foreign country of his or her admission to practice, and shall not carry on his or her practice under, or utilize in connection with such practice, any name, title or designation other than one or more of the following: (i) his or her own name; (ii) the name of his or her law firm; (iii) his or her authorized title in the foreign country of his or her admission to practice, which may be used in conjunction with the name of such country.”

<sup>10</sup> CAL. REGISTERED FOREIGN L. CONSULTANTS R. & REG. § 3.1, available at [http://calbar.ca.gov/state/calbar/calbar\\_generic.jsp?cid=10163&id=1309](http://calbar.ca.gov/state/calbar/calbar_generic.jsp?cid=10163&id=1309) (last visited May 1, 2006) CAL. GEN. R. CT. 988, available at [http://www.abanet.org/cpr/jclr/flc\\_california.pdf](http://www.abanet.org/cpr/jclr/flc_california.pdf) (last visited May 1, 2006).

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<sup>11</sup> CAL. REGISTERED FOREIGN L. CONSULTANTS R. & REG. § 3.1.

<sup>12</sup> CAL. REGISTERED FOREIGN L. CONSULTANTS R. & REG. § 3.1 requires FLC applicants to “[p]resent satisfactory proof that the applicant has been admitted to practice and has been in good standing as an attorney or counselor at law or the equivalent in a foreign country for at least four of the six years immediately preceding the application, and while so admitted, has actually practiced the law *of that country*” (emphasis added).

<sup>13</sup> CAL. REGISTERED FOREIGN L. CONSULTANTS R. & REG. §§ 10.4 and 10.1-10.3: A FLC must use only the title “Foreign Legal Consultant” and only “in connection with activities performed pursuant to these rules”; and “must include the name of the country in which the FLC is admitted to practice law when using the title “FLC””; and “may include the name of his or her employer, if any, and the title by which the FLC is known in the country in which he/she is admitted to practice law when using the title “FLC.””

<sup>14</sup> See [http://www.calbar.ca.gov./state/calbar/calbar\\_generic.jsp?cid=10163&id=1304](http://www.calbar.ca.gov./state/calbar/calbar_generic.jsp?cid=10163&id=1304)

<sup>15</sup> CONN. SUP. CT. §2-17-21, available at [http://www.abanet.org/cpr/jclr/flc\\_connecticut.pdf](http://www.abanet.org/cpr/jclr/flc_connecticut.pdf) (last visited May 1, 2006). Also available at <http://www.jud.state.ct.us/cbed/rules.htm#2-17> (last visited May 1, 2006).

<sup>16</sup> CONN. SUP. CT. §2-17(1) provides that an FLC applicant must have “been admitted to practice (or has obtained the equivalent of admission) in a foreign country, and has engaged in the practice of law *in that country*, and has been in good standing as an attorney or counselor at law (or the equivalent of either) in that country, for a period of not less than five of the seven years immediately preceding the date of application” (emphasis added).

<sup>17</sup> D.C. CT. APP. R. 46(c)(4), available at [http://www.abanet.org/cpr/jclr/flc\\_dc.pdf](http://www.abanet.org/cpr/jclr/flc_dc.pdf) (last visited May 1, 2006).

<sup>18</sup> D.C. CT. APP. R. 46(c)(4)(B)(1)(d) requires summary of laws and customs of foreign country relating to opportunity afforded to DC bar members to establish offices for the giving of legal advice to clients in such foreign country, and R. 46(c)(4)(C) authorizes the court in its discretion to take into account in considering whether to license a special legal consultant, whether a member of the DC bar “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*.”

<sup>19</sup> R. REGULATING FLA. B. 16-1, available at [http://www.abanet.org/cpr/jclr/flc\\_florida.pdf](http://www.abanet.org/cpr/jclr/flc_florida.pdf) (last visited May 1, 2006) Also available at <http://www.floridabar.org/divexe/rftfb.nsf/FV?openview&Start=IdCollapse=16#16> (last visited May 2, 2006).

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<sup>20</sup> R. REGULATING FLA. B. 16-1.2(b) provides that a FLC is a person who “has engaged in the practice of law of such foreign country for a period of not less than 5 of the 7 years immediately preceding the application for certification under this chapter and has remained in good standing as an attorney, counselor at law, or the equivalent throughout said period.” R. 16-1.2(a) requires applicants to have “been admitted to practice in a foreign country as an attorney, counselor at law, or the equivalent for a period of not less than 5 of the 7 years immediately preceding the application for certification under this chapter.”

<sup>21</sup> R. REGULATING FLA. B. 16-1.3(a)(2)(F) prohibits FLC from rendering “any legal services without utilizing a written retainer agreement that shall specify in bold type that the foreign legal consultant is not admitted to practice law in the state of Florida nor licensed to advise on the laws of the United States or any other state, commonwealth, territory, or the District of Columbia, unless so licensed, and that the practice of the foreign legal consultant is limited to the laws of the foreign country where such person is admitted to practice as an attorney, counselor at law, or the equivalent.”

<sup>22</sup> See

<http://www.floridabar.org/TFB/TFBLawReg.nsf/840090c16eedaf0085256b61000928dc/21a000d8da72d80f85256b9f00507bb8?OpenDocument> (last visited May 11, 2006).

<sup>23</sup> GA. R. GOVERNING ADMISSION PRACTICE , PART E LICENSURE OF FOREIGN LEGAL CONSULTANTS, *available at* [http://www.abanet.org/cpr/jclr/flc\\_georgia.pdf](http://www.abanet.org/cpr/jclr/flc_georgia.pdf) (last visited May 1, 2006). *Also available at* [www.gaboardadmissions.org/pdf/rules12.pdf](http://www.gaboardadmissions.org/pdf/rules12.pdf) (last visited May 1, 2006).

<sup>24</sup> GA. R. GOVERNING ADMISSION PRACTICE L. §5 requires a foreign law consultant to commit to “notify the Board of Bar Examiners of any lawsuit brought against the consultant which arises out of or is based upon any legal services rendered or offered to be rendered by the consultant within this State or any other jurisdiction.”

<sup>25</sup> HAW. R. SUP. CT. 14, *available at* [http://www.abanet.org/cpr/jclr/flc\\_hawaii.pdf](http://www.abanet.org/cpr/jclr/flc_hawaii.pdf) (last visited May 1, 2006). *Also available at* <http://www.courts.state.hi.us> (last visited May 10, 2006).

<sup>26</sup> HAW. R. SUP. CT. 14.1(a) requires that applicants for foreign law consultant have, “for a period of not less than 5 of the 7 years immediately preceding the date of application, (1) ... been admitted to practice and ... been in good standing as an attorney or counselor at law or the equivalent in a foreign country, and (2) ... engaged either (A) in the practice of law in such country or (B) 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 country.”

<sup>27</sup> IDAHO B. COMMISSION R. 205A, *available at* [http://www.abanet.org/cpr/jclr/flc\\_idaho.pdf](http://www.abanet.org/cpr/jclr/flc_idaho.pdf) (last visited May 1, 2006). *Also available at* <http://www2.state.id.us/isb/PDF/IBCR.pdf> (last visited May 10, 2006).

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<sup>28</sup> ILL. FOREIGN LEGAL CONSULTANTS R. 712-713, *available at* [http://www.abanet.org/cpr/jclr/flc\\_illinois.pdf](http://www.abanet.org/cpr/jclr/flc_illinois.pdf) (last visited May 1, 2006). *Also available at* [http://www.state.il.us/court/SupremeCourt/Rules/Art\\_VII/default.asp](http://www.state.il.us/court/SupremeCourt/Rules/Art_VII/default.asp) (last visited May 10, 2006).

<sup>29</sup> ILL. FOREIGN LEGAL CONSULTANTS R. 712(a)(1) provides that the applicant must have “been admitted to practice (or has obtained the equivalent of such admission) in a foreign country, and has engaged in the practice of law of such country, and has been in good standing as an attorney or counselor at law (or the equivalent of either) in such country, for a period of not less than five of the seven years immediately preceding the date of his or her application, provided that admission as a notary or its equivalent in any foreign country shall not be deemed to be the equivalent of admission as an attorney or counselor at law.”

<sup>30</sup> ILL. FOREIGN LEGAL CONSULTANTS R. 713(b)(6) requires foreign legal consultants to file with their application “documentation in duly authenticated form evidencing that the applicant is lawfully entitled to reside and be employed in the United States of America pursuant to the immigration laws thereof.”

<sup>31</sup> ILL. FOREIGN LEGAL CONSULTANTS R. 712(e)(9) provides that a “licensed foreign legal consultant shall not: ... (9) directly, or through a representative, propose, recommend or solicit employment of himself or herself, his or her partner, or his or her associate for pecuniary gain or other benefit with respect to any matter not within the scope of practice authorized by this rule.”

<sup>32</sup> IND. R. ADMISSION B. 5, *available at* [http://www.abanet.org/cpr/jclr/flc\\_indiana.pdf](http://www.abanet.org/cpr/jclr/flc_indiana.pdf) (last visited May 1, 2006). *Also available at* [http://www.in.gov/judiciary/rules/ad\\_dis.pdf](http://www.in.gov/judiciary/rules/ad_dis.pdf) (last visited May 10, 2006).

<sup>33</sup> IND. R. ADMISSION B. 5(1)(b) provides for applicants who “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.”

<sup>34</sup> LA. ST.B. ASS’N R.14-11, *available at* <http://www.lsba.org/Association/06ArticlesofIncorporation.pdf> (last visited May 10, 2006).

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<sup>35</sup> LA. ST.B. ASS'N R. 14-11(1)(a)(ii) provides that the applicant must have “(aa) 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 (bb) 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 proceeding[sic] the application.”

<sup>36</sup> MASS. SUP. JUD. CT.R. 3:05, *available at* [http://www.abanet.org/cpr/jclr/flc\\_mass.pdf](http://www.abanet.org/cpr/jclr/flc_mass.pdf) (last visited May 1, 2006). *Also available at* <http://www.sjccountyclerk.com/rule305.html> (last visited May 10, 2006).

<sup>37</sup> MASS. SUP. JUD. CT.R. 3:05(1.2)(b) provides that an applicant, “for at least five years immediately preceding his or her application has been a member in good standing of such legal profession and has been engaged in the practice of law in such 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.”

<sup>38</sup> See: <http://www.sjccountyclerk.com/foreignlegalfaq.html> (last visited May 2, 2006).

<sup>39</sup> MICH R. BOARD L. EXAMINERS 5(E), *available at* [http://www.abanet.org/cpr/jclr/flc\\_mich.pdf](http://www.abanet.org/cpr/jclr/flc_mich.pdf) (last visited May 1, 2006) *Also available at* <http://www.courts.michigan.gov/supremecourt/BdofLawExaminers/CourtRules.htm#Rul> (last visited May 2, 2006). MICH R. BOARD L. EXAMINERS 5(E)(a)(3) provides that “[t]o qualify for admission without examination to practice as a special legal consultant one must: . . . (3) fulfill the requirements of MCL 600.934 and 600.937 . . .” MCL 600.934 sets out the general requirements for admission to the Bar in Michigan, including requirements relating to the multistate bar examination; MCL 600.937 provides that applicants for admission to the Bar must have completed at least two years of pre-legal education. It is not clear how these two provisions relate the special legal consultant requirements.

<sup>40</sup> MICH R. BOARD L. EXAMINERS 5(E)(a)(1) requires applicants to “be admitted to practice in a foreign country and have actually practiced, and be in good standing, as an attorney or counselor at law or the equivalent in such foreign country for at least three of the five years immediately preceding the application.”

<sup>41</sup> MINN. R. ADMISSION B. 11 *available at* <http://www.ble.state.mn.us/rules.html#Rule11> (last visited May 2, 2006).

<sup>42</sup> MINN. R. ADMISSION B. 11(E)(9) prohibits a foreign legal consultant from holding “any client funds or valuables without entering into a written retainer agreement which shall specify in bold type the name of a Minnesota licensed attorney in good standing who is also representing the particular client in the particular matter at hand.”

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<sup>43</sup> MO. SUP. CT.R. 9.05; 9.08, *available at* [http://www.abanet.org/cpr/jclr/flc\\_missouri.pdf](http://www.abanet.org/cpr/jclr/flc_missouri.pdf) (last visited May 1, 2006).

<sup>44</sup> MO. SUP. CT.R. 9.05(a) provides that an applicant must have “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.”

<sup>45</sup> MO. SUP. CT.R. 9.05(f) requires applicants to “[f]urnish to the Board of Law Examiners proof of taking the Multi-state 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.”

<sup>46</sup> MO. SUP. CT.R. 9.10(e)(3) is ambiguous in the sense that it allows an FLC to name the firm with which s/he is affiliated in his home country, but it not clear whether he or she may mention such firm if it is affiliated with a U.S. firm.

<sup>47</sup> N.J. R. GEN. APPLICATION 1:21-9, *available at* [http://www.abanet.org/cpr/jclr/flc\\_njersey.pdf](http://www.abanet.org/cpr/jclr/flc_njersey.pdf) (last visited May 1, 2006). Also available at <http://www.judiciary.state.nj.us/rules/r1-21.htm> (last visited May 11, 2006).

<sup>48</sup> N.J. R. GEN. APPLICATION 1:21-9(c)(1) provides for application by foreign lawyers who “for a period of not less than 5 of the 7 years immediately preceding the date of application has been admitted to practice and has been in good standing as an attorney or counselor at law or the equivalent in a foreign country and has engaged either (A) in the practice of law in such country or (B) in a profession or occupation which requires as a prerequisite admission to practice and good standing as an attorney or counselor at law or the equivalent in such country.”

<sup>49</sup> N.M. R. GOVERNING FOREIGN LEGAL CONSULTANTS 26-101, et. seq., *available at* [http://www.abanet.org/cpr/jclr/flc\\_nmexico.pdf](http://www.abanet.org/cpr/jclr/flc_nmexico.pdf) (last visited May 1, 2006). *Also available at* <http://64.132.204.47/NXT/gateway.dll?f=templates&fn=default.htm&vid=nm:all> (last visited May 11, 2006).

<sup>50</sup> N.M. R. GOVERNING FOREIGN LEGAL CONSULTANTS 26-101(A)(1) provides that applicants must have “been actively engaged in the actual practice of law in that country for at least five (5) of the last seven (7) years prior to the date of the filing of the application.”

<sup>51</sup> N.M. R. GOVERNING FOREIGN LEGAL CONSULTANTS 26-101 provides that “[t]he Supreme Court, in its discretion, may issue a certificate of registration licensing to practice as a foreign legal consultant, without examination, to an applicant who: ... (E)

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is licensed in a foreign jurisdiction that allows members of the bar of New Mexico the opportunity to render services as a foreign legal consultant under substantially similar circumstances as are provided by this rule.”

<sup>52</sup> N.M. R. GOVERNING FOREIGN LEGAL CONSULTANTS 26-103(E) provides that a foreign legal consultant may not “use any other title other than ‘Foreign Legal Consultant,’ the foreign legal consultant’s authorized name, or firm name in the foreign country of the consultant’s admission, although a business card or letterhead may contain additional information relating to the legal consultant’s practice in the foreign country where the legal consultant is licensed to practice in the foreign country where the legal consultant is licensed to practice.”

<sup>53</sup> N.Y. R.CT. APP. LICENSING LEGAL CONSULTANTS § 521.1-8, *available at* [http://www.abanet.org/cpr/jclr/flc\\_nyork.pdf](http://www.abanet.org/cpr/jclr/flc_nyork.pdf) (last visited May 1, 2006). *Also available at* <http://www.courts.state.ny.us/ctapps/521rules.htm> (last visited May 1, 2006).

<sup>54</sup> N.Y. R.CT. APP. LICENSING LEGAL CONSULTANTS § 521.1(a)(2) provides for applications from foreign lawyers who “for at least three of the five 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 such foreign country or elsewhere substantially involving or relating to the rendering of advice or the provision of legal services concerning the law of such foreign country.”

<sup>55</sup> N.C. FOREIGN LEGAL CONSULTANTS §84A-1, et. seq., *available at* [http://www.abanet.org/cpr/jclr/flc\\_ncarolina.pdf](http://www.abanet.org/cpr/jclr/flc_ncarolina.pdf) (last visited May 1, 2006). *Also available at* [http://www.ncga.state.nc.us/EnactedLegislation/statutes/HTML/ByChapter/Chapter\\_84A.html](http://www.ncga.state.nc.us/EnactedLegislation/statutes/HTML/ByChapter/Chapter_84A.html) (last visited May 10, 2006).

<sup>56</sup> N.C. FOREIGN LEGAL CONSULTANTS §84A-1(a)(5) requires that FLC applicants must have “been actively and substantially engaged in the practice of law or a profession or occupation that requires admission to the practice of law, or the equivalent thereof, in the foreign country in which the applicant holds a license for at least five of the seven years immediately preceding the date of application for a certificate of registration and is in good standing as an attorney, or the equivalent thereof, in that country.” Section 84A-1(a)(1) further requires the FLC applicant to have “been admitted to practice as an attorney, or the equivalent thereof, in a foreign country for at least five years as of the date of application for a certificate of registration.”

<sup>57</sup> N.C. FOREIGN LEGAL CONSULTANTS §84A-2(g) provides “[r]eciprocity between North Carolina and the foreign country in which the applicant is licensed is required for the applicant to be licensed as a foreign legal consultant under this Chapter.”

<sup>58</sup> N.C. FOREIGN LEGAL CONSULTANTS §84A-4(10) provides that a foreign legal consultant shall not “[b]e hired by a firm as a partner, member, or in any capacity other than as a foreign legal consultant whose services shall be overseen by an attorney licensed to practice law in North Carolina.”

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<sup>59</sup> OHIO R. GOVERNING B. XI, *available at* [http://www.abanet.org/cpr/jclr/flc\\_ohio.pdf](http://www.abanet.org/cpr/jclr/flc_ohio.pdf) (last visited May 1, 2006). *Also available at* <http://www.sconet.state.oh.us/Rules/govbar/default.asp#rulexi> (last visited May 10, 2006).

<sup>60</sup> OHIO R. GOVERNING B. XI §1(A) provides that a FLC must have “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 ...”

<sup>61</sup> OR. R. ADMISSION ATTY’S 12.05, *available at* [http://www.abanet.org/cpr/jclr/flc\\_oregon.pdf](http://www.abanet.org/cpr/jclr/flc_oregon.pdf) (last visited Apr. 10, 2005). *Also available at* [http://www.osbar.org/\\_docs/rulesregs/admission.pdf](http://www.osbar.org/_docs/rulesregs/admission.pdf) (last visited May 11, 2006).

<sup>62</sup> OR. R. ADMISSION ATTY’S 12.05(2) provides for applications by foreign lawyers who have “(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.”

<sup>63</sup> PENN. B. ADMISSION R. 341-42, *available at* [http://www.pabarexam.org/Admission\\_Rules/Rules\\_and\\_Regulations/341.htm](http://www.pabarexam.org/Admission_Rules/Rules_and_Regulations/341.htm) (last visited May 2, 2006).

<sup>64</sup> TEX. R. GOVERNING B. ADMISSION XIV, *available at* [www.ble.state.tx.us/Rules/NewRules/rulexiv.htm](http://www.ble.state.tx.us/Rules/NewRules/rulexiv.htm) (last visited May 2, 2006).

<sup>65</sup> TEX. R. GOVERNING B. ADMISSION XIV1(b) requires an :FLC who...(b) for at least 3 of the 5 years immediately preceding his or her Application has been a member in good standing of such legal profession and has actively and substantially been engaged in the lawful practice of law of the said foreign country in that country and elsewhere.””

<sup>66</sup> See: [http://www.ble.state.tx.us/one/flc\\_main2.htm](http://www.ble.state.tx.us/one/flc_main2.htm) (last visited May 2, 2006).

<sup>67</sup> UTAH BAR R. GOVERNING ADMISSIONS R. 18, *available at* [www.utcourts.gov/resources/rules/ucja/ch18/18.htm](http://www.utcourts.gov/resources/rules/ucja/ch18/18.htm) (last visited May 2, 2006).

<sup>68</sup> See: [http://www.utah.bar.org/admissions/admissions\\_faq.html](http://www.utah.bar.org/admissions/admissions_faq.html) (last visited May 2, 2006).

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<sup>69</sup> WASH. ADMISSION PRACTICE R. 14, *available at* [http://www.abanet.org/cpr/jclr/flc\\_wash.pdf](http://www.abanet.org/cpr/jclr/flc_wash.pdf) (last visited May 1, 2006). *Also available at* [http://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.display&group=ga&set=APR &ruleid=gaapr14](http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=APR &ruleid=gaapr14) (last visited May 2, 2006).

<sup>70</sup> WASH. ADMISSION PRACTICE R. 14(b)(1)(i) provides that a FLC applicant must “[p]resent satisfactory proof of both admission to the practice of law, together with current good standing, in a foreign jurisdiction, and active legal experience as a lawyer or counselor at law or the equivalent in a foreign jurisdiction for at least 5 of the 7 years immediately preceding the application.”

<sup>71</sup> WASH. ADMISSION PRACTICE R. 14(h) requires applicants to “demonstrate that the country or jurisdiction from which he or she applies does not impose, by any law, rule or regulation, any requirements, limitations, restrictions or conditions upon the admission of members of the Washington State Bar Association as Foreign Law Consultants in that foreign country or jurisdiction which are significantly more limiting or restrictive than the requirements of this rule. The Supreme Court may deny admission to a Foreign Law Consultant applicant upon that basis, or may impose similar limitations, restrictions or conditions upon foreign legal consultant applicants from that foreign country or jurisdiction.”

<sup>72</sup> WASH. ADMISSION PRACTICE R. 14(d)(7) prohibits FLC to “[u]se any title other than “Foreign Law Consultant,” the firm name, and/or authorized title used in the foreign country where the FLC is admitted to practice. In each case, such title or name shall be used in conjunction with the name of such foreign country.”

<sup>73</sup> American Bar Association Commission on Multijurisdictional Practice, Report 201J, Aug. 2002, *available at* <http://www.abanet.org/cpr/mjp-home.html> (last visited Apr., 10, 2005). Model Rules *available at* <http://www.abanet.org/cpr/mjp/201h.doc> (last visited Apr. 10, 2005).

<sup>74</sup> ALASKA B.R. 44.1, *available at* [http://www.abanet.org/cpr/jclr/flc\\_alaska.pdf](http://www.abanet.org/cpr/jclr/flc_alaska.pdf) (last visited May 1, 2006).

<sup>75</sup> ALASKA B.R. 44.1(e)(5) provides in part: “If a particular matter requires legal advice from a person admitted to practice law as an attorney in a jurisdiction other than where the consultant is admitted as an attorney..., the foreign law consultant shall consult an attorney, counselor of law or the equivalent in the other jurisdiction on the particular matter, obtain written legal advice and transmit the written legal advice to the client.”

<sup>76</sup> ALASKA B.R. 44.1(e)(5) prohibits foreign legal consultants from advising on “law of the State of Alaska, any other state or territory of the United States of America, the District of Columbia, the United States or any foreign country other than the country where the consultant is admitted as an attorney or counselor at law or the equivalent, whether provided incident to the preparation of legal instruments or otherwise.”

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<sup>77</sup> ALASKA B.R. 44.1(f)(1) provides that foreign legal consultants are “subject to the jurisdiction of the Alaska Supreme Court, the Disciplinary Board of the Alaska Bar Association, the Rules of Disciplinary Enforcement, and Ethics Opinions adopted by the Board of Governors of the Alaska Bar Association.” R. 44.1(f)(2)(A) provides that an foreign legal consultant shall “execute and file with the clerk ... (A) a statement that the foreign legal consultant has read and will observe the Rules of Disciplinary Enforcement, Ethics Opinions adopted by the Board of Governors of the Alaska Bar Association, and the Code of Professional Responsibility.”

<sup>78</sup> ARIZ. R. SUP. CT. 38(b) *available at* <http://www.supreme.state.az.us/admis/pdf/Admissions%20Rulesweb.pdf> (last visited May 2, 2006). NOTE: ABA’s site has wrong section. [http://www.abanet.org/cpr/jclr/flc\\_arizona.pdf](http://www.abanet.org/cpr/jclr/flc_arizona.pdf) (last visited May 1, 2006).

<sup>79</sup> ARIZ. R. SUP. CT. 38(b)(7)(1)(vi) provides that a foreign legal consultant shall not “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 in 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.”

<sup>80</sup> CAL. REGISTERED FOREIGN L. CONSULTANTS R. & REG. § 3.1, *available at* [http://calbar.ca.gov/state/calbar/calbar\\_generic.jsp?cid=10163&id=1309](http://calbar.ca.gov/state/calbar/calbar_generic.jsp?cid=10163&id=1309) (last visited May 1, 2006); CAL. GEN. R.CT. 988, *available at* [http://www.abanet.org/cpr/jclr/flc\\_california.pdf](http://www.abanet.org/cpr/jclr/flc_california.pdf) (last visited May 1, 2006).

<sup>81</sup> CAL. GEN. R.CT. 988(d)(5) prohibits foreign legal consultants from rendering “professional legal advice on the law of the State of California, any other state of the United States, the District of Columbia, the United States, or of any jurisdiction other than the jurisdiction(s) named in satisfying the requirements of subdivision (c) of this rule [where foreign legal consultant is admitted to practice], whether rendered incident to preparation of legal instruments or otherwise.” See also CAL. R. & REG. LEGAL CONSULTANTS R. 9.5.

<sup>82</sup> CONN. SUP. CT. §2-17-19, *available at* [http://www.abanet.org/cpr/jclr/flc\\_connecticut.pdf](http://www.abanet.org/cpr/jclr/flc_connecticut.pdf) (last visited May 2, 2006).

<sup>83</sup> CONN. R. SUP. CT. §2-19 provides that “[a] person licensed to practice as a foreign legal consultant under these rules is limited to advising Connecticut clients only on the law of the foreign country in which such person is admitted to practice law.”

<sup>84</sup> D.C. CT. APP. R. 46(c)(4), *available at* [http://www.abanet.org/cpr/jclr/flc\\_dc.pdf](http://www.abanet.org/cpr/jclr/flc_dc.pdf) (last visited May 1, 2006).

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<sup>85</sup> R. REGULATING FLA. B. 16-1, *available at* [http://www.abanet.org/cpr/jclr/flc\\_florida.pdf](http://www.abanet.org/cpr/jclr/flc_florida.pdf) (last visited May 1, 2006). *Also available at* [http://www.floridabar.org/divexe/rrtb.nsf/FV?Openview&Start=1&Cp;;a\[se=16#16](http://www.floridabar.org/divexe/rrtb.nsf/FV?Openview&Start=1&Cp;;a[se=16#16) (last visited May 10, 2006).

<sup>86</sup> GA. R. GOVERNING ADMISSION PRACTICE , PART E LICENSURE OF FOREIGN LEGAL CONSULTANTS, *available at* [http://www.abanet.org/cpr/jclr/flc\\_georgia.pdf](http://www.abanet.org/cpr/jclr/flc_georgia.pdf) (last visited May 1, 2006). *Also available at* <http://www.gabaradmissions.org/pdf/rules12.pdf> (last visited May 2, 2006).

<sup>87</sup> Section 4(b) states that an attorney licensed as a FLC “may render legal advice regarding matters which are governed by international law, the law of the foreign country where the applicant is admitted...or the law of a non-United States jurisdiction.

<sup>88</sup> HAW. R. SUP. CT. 14, *available at* [http://www.abanet.org/cpr/jclr/flc\\_hawaii.pdf](http://www.abanet.org/cpr/jclr/flc_hawaii.pdf) (last visited May 1, 2006). *Also available at* <http://www.courts.hi.us> (last visited May 10, 2006).

<sup>89</sup> IDAHO B. COMMISSION R. 205A, *available at* [http://www.abanet.org/cpr/jclr/flc\\_idaho.pdf](http://www.abanet.org/cpr/jclr/flc_idaho.pdf) (last visited May 1, 2006). *Also available at* <http://www2.state.id.us/isb/PDF/IBCR.pdf> (last visited May 10, 2006).

<sup>90</sup> Lead-in language to IDAHO B. COMMISSION R. 205A(d)(5) states that “a Foreign Legal Consultant ... may render legal services in this State only with respect to the law of the foreign country in which such person is admitted to practice law subject, however, to the limitations that he or she shall not ... (5) render professional legal advice on the law of this State or of the United States of America ... except on the basis of advice from a person duly qualified and entitled ... to render professional legal advice in this State.”

<sup>91</sup> ILL. FOREIGN LEGAL CONSULTANTS R. 712-713, *available at* [http://www.abanet.org/cpr/jclr/flc\\_illinois.pdf](http://www.abanet.org/cpr/jclr/flc_illinois.pdf) (last visited May 1, 2006). *Also available at* [http://www.state.il.us/court/SupremeCourt/Rules/Art\\_VII/artvii.htm#Rule712](http://www.state.il.us/court/SupremeCourt/Rules/Art_VII/artvii.htm#Rule712) (last visited May 2, 2006).

<sup>92</sup> ILL. R. SUP. CT. 712(e) provides that “[a] person licensed as a foreign legal consultant under this rule may render legal services and give professional advice within this state only on the law of the foreign country where the foreign legal consultant is admitted to practice. A foreign legal consultant in giving such advice shall not quote from or summarize advice concerning the law of this state (or any other jurisdiction) which has been rendered by an attorney at law duly licensed under the law of the State of Illinois (or of any jurisdiction, domestic or foreign).” R. 712(a) provides, however, that the “supreme court may license to practice as a foreign legal consultant on foreign and international law ...”

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<sup>93</sup> ILL. R. SUP. CT. 712(e) further provides that a foreign legal consultant shall not “... (6) render professional legal advice with respect to a personal injury occurring within the United States; (7) render professional legal advice with respect to United States immigration laws, United States customs laws or United States trade laws; (8) render professional legal advice on or under the law of the State of Illinois or of the United States or of any state, territory or possession thereof or of the District of Columbia or of any other jurisdiction (domestic or foreign) in which such person is not authorized to practice law (whether rendered incident to the preparation of legal instruments or otherwise); (9) directly, or through a representative, propose, recommend or solicit employment of himself or herself, his or her partner, or his or her associate for pecuniary gain or other benefit with respect to any matter not within the scope of practice authorized by this rule.”

<sup>94</sup> IND. R. ADMISSION B. 5, *available at* [http://www.abanet.org/cpr/jclr/flc\\_indiana.pdf](http://www.abanet.org/cpr/jclr/flc_indiana.pdf) (last visited May 1, 2006). *Also available at* [http://www.in.gov/judiciary/rules/ad\\_dis.pdf](http://www.in.gov/judiciary/rules/ad_dis.pdf) (last visited May 10, 2006).

<sup>95</sup> IND. R. ADMISSION B. 5(4)(e) provides that “[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: ... (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.”

<sup>96</sup> LA. ST.B. ASS’N R.14-11, *available at* <http://www.lsba.org/Association/06ArticlesofIncorporation.pdf> (last visited May 10, 2006).

<sup>97</sup> LA. ST.B. ASS’N R.14-11(a)(ii) provides “[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: ... (2) render professional legal advice on the law of this State or any State of the United States, or of the United States.” See also R 14-11(4)(b) which states that “[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.”

<sup>98</sup> MASS. SUP. JUD. CT.R. 3:05, *available at* [http://www.abanet.org/cpr/jclr/flc\\_mass.pdf](http://www.abanet.org/cpr/jclr/flc_mass.pdf) (last visited May 1, 2006). *Also available at* <http://www.sjccountyclerk.com/rule305.html> (last visited May 10, 2006).

<sup>99</sup> MICH R. BOARD L. EXAMINERS 5(E), *available at* [http://www.abanet.org/cpr/jclr/flc\\_mich.pdf](http://www.abanet.org/cpr/jclr/flc_mich.pdf) (last visited May 1, 2006). *Also available at* <http://www.courts.michigan.gov/supremecourt/BdofLawExaminers.CourtRules.htm#Rul> (last visited May 2, 2006).

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<sup>100</sup> MICH. R. BOARD L. EXAMINERS 5(E)(d) provides that “[a] person licensed to practice as a special legal consultant must maintain active membership in the State Bar of Michigan and must discharge the responsibilities of State Bar membership and is authorized to render professional legal advice: (1) on the law of the foreign country where the legal consultant is admitted to practice.” This is the only statement on scope of practice in the Michigan rules.

<sup>101</sup> MINN. R. ADMISSION B. 11, *available at* <http://www.ble.state.mn.us/rules.html#Rule11> (last visited May 2, 2006).

<sup>102</sup> MINN. R. ADMISSION B. 11(E)(2) prohibits providing “legal advice in connection with the preparation of any deed, mortgage, assignment, discharge, lease, agreement of sale or any other instrument affecting title to: (a) real property located in the United States of America; (b) personal property located in the United States of America, except where the instrument affecting title to such personal property is governed by the law of a jurisdiction in which the foreign legal consultant is admitted to practice as an attorney or counselor at law or the equivalent.”

<sup>103</sup> MINN. R. ADMISSION B. 11(E)(8) provides that a foreign legal consultant shall not “[r]ender any legal services for a client without utilizing a written retainer agreement which shall specify in bold type that the foreign legal consultant is not admitted to practice law in the State of Minnesota, nor licensed to advise on the laws of the United States or the District of Columbia, and that the practice of the foreign legal consultant is limited to the laws of the foreign country where such person is admitted to practice as an attorney or counselor at law or the equivalent.”

<sup>104</sup> MO. SUP. CT.R. 9.05; 9.08, *available at* [http://www.abanet.org/cpr/jclr/flc\\_missouri.pdf](http://www.abanet.org/cpr/jclr/flc_missouri.pdf) (last visited May 1, 2006). *Also available at* <http://www.courts.mo.gov/Courts/ClerkHandbooksf2RulesOnly.nsf/Supreme%20Court%20Rules?OpenView&Start=1&Court=30&Expand=9#9> (last visited May 10, 2006).

<sup>105</sup> MO. R. SUP. CT. 9.10 states “[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: ... (c) [r]ender 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.”

<sup>106</sup> N.J. R. GEN. APPLICATION 1:21-9, *available at* [http://www.abanet.org/cpr/jclr/flc\\_njersey.pdf](http://www.abanet.org/cpr/jclr/flc_njersey.pdf) (last visited May 1, 2006). *Also available at* <http://www.judiciary.state.nj.us/rules/r1-21.htm> (last visited May 11, 2006).

<sup>107</sup> N.J. R. GEN. APPLICATION 1:21-9(g) provides “[a] person licensed as a foreign legal consultant under this rule may render and be compensated for the performance of legal services within the State, but specifically shall not: ... (5) render professional legal advice on the laws of this State or the United States of America or any other state, territory, district or possession of the

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United States of America or any foreign country other than a country to the bar of which the foreign legal consultant is admitted 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 the practice of law as an attorney of this State or such other state, territory, district or possession or as an attorney or counselor at law or the equivalent in such other foreign country, who has been consulted by the foreign legal consultant in the particular matter at hand and who has been identified to the client by name.”

<sup>108</sup> N.M.R. Governing Foreign Legal Consultants *available at* [http://www.abanet.org/cpr/jclr/flc\\_nmexico.pdf](http://www.abanet.org/cpr/jclr/flc_nmexico.pdf) (last visited May 1, 2006). *Also available at* <http://64.132.204.47/NXT/gateway.dll?f=templates&fn=default.htm&vid=nm.all> (last visited May 11, 2006).

<sup>109</sup> N.M. R. GOVERNING FOREIGN LEGAL CONSULTANTS 26-103 provides that “[a] registered foreign legal consultant may render legal services and give professional legal advice on the law of the foreign country where the legal consultant is admitted to practice subject, however, to the following limitations that such a foreign consultant may not: . . . (C) render professional legal advice on the law of the State of New Mexico or of the United States whether rendered incident to the preparation of legal instruments except when such law is applicable also to the foreign country where the legal consultant is admitted to practice or on the basis of advice from a person duly qualified or entitled, other than by virtue of having been licensed under these rules, to render professional advice in the State of New Mexico.”

<sup>110</sup> N.Y. R.CT. APP. LICENSING LEGAL CONSULTANTS § 521.1-8, *available at* [http://www.abanet.org/cpr/jclr/flc\\_nyork.pdf](http://www.abanet.org/cpr/jclr/flc_nyork.pdf) (last visited May 1, 2006). *Also available at* <http://www.courts.state.ny.us/ctapps/521rules.htm> (last visited May 2, 2006).

<sup>111</sup> N.Y. R.CT. APP. LICENSING LEGAL CONSULTANTS 521.3 provides “[a] person licensed to practice as a legal consultant under this Part may render legal services in this State; subject, however, to the limitations that he shall not: ... (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 (other than by virtue of having been licensed under this Part) to render professional legal advice in this State on such law.”

<sup>112</sup> N.C. FOREIGN LEGAL CONSULTANTS §84A-1, et. seq., *available at* [http://www.abanet.org/cpr/jclr/flc\\_ncarolina.pdf](http://www.abanet.org/cpr/jclr/flc_ncarolina.pdf) (last visited May 1, 2006). *Also available at* [http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/ByChapter/Chapter\\_84A.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/ByChapter/Chapter_84A.html) (last visited May 11, 2006).

<sup>113</sup> N.C. FOREIGN LEGAL CONSULTANTS R. §84A-4(c) provides “If a particular matter requires legal advice from a person admitted to practice law as an attorney in a jurisdiction other than the one in which the foreign legal consultant is admitted to

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practice law, or its equivalent thereof, then the foreign legal consultant shall consult an attorney, or the equivalent thereof, in that other jurisdiction, obtain written legal advice on the particular matter, and transmit the written legal advice to the client.”

<sup>114</sup> N.C. FOREIGN LEGAL CONSULTANTS R. §84A-4(b)(7) prohibits foreign legal consultants from rendering “professional legal advice regarding State law, the laws of any other state, the laws of the District of Columbia, the laws of the United States or the laws of any foreign country other than the country in which the foreign legal consultant is admitted to practice as an attorney or the equivalent thereof.”

<sup>115</sup> OHIO R. GOVERNING B. XI, *available at* [http://www.abanet.org/cpr/jclr/flc\\_ohio.pdf](http://www.abanet.org/cpr/jclr/flc_ohio.pdf) (last visited May 1, 2006). *Also available at* <http://www.sconet.state.oh.us/Rules/govbar/default.asp#rulexi> (last visited May 11, 2006).

<sup>116</sup> OR. R. ADMISSION ATTY’S 12.05, *available at* [http://www.abanet.org/cpr/jclr/flc\\_oregon.pdf](http://www.abanet.org/cpr/jclr/flc_oregon.pdf) (last visited May 1, 2006) *Also available at* <http://www.osbar.org/docs/rulesregs/admission.pdf> (last visited May 11, 2006).

<sup>117</sup> OR. R. REGULATING ADMISSION PRACTICE L. 12.05(5) provides that “[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: ... (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.”

<sup>118</sup> PENN. B. ADMISSION R. 341-42, *available at* [http://www.pabarexam.org/Admission\\_Rules/Rules\\_and\\_Regulations/341.htm](http://www.pabarexam.org/Admission_Rules/Rules_and_Regulations/341.htm) (last visited May 2, 2006).

<sup>119</sup> TEX. R. GOVERNING B. ADMISSION XIV, *available at* <http://www.ble.state.tx.us/Rules/NewRules/rulexiv.htm> (last visited May 2, 2006).

<sup>120</sup> TEX. R. GOVERNING ADMISSION B. XIV §3 provides that “[a] person certified to practice as a FLC under this Rule may render legal services in Texas in the manner and to the extent permitted by the jurisdiction in which such person is admitted to practice, subject, however, to the limitations that he or she shall not... (e) render professional legal advice on the law of Texas or the United States of America (whether 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 the virtue of having been certified under this Rule) to

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render professional legal advice in Texas on such law and with whom the FLC (is) is co-counsel with a Texas lawyer that has been identified to the client, or (ii) has an identified affiliation, employment, partnership, shareholder or other membership in or with (A) the same law firm, (B) a company partnership, or other entity, or (C) a governmental agency or unit.”

<sup>121</sup> UTAH BAR R. GOVERNING ADMISSIONS R. 18, *available at* <http://www.utcourts.gov/resources.rules.ucja.ch18/18.htm> (last visited May 2, 2006).

<sup>122</sup> UTAH R. GOVERNING ADMISSION B. 18-3 provides that “[a] person licensed to practice as a Foreign Legal Consultant under this Rule may render legal services in Utah with respect to the law of the foreign country in which such person is admitted to practice law subject, however, to the limitations that he or she shall not: ... (b) render professional legal advice on the law of Utah or on the United States of America.”

<sup>123</sup> WASH. ADMISSION PRACTICE R. 14, *available at* [http://www.abanet.org/cpr/jclr/flc\\_wash.pdf](http://www.abanet.org/cpr/jclr/flc_wash.pdf) (last visited May 1, 2006).

<sup>124</sup> WASH. R. GEN. APPLICATION 14(d) provides that “[a] Foreign Law Consultant shall be authorized to engage in the limited practice of law only as authorized by the provisions of this rule. A Foreign Law Consultant may not: ... (5) [r]ender legal advice on the law of the State of Washington, of any other state or territory of the United States, of the District of Columbia or of the United States (whether rendered incident to preparation of legal instruments or otherwise) unless and to the extent that the Foreign Law Consultant is admitted to practice law before the highest court of such other jurisdiction.”