

AMERICAN BAR ASSOCIATION
COMMISSION ON ETHICS 20/20
STANDING COMMITTEE ON CLIENT PROTECTION
STANDING COMMITTEE ON ETHICS AND PROFESSIONAL RESPONSIBILITY
STANDING COMMITTEE ON PROFESSIONALISM
STANDING COMMITTEE ON SPECIALIZATION
NEW YORK STATE BAR ASSOCIATION
GENERAL PRACTICE, SOLO AND SMALL FIRM DIVISION
SECTION OF INTERNATIONAL LAW
YOUNG LAWYERS DIVISION
NEW YORK COUNTY LAWYERS' ASSOCIATION
SECTION OF BUSINESS LAW
LAW PRACTICE MANAGEMENT SECTION
REPORT TO THE HOUSE OF DELEGATES

RESOLUTION

1 RESOLVED, That the American Bar Association amends the *ABA Model Rule for Admission by Motion*,
 2 dated August 2012, as follows (additions underlined, deletions ~~struck through~~):
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4 ABA Model Rule on Admission by Motion
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- 6 1. An applicant who meets the requirements of (a) through (g) of this Rule may, upon motion,
 7 be admitted to the practice of law in this jurisdiction. The applicant shall:
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- 9 (a) have been admitted to practice law in another state, territory, or the District of
 10 Columbia;
 - 11 (b) hold a J.D. or LL.B. degree from a law school approved by the Council of the Section
 12 of Legal Education and Admissions to the Bar of the American Bar Association at the
 13 time the applicant matriculated or graduated;
 - 14 (c) have been primarily engaged in the active practice of law in one or more states,
 15 territories or the District of Columbia for ~~five~~ three of the ~~seven~~ five years
 16 immediately preceding the date upon which the application is filed;
 - 17 (d) establish that the applicant is currently a member in good standing in all jurisdictions
 18 where admitted;
 - 19 (e) establish that the applicant is not currently subject to lawyer discipline or the subject
 20 of a pending disciplinary matter in any jurisdiction;
 - 21 (f) establish that the applicant possesses the character and fitness to practice law in this
 22 jurisdiction; and

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23 (g) designate the Clerk of the jurisdiction’s highest court for service of process.
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25 2. For purposes of this ~~¶~~Rule, the “active practice of law” shall include the following activities,
26 if performed in a jurisdiction in which the applicant is admitted and authorized to practice, or
27 if performed in a jurisdiction that affirmatively permits such activity by a lawyer not
28 admitted in that jurisdiction; however, in no event shall any activities that were performed
29 pursuant to the Model Rule on Practice Pending Admission or in advance of bar admission in
30 some state, territory, or the District of Columbia be accepted toward the durational
31 requirement:

- 32 (a) Representation of one or more clients in the private practice of law;
- 33 (b) Service as a lawyer with a local, state, territorial or federal agency, including military
34 service;
- 35 (c) Teaching law at a law school approved by the Council of the Section of Legal
36 Education and Admissions to the Bar of the American Bar Association;
- 37 (d) Service as a judge in a federal, state, territorial or local court of record;
- 38 (e) Service as a judicial law clerk; or
- 39 (f) Service as in-house counsel provided to the lawyer’s employer or its organizational
40 affiliates.
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43 3. For purposes of this ~~¶~~Rule, the active practice of law shall not include work that, as
44 undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was
45 performed or in the jurisdiction in which the clients receiving the unauthorized services were
46 located.
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48 4. An applicant who has failed a bar examination administered in this jurisdiction within five
49 years of the date of filing an application under this ~~¶~~Rule shall not be eligible for admission
50 on motion.
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52 FURTHER RESOLVED: That the American Bar Association urges jurisdictions that have not
53 adopted the Model Rule on Admission by Motion to do so, and urges jurisdictions that have
54 adopted admission by motion procedures to eliminate any restrictions that do not appear in the
55 Model Rule on Admission by Motion.