

SUPREME COURT OF GEORGIA
OFFICE OF BAR ADMISSIONS

BOARD TO DETERMINE FITNESS
OF BAR APPLICANTS

BOARD OF BAR EXAMINERS

SALLY EVANS LOCKWOOD
DIRECTOR OF ADMISSIONS

July 5, 2010

Ms. Natalia Vera
Senior Research Paralegal
American Bar Association
Commission on Ethics 20/20
Working Group on Inbound Foreign Lawyers

Via Electronic Mail

Dear Ms. Vera:

Chief Justice Hunstein forwarded the Memoranda and Templates for Comment - Inbound Foreign Lawyer Issues to me, as director of Bar Admissions, for response. The introductory memorandum posed three questions:

- 1) Should the ABA include foreign lawyers within the scope of the ABA Model Rules for *Pro Hac Vice* Admission?
- 2) Should the ABA adopt a policy regarding registration of foreign lawyers practicing in-house in the U.S.?
- 3) Should the temporary practice provisions applicable to U.S. lawyers in Rule 5.5 of the ABA Model Rules of Professional Conduct be expanded to include non-U.S. lawyers? In 2002, the ABA adopted a Model Rule for Temporary Practice by Foreign Lawyers. Most jurisdictions that have adopted Model Rule 5.5 have not yet adopted the corollary foreign temporary practice rule.

Each of the above questions involves issues within the purview of the State Bar of Georgia; therefore, I am copying Paula Frederick, General Counsel of the State Bar, on this letter. Ms. Frederick is in a better position to comment on questions 1) and 3). The *Pro hac vice* admissions are handled through the Office of the General Counsel of the State Bar of Georgia, pursuant to Uniform Rule of Superior Court 4.4. Currently, that rule includes only domestic lawyers, defined as those admitted to practice in another state or territory of the United States or of the District of Columbia.

With respect to question 3), Rule 5.5 of the Georgia Rules of Professional Conduct does indeed incorporate the ABA Model Rule for Temporary Practice by Foreign Lawyers at Rule 5.5(e).

Regarding question 2) pertaining to registration of foreign lawyers practicing in-house in the U.S., the president of the State Bar of Georgia recently created a Special Committee on the Registration of In-House Counsel and charged it with considering the adoption of a

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registration rule for both domestic and foreign lawyers. The committee is studying the current ABA Model Rule for Registration of In-House Counsel, which, as you know, applies to only “a lawyer admitted to practice in another United States jurisdiction who has a continuous presence in this jurisdiction and is employed as a lawyer by an organization as permitted by Rule 5.5(d)(1)” By considering whether to include foreign lawyers in the registration requirement, the Georgia Committee has already taken the next step as contemplated by the Working Group’s proposed amendment to the Model Rule to include foreign lawyers. Any recommendation of the Georgia committee for a proposed rule for registration of in-house counsel would be presented to the Board of Governors of the State Bar and ultimately to the Supreme Court of Georgia for approval.

The current Georgia Rule 5.5 contains no licensing requirement for those who come under its provisions, nor does it require application to or registration with the Office of Bar Admissions. Therefore, neither this office nor the State Bar of Georgia has a record of the identities of those in-house counsel availing themselves of the applicable provision of Rule 5.5.

As a member of the Georgia committee, I will alert the members to the Working Group’s amendments to the Model Rule for Registration of In-House Counsel to include foreign lawyers, as well as those requiring English translation of foreign documents and requiring registrants to pay annual client protection fund assessments.

Thank you for your work on this important project. Please let me know if I may provide further assistance.

Sincerely,

Sally Evans Lockwood
Director of Admissions

cc: The Honorable Carol W. Hunstein, Chief Justice, Supreme Court of Georgia
The Honorable George H. Carley, Presiding Justice, Supreme Court of Georgia
Ms. Paula J. Frederick, General Counsel, State Bar of Georgia