

New Jersey

NJ R GEN APPLICATION R. 1:21-9

1:21-9. Certification and Practice of Foreign Legal Consultants

(a) Certification of Foreign Legal Consultants. No person who is admitted to practice in a foreign country as an attorney or counselor at law or the equivalent may render legal services in this State unless and until that person complies with the provisions in this rule and becomes certified by the Supreme Court as a foreign legal consultant. In that capacity, such person may render legal services within this State to the extent permitted by this rule.

(b) Conditions of Representation. A foreign legal consultant may, at the discretion of the Supreme Court, be permitted to represent New Jersey clients for the sole purpose of rendering professional legal advice on the laws, rules, regulations or any other matters involving the foreign country in which the foreign legal consultant is licensed. The foreign legal consultant 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.

(c) Eligibility. In its discretion the Supreme Court may certify as a foreign legal consultant an applicant who:

(1) 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; and

(2) possesses the good moral character customarily required for admission to the practice of law in this State; and

(3) intends to maintain, within this State, a bona fide office for practice as a foreign legal consultant.

(d) Applications.

(1) Application for admission under this rule shall be made to the Clerk of the Supreme Court. The application shall be supported by an affidavit of the applicant, which shall provide: (A) the applicant's name and age; (B) the applicant's last place of residence; (C) the character and duration of the applicant's formal legal education or training; (D) the name of and date of attendance at each university or post graduate level educational institution which the applicant has attended and/or graduated from, and the degree conferred, if any; (E) the names of all courts or other licensing authorities to which the applicant has applied for admission to the practice of law or certification or licensure as a foreign legal consultant; (F) the names of all courts or other licensing authorities under the auspices of which the applicant has taken any bar or equivalent

examinations, the dates upon which said examinations were taken and the results thereof; (G) the names of all courts and other licensing authorities by which the applicant has actually been licensed to practice as an attorney or counselor at law or equivalent or certified or licensed as a foreign legal consultant and the dates of each licensure or certification; (H) a statement that the applicant is admitted to practice and is in good standing as an attorney or counselor at law or the equivalent in a foreign country and has maintained that status for a period of not less than five of the seven years immediately prior to the date of the application; (I) a statement that the applicant possesses the good moral character customarily required for admission to the practice of law in New Jersey; (J) the identity of a New Jersey attorney holding a plenary license to practice law in this State who is in good standing with the Supreme Court with whom the applicant shall associate; and (K) a statement advising whether the applicant is currently or has ever been the subject of any investigation or proceeding for professional misconduct and whether the applicant has ever been rejected upon an application for admission to practice before any court or by any other licensing authority. If the applicant has been the subject of any investigation or proceeding for professional misconduct or has been rejected for admission to practice, the applicant shall state the date, jurisdiction, nature of the violation, and penalty imposed and may set forth a brief explanation of the disposition and any extenuating or mitigating circumstances. An applicant admitted under this rule shall have a continuing obligation to advise the Court of a disposition made of a pending charge or the institution of new disciplinary proceedings. A filing fee, set by order of the Supreme Court, shall accompany each application.

(2) The application shall be accompanied by the following documents, together with duly authenticated English translations of each document that is not in English:

(A) Duly executed certificates and/or documents from the authority having final jurisdiction over professional discipline in the foreign country in which the applicant is admitted to practice attesting to:

(i) the authority's jurisdiction in such matters;

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

(iii) whether any charge or complaint has ever been filed against the applicant with such authority, and, if so, the nature and substance of the allegations of each such charge or complaint and the disposition thereof.

(B) A letter of recommendation from one of the members of the executive body of such authority or from one of the judges of a court of general original or appellate jurisdiction within such foreign country, setting forth the applicant's professional qualifications, together with a certificate from the clerk of such authority or of such court, as the case may be, attesting to the office held by the person signing the letter and the genuineness of the person's signature.

(C) Letters of recommendation from at least two attorneys or counselors at law or the equivalent admitted to practice and practicing in such foreign country, setting forth the length of time and

circumstances under which they have come to know the applicant, and their appraisal of the applicant's moral character.

(D) Letters of recommendation from at least two attorneys admitted to the practice of law in this State, setting forth the length of time and circumstances under which they have come to know the applicant, and their appraisal of the applicant's moral character.

(E) An affidavit of the New Jersey attorney with whom the foreign legal consultant will associate in which the New Jersey counsel agrees to the association and acknowledges that he or she will be responsible for the conduct of the foreign legal consultant. An associating attorney is one who voluntarily agrees to assume full responsibility for the foreign legal consultant as described in sections (b), (d), (e) and (f) of this rule.

(F) Such other relevant documents or information as may be requested by the Supreme Court.

(3) The statements contained in the application and supporting documents shall be investigated by the Supreme Court or its designee. Prior to granting certification as a foreign legal consultant, the Supreme Court shall be satisfied that the applicant is of the good moral character. The application shall be granted by the Court unless there is a finding of good cause for denying the application.

(e) Contents of Order. The order granting admission shall require that:

(1) the foreign legal consultant shall:

(A) abide by this rule; and

(B) consent to the appointment of the Clerk of the Supreme Court as agent upon whom service of process may be made for all actions against the foreign legal consultant or the New Jersey attorney with whom such person has associated that may arise out of the foreign legal consultant's participation in a matter; and

(C) notify the Supreme Court immediately of any matter affecting the foreign legal consultant's standing at the bar of any other court; and

(2) the associating New Jersey attorney shall assume full responsibility for the conduct of the foreign legal consultant.

(f) Advertising of Foreign Legal Consultant's Practice.

(1) A foreign legal consultant and the associating New Jersey attorney may advertise the admission of the foreign legal consultant and permitted scope of practice consistent with this rule and the laws and regulations of this State;

(2) A foreign legal consultant shall be listed and identified on the letterhead of the associating New Jersey attorney with appropriate designation and limitation of practice as a foreign legal consultant under this rule.

(g) Scope of Practice. 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:

(1) appear for another person as attorney in any court or before any other judicial officer or administrative agency in the State, or sign or file in the capacity of a lawyer or legal advisor any pleadings or any other papers in any action or proceeding brought in any such court or before any judicial officer or administrative agency; or

(2) prepare any deed, mortgage, assignment, discharge, lease, agreement or contract of sale or any other instrument for purposes of recordation which may affect title to real estate located in the United States of America, its territories, districts or possessions; or

(3) prepare:

(A) any will or trust instrument effecting the disposition of any property located in the United States of America, its territories, districts or possessions and owned by a resident thereof; or

(B) any instrument relating directly to the primary administration of a decedent's estate in the United States of America, its territories, districts or possessions; or

(4) prepare any instrument in respect of the marital relations, rights or duties of a resident of the United States of America, its territories, districts or possessions or the custody or care of the children of such a resident; or

(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 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; or

(6) in any way represent that such person is licensed as an attorney at law of this State, or as an attorney at law or foreign legal consultant of another state territory or district, or as an attorney or counselor at law or the equivalent of a foreign country, unless so licensed; or

(7) use any title other than "foreign legal consultant"; provided that such person's authorized title and firm name in the foreign country in which such person is admitted to practice as an attorney or counselor at law or the equivalent may be used, provided that the title, firm name, and the

name of such foreign country are stated together with the title "foreign legal consultant" and further provided that such use does not create the impression that the foreign legal consultant holds a plenary license to practice law in this State.

(h) Conduct and Discipline.

(1) The professional conduct of foreign legal consultants, as limited by section (g) of this rule, shall be governed in all respects by the Rules of Professional Conduct of the American Bar Association, as amended and supplemented by the Supreme Court and included as an Appendix to Part I of these rules.

(2) For purposes of Rules 1:14, 1:16, 1:19, 1:20, 1:20A, 1:21-6, 1:21-7, 1:22, 1:25, 1:27-3, 1:28 and 1:29, a foreign legal consultant shall be deemed a member of the legal profession and shall be subject to the same requirements and procedures as an attorney and member of the bar holding a plenary license to practice law in the State of New Jersey. However, nothing in this subsection shall be construed as expanding the scope of practice authorized by section (g) of this rule. No foreign legal consultant shall be admitted under this rule without annually complying with R. 1:20-1(b) and R. 1:28-2 during the period of admission.

(3) All admissions under this rule shall be valid for a period of 12 months and may be renewed annually.

Adopted November 7, 1988 to be effective January 2, 1989; paragraph (a) amended, new paragraph (b) added, former paragraph (b) amended and redesignated as paragraph (c), former paragraph (c) amended and redesignated as paragraph (d), former paragraph (d) deleted, new paragraphs (e) and (f) added, former paragraph (e) amended and redesignated as paragraph (g), and former paragraph (f) amended and redesignated as paragraph (h) July 12, 2002 to be effective September 3, 2002.