2005

Regulating International Lawyers: The Legal Consultant Rules

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REGULATING INTERNATIONAL LAWYERS: THE LEGAL CONSULTANT RULES

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Economic globalization increasingly leads to lawyers crossing national borders in their practices. Many lawyers travel occasionally to serve existing clients, while others relocate and practice more or less permanently outside of the jurisdictions in which they originally were educated and licensed. Those who relocate might be associated with the foreign offices of law firms

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[*] Senior Lecturer, Northwestern University School of Law. I am grateful to John Holtaway of the American Bar Association for supplying references to the ABA's Model Rule on Legal Consultants in Tables 1 and 2, *infra*. Many thanks to Jay Choi, Ellen Clark, Terry Cone, Peter Ehrenhaft, Cliff Hendel, Robert Lutz, John O'Hare, Larry Pascal, Ellen Rosen, Bill Smith, Charlotte Stretch, Laurel Terry, Philip Von Mehren and the members of the Foreign Legal Consultant Committee of the ABA Section of International Law for helpful discussions about this comparative project and the regulation of foreign lawyers generally, and to Jean Louie, JD 2004, Oscar Stephens, LLM 2005 and Cindy Sobel, JD 2004 for excellent research assistance. All errors are my own.

that are based in their home countries,[1] with the international practices of host country law firms,[2] or with corporations, NGOs, or other organizations having international interests that render attractive the intimate knowledge of a foreign legal system characteristic of these lawyers.

Lawyers practicing outside of the jurisdiction in which they were educated and licensed must consider the regulatory approach to practice of the host jurisdiction.[3] These lawyers—here identified as "foreign lawyers" because they practice in jurisdictions foreign to the jurisdiction in which they were educated and licensed—face several possible regulatory approaches. Those traveling only occasionally may be permitted to advise in the host jurisdiction so long as they have no permanent presence—such as an office—in the host jurisdiction. This is the position advanced by the American Bar Association (ABA) in its recent recommendation for adoption of a temporary practice rule for non-U.S. lawyers.[4] On the other hand, lawyers relocating more or less permanently to an office in the host

1. For example, the eight lawyers listed as comprising the New York office of the Dutch law firm Nauta Dutilh each earned their primary legal education in Dutch universities; one of the eight also earned an LL.M. graduate degree in law from a U.S. law school and was admitted to the New York bar. *See Nauta Dutilh*, description of New York office, *at* http://www.nautadutilh.com (last visited Apr. 10, 2005). Lawyers also might work for law firms based in third countries; for example, a British solicitor might work for a U.S. law firm's Singapore office. *See, e.g.*, biography of Bill McCormack in the Singapore office of Shearman & Sterling, *at* http://www.shearman.com/lawyers/partners/mccormack.html (last visited Apr. 18, 2005).

2. For example, Korean law firm Kim & Chang regularly hires foreign-licensed lawyers to help advise their clients. According to the firm's web site, "we actively recruit highly qualified and motivated attorneys from the United States, Europe and other countries in the Asia Pacific region." *See Kim & Chang*, description of career opportunities, *at* http://www.kimchang.com/LEGAL/Eng/recruiting/default.asp?globalmenu=4&localmenu=1 (last visited Apr. 10, 2005).

3. "Host jurisdiction" means the location of the lawyer's advising activities. In contrast, "home jurisdiction" means the jurisdiction in which the lawyer was educated and licensed to practice. *International Bar Association Resolution in Support of a System of Terminology for Legal Services for the Purposes of International Trade Negotiations*, *at* http://www.ibanet.org/images/downloads/WTO_Resolution_in_Support_of_System_of_Terminolog_for_Legal_Services.pdf (last visited Apr. 10, 2005).

4. *See Recommendation of the American Bar Association Commission on Multijurisdictional Practice Report to the House of Delegates*, Model Rule for Temporary Practice by Foreign Lawyers, *available at* http://www.abanet.org/cpr/mjp/201j.doc (last visited Apr. 10, 2005).

jurisdiction often face more restrictive regulations. Certain jurisdictions permit foreign lawyers to join the bar and practice as local lawyers based upon their home country legal education and license as supplemented by host country education and, in certain jurisdictions, practical training.[5] Other jurisdictions exclude foreign lawyers entirely unless they requalify in the same manner as domestic lawyers;[6] still others allow foreign lawyers to occupy the limited practice status of a legal consultant.[7] This Article focuses on the last of these options, the legal consultant status.

Foreign lawyers entering the United States are faced with jurisdictional and substantive complexities relating to their practice opportunities. Each U.S. jurisdiction, in principle, might adopt two sets of relevant rules. One set would determine the rights of foreign lawyers to sit for the state bar examination and be admitted as local lawyers with full practice rights. The rules might provide that an applicant with a degree from a foreign law school and some additional education in a U.S. law

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5. *See, e.g.*, N.Y. R.CT. APP. ADMISSION OF ATTORNEYS AND COUNSELORS AT LAW § 520.6, *available at* http://www.courts.state.ny.us/ctapps/520rules.htm (last visited Apr. 17, 2005); THE LAW SOCIETY OF ENGLAND AND WALES, THE QUALIFIED LAWYERS TRANSFER REGULATIONS 1990, *available at* http://www.lawsociety.org.uk//documents/downloads/becomingqlttregsv1.pdf (Oct. 2004).

6. *See, e.g.*, KAN. R. SUP. CT. RELATING TO ADMISSION OF ATTORNEYS 702(a)(3), *available at* http://www.kscourts.org/ctruls/atad_702.htm (last visited Apr. 17, 2005) (limiting the right to sit for the bar examination to those lawyers who have completed a J.D. degree at an ABA-accredited law school).

7. The question whether all foreign lawyers must either register as legal consultants or gain admission to the bar in order to offer advice on the basis of their admission and qualification in their home countries is unsettled under most U.S. regulatory regimes discussed in this article. Alaska's legal consultant rule makes it clear that all foreign lawyers wishing to practice there should obtain the license or gain admission to the bar: "[a] person who is admitted to practice in a foreign country as an attorney or counselor at law or the equivalent, and who complies with the provisions of this rule for licensing of foreign law consultants, may provide legal services in . . . Alaska to the extent allowed by this rule." *See* ALASKA B.R. 44.1 (a). The more common approach does not address the issue whether all foreign lawyers advising clients within a jurisdiction must either register as legal consultants or gain admission to the bar; an example of this approach is the following from the District of Columbia: "In its discretion, the court may license to practice as a Special Legal Consultant, without examination, an applicant who... [the standards for obtaining the legal consultant license follow]." R. DC. CT. APP. 46(C)(4).

school, short of a three-year J.D., would satisfy the conditions for taking the bar exam.[8] More commonly, the rules prohibit applicants from sitting for the examination unless they have graduated from an ABA-approved law school with a J.D. degree. In fact, jurisdictions vary widely in their policies regarding practice opportunities available to foreign lawyers.[9] Twenty-eight jurisdictions permit foreign educated lawyers to sit for their bar examinations, either on the basis of their foreign legal education, upon a showing of practical experience, after completing a brief period of U.S. legal education, or a combination of these conditions.[10] In nearly half of these twenty-eight jurisdictions, the opportunity to sit for the bar is limited to foreign lawyers whose primary legal education was completed in a common law jurisdiction.[11]

The second set of rules applicable to the rights of foreign lawyers to practice in the United States offers a more limited license than bar admission. The legal consultant regime enables foreign lawyers to practice outside of their home jurisdictions on the basis of their home country expertise. Twenty-six jurisdictions have adopted legal consultant licensing regimes.[12]

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8. See Carole Silver, *Regulatory Mismatch in the International Market for Legal Services*, 23 NW. J. INT'L L. & BUS. 487 (2003) [hereinafter *Regulatory Mismatch*], for an analysis of the rules governing admission by examination as they apply to foreign lawyers.

9. For a more complete analysis of the state bar admission requirements for foreign educated and licensed lawyers, see *Regulatory Mismatch*, *supra* note 8.

10. The following jurisdictions permit foreign lawyers to sit for their bar examinations, based upon conditions stated in their rules: Alabama, Alaska, California, Colorado, Connecticut, District of Columbia, Hawaii, Illinois, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Nevada, New Hampshire, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Utah, Vermont, Virginia, Washington, and West Virginia. *See* American Bar Association, *Comprehensive Guide to Bar Admission Requirements* (2004), Chart X, Foreign Law School Graduates, *available at* http://www.abanet.org/legaled/publications/2004comguide/chart10.pdf (last visited Apr. 10, 2005) [hereinafter *Comprehensive Guide to Bar Admission Requirements*]; *see also* Pamela Stiebs Hollenhorst, *Options for Foreign-Trained Attorneys: FLC Licensing or Bar Admission*, 68 B. EXAMINER 1, 3 (1999).

11. *See Comprehensive Guide to Bar Admission Requirements*, *supra* note 10; *see also Regulatory Mismatch*, *supra* note 8, Figure 1.

12. *See* Hollenhorst, *supra* note 10. Legal consultant rules have been adopted by Alaska, Arizona, California, Connecticut, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, New

The essence of the legal consultant rules is the recognition that practice experience and certification in the home jurisdiction qualifies a lawyer to carry on the same activities in the host jurisdiction.

The legal consultant concept has been endorsed by the ABA, which recommended its Model Rule on the Licensing of Legal Consultants to all jurisdictions.[13] The Model Rule is based on New York's legal consultant rule, initially adopted in 1974,[14] which remains the most liberal of all the legal consultant rules adopted by U.S. jurisdictions. The legal consultant concept also is the basis for the approach to legal services under the General Agreement on Trade in Services (GATS).[15]

This Article offers a comparative analysis of legal consultant rules adopted by U.S. jurisdictions. It begins with a brief introduction to the legal consultant regulatory structure and then highlights the variations and conflicts among legal consultant rules of different jurisdictions. A more detailed comparison of these state regulations and the ABA Model Rule on Licensing Legal Consultants is set forth in the Tables accompanying the Article. Finally, the Article considers the

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Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Texas, Utah, and Washington. *See also Comprehensive Guide to Bar Admission Requirements*, *supra* note 10. Practice opportunities for foreign lawyers are not available in twelve states that deny foreign educated lawyers the right to sit for the state's bar examination and also have not adopted foreign legal consultant licensing regimes: Arkansas, Delaware, Iowa, Kansas, Mississippi, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, and Wyoming.

13. *See Report 201H American Bar Association Commission on Multijurisdictional Practice Report to the House of Delegates*, adopted Aug. 8, 2002, *available at* http://www.abanet.org/cpr/mjp-home.html (last visited Apr. 10, 2005).

14. *See* SYDNEY M CONE III, INTERNATIONAL TRADE IN LEGAL SERVICES (1996), chs. 3 and 4 (discussing the history of the legal consultant rules); *see also* Louis B. Sohn, *American Bar Association Section of International Law and Practice Report to the House of Delegates Model Rule for the Licensing of Legal Consultants*, 28 INT'L LAW. 207, 213–14, 219, 235 (1994); Hollenhorst, *supra* note 10, at 1–2; Carol A. Needham, *The Licensing of Foreign Legal Consultants in the United States*, 21 FORDHAM INTL L. J. 1126 (1998).

15. *See World Trade Organization Legal Services*, *at* http://www.wto.org/english/tratop_e/serv_e/legal_e/legal_e.htm (last visited Apr. 10, 2005) (discussing GATS and legal services offered by foreign legal professionals); *see also* Laurel S. Terry, *GATS' Applicability to Transnational Lawyering and Its Potential Impact on U.S. State Regulation of Lawyers*, 34 VAND. J. TRANSNAT'L L. 989 (2001) as revised 35 VAND. J. TRANSNAT'L L. 1387 (2003).

importance of the legal consultant option from a competitive regulatory standpoint.

I. THE THEME AND ITS VARIATIONS

Legal consultant rules follow a basic pattern that addresses four factors: (1) qualifications required for obtaining a license to practice as a legal consultant, (2) application requirements, (3) the scope of practice permitted to licensed legal consultants, and (4) obligations imposed on legal consultants as a result of licensing.[16] Articulating this basic pattern, however, belies the nearly complete *lack* of uniformity in the rules that have been adopted in the United States. Each of the twenty-six U.S. jurisdictions that license legal consultants has established its own standards for these four factors. The lack of uniformity is remarkable for the number of issues on which there is variation as well as for the extent of the variation among jurisdictions. This diversity in the rules, coupled with the failure of nearly half of all jurisdictions to adopt any legal consultant regulation at all, complicates the task of the United States in negotiating a trade agreement on legal services.

The legal consultant regulations do, of course, share a number of basic characteristics. Each establishes conditions for obtaining the legal consultant license.[17] For example, all legal consultant rules require the foreign lawyer to be admitted and in good standing in his or her home jurisdiction,[18] and most

16. *See* Sohn, *supra* note 14, at 226–32.

17. *See* Sohn, *supra* note 14, at 213–15; *see also Comprehensive Guide to Bar Admission Requirements*, *supra* note 10. Issues related to conditions for obtaining the license in addition to those discussed in the text include requirements relating to minimum age and residency of applicants. *Id.* Age restrictions range from eighteen to over twenty-six years, and approximately one-third of the jurisdictions have no age restriction at all. *Id.* Thirteen jurisdictions require legal consultants to intend to maintain an office and/or intend to practice in the jurisdiction in order to obtain the license; three jurisdictions require actual residency or an actual office before the license will be issued. *Id.*

18. *See Regulatory Mismatch*, *supra* note 8, at 510–11. The legal consultant license would not be available to graduates of foreign law faculties who are not licensed in their home countries but nevertheless work in-house as members of the legal staff of large corporations, which is common in Japan and Korea, for example. These law graduates comprise a significant portion of the population interested in obtaining U.S. graduate legal education and also may desire some practical experience working in law in the U.S.

require foreign lawyers to have some practice experience before applying for the license.[19] This is consistent with the basic theory of the legal consultant license, which grants authority to advise based upon an attorney's qualification and experience in his or her home country. The standard most common in U.S. legal consultant rules requires foreign lawyers to have practiced for at least five of the seven years immediately preceding the application for licensing as a legal consultant.[20] There is variation in the details of this standard: Michigan and New York, for example, require practice experience for only three of the last five years, while Louisiana and Massachusetts require that the applicant have practiced for the last five years (rather than five of the last seven years).[21] Three jurisdictions do not require any practice experience at all, instead focusing on admission to the bar and good standing of the applicant:[22] Ohio requires the applicant to have been admitted and be in good standing (but does not insist on practice experience) for four of the last six years,[23] and the District of Columbia and Utah require only admission and good standing without establishing any particular period for this status.[24]

A related issue is whether the practice experience must have been accomplished while the legal consultant was physically present *in* his or her home country or whether it is permissible for the experience to be gained through practice performed in any jurisdiction as long as it is related to the law *of* the

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Id. at 533–34.

19. *See Comprehensive Guide to Bar Admission Requirements*, *supra* note 10.

20. *See* Needham, *supra* note 14, at 1132–33.

21. N.Y. R. CT. APP. LICENSING LEGAL CONSULTANTS § 521.1(a)(2); MICH. R. BOARD L. EXAMINERS 5(E)(a)(1); LA. ST.B. ASS'N ART. 14, § 11(1); MASS. SUP. JUD. CT. R. 3:05(1.2)(b).

22. *See Comprehensive Guide to Bar Admission Requirements*, *supra* note 10.

23. OHIO R. GOVERNING R. XI (1)(A).

24. R. D.C. CT. APP. 46(c)(4)(A)(1); UTAH R. GOVERNING B. ADMISSION 18-1. In the District of Columbia and Utah, foreign lawyers who have not practiced in their home jurisdictions before enrolling in a U.S. graduate law program would be able to rely on the legal consultant status as a license that might provide the basis for obtaining practical experience in the United States following their graduation; in contrast, many foreign lawyers enrolled in U.S. graduate law programs cannot qualify for the legal consultant license because they did not practice for a long enough period prior to enrolling in the LL.M. program.

applicant's home country. Under the latter formulation, a French lawyer who practiced French law for five of the last seven years would satisfy the application experience requirement even if his experience was gained by practicing French law from an office in Chicago. Six jurisdictions require the practice experience to be accomplished *in* the home country of the applicant,[25] eleven require only that the experience be in practicing the law *of* the home country,[26] and the rules of another six jurisdictions are ambiguous on this issue.[27] Another twist is added by Missouri's rule, which requires the applicant to have been engaged in *full-time practice* during the mandatory period of time;[28] other jurisdictions do not specify whether something other than full-time practice would suffice.

Application requirements are the second general factor addressed by legal consultant rules. Two concerns arise with regard to application requirements. First, if the application process is too onerous, it discourages foreign lawyers from pursuing the legal consultant license. Second, application fees might be so high as to be burdensome. Again, there is no

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25. Connecticut, Michigan, Minnesota, New Mexico, North Carolina, and Texas require the legal consultant's experience to be accomplished *in* the country in which he was admitted. CONN. SUPER. CT. R. § 2-17(1); MICH. R. BOARD L. EXAMINERS 5(E)(a)(1); MINN. R. ADMISSION BAR (10)(E)(9); N.M. R. GOVERNING FOREIGN LEGAL CONSULTANTS 26-101(A)(1); N.C. R. FOREIGN LEGAL CONSULTANTS § 84A-1; TEX. R. GOVERNING B. ADMISSION XIV.

26. The following jurisdictions permit the experience to be gained in or outside of the legal consultant's country of admission: California, Florida, Georgia, Idaho, Illinois, Indiana, Louisiana, Massachusetts, Missouri, New York and Pennsylvania. CAL. REGISTERED FOREIGN L. CONSULTANTS R. & REG. § 3.1; R. REGULATING FLA. B. 16-1.2(b); GA. R. GOVERNING ADMISSION PRACTICE L. § 1(b); IDAHO BAR COMMN R. 205A(a)(2); ILL. FOREIGN LEGAL CONSULTANTS R. 712(a)(1); IND. R. ADMISSION B. 5(1)(b); LA. ST.B. ASS'N § 11(1)(A)(2); MASS. SUP. JUD. CT. R. 3:05(1.2)(b); MO. SUP. CT. R. 9.05(a); N.Y. R. CT. APP. LICENSING LEGAL CONSULTANTS § 521.1(a)(2); PENN. B. ADMISSION R. 341(a)(2).

27. The legal consultant rules in Alaska, Arizona, Hawaii, New Jersey, Oregon and Washington are ambiguous on the issue of whether the legal consultant's practice experience must be gained in his home country jurisdiction. *See* ALASKA B.R. 44.1(b)(1); ARIZ. R. SUP. CT. 33(f)(2)(A); HAW. R. SUP. CT. 14.1(a); N.J. R. GEN. APPLICATION 1:21-9(c)(1); OR. R. ADMISSION ATTY'S 12.05(2)(a)(ii); WASH. ADMISSION PRACTICE R. 14(b)(1)(i). As noted above at notes 23-24, *supra*, no practice requirement is imposed by the rules in the District of Columbia, Ohio and Utah.

28. MO. SUP. CT. R. 9.05(a).

standardization among jurisdictions. The application process often involves completing a form provided by the regulating authority, and in nine jurisdictions the regulator may require applicants to complete the National Conference of Bar Examiners' report on character and fitness.[29] Typical supporting documentation includes certification of good standing in the home jurisdiction; letters of recommendation from other home country attorneys and, in certain jurisdictions, from lawyers in the host jurisdiction; evidence of compliance with immigration regulations; and educational records.[30] Fingerprints, photographs, and birth certificates also might be required. In addition, seventeen jurisdictions require proof of malpractice insurance before a license will be granted; of these, only one, Oregon, requires its attorneys to carry malpractice insurance.[31]

The third factor addressed by legal consultant rules is the scope of practice to which a license authorizes a legal consultant to engage. This is a crucial aspect of the legal consultant rules because it establishes the boundaries of the legal consultant's practice and may determine the economic opportunities of a legal consultant. If the scope of practice is broad enough, a legal consultant might rely on the license as providing authority to

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29. The jurisdictions authorizing use of the NCBEX character and fitness report are Arizona, Connecticut, District of Columbia, Illinois, Indiana, Michigan, Missouri, New York and Pennsylvania. ARIZ. R. SUP. CT. 33(f)(3)(F); CONN. SUP. CT. § 2-18(c); D.C. CT. APP. R. 46(c)(4)(B)(3); ILL FOREIGN LEGAL CONSULTANTS R. 713(a)(2), (b)(5), (3); IND. R. ADMISSION B. 5(2)(d); MICH. R. BOARD L. EXAMINERS 5(E)(c)(3); MO. SUP. CT. R. 9.08(a); N.Y. R. CT. APP. LICENSING LEGAL CONSULTANTS §§ 610.5, 692.5, 805.4(e); PENN. B. ADMISSION R. 341(a)(6).

30. *See* Sohn, *supra* note 14, at 208.

31. The fifteen include Alaska, California, Connecticut, the District of Columbia, Hawaii, Idaho, Illinois, Louisiana, Minnesota, Missouri, New York, North Carolina, Ohio, Oregon, Pennsylvania, Texas and Utah. ALASKA B.R. 44.1 (f)(2)(B); CAL. REGISTERED FOREIGN L. CONSULTANTS R. & REG. § 6; CONN. SUP. CT. § 2-20(2)(B); D.C. CT. APP. R. 46(c)(4)(E)(1)(b)(ii); HAW. R. SUP. CT. 14.5(b)(2); IDAHO. BAR COMMN R. 205A(f)(1)(ii)(B); ILL. FOREIGN LEGAL CONSULTANTS R. 712(f)(3); LA. ST.B. ASS'N Art. 14 § 11 5(A)(3); MINN. R. ADMISSION B. 10 F(3)(b)(1); MO. SUP. CT. R. 9.06(c); N.Y. R. CT. APP. LICENSING LEGAL CONSULTANTS § 521.5(a)(2)(ii); N.C. FOREIGN LEGAL CONSULTANTS § 84A-5(3); OHIO R. GOVERNING B. XI § 7(A)(2); OR. R. ADMISSION ATTY'S 12.05(6)(b)(ii); PENN. B. ADMISSION R. 341(b)(5); TEX. R. GOVERNING B. ADMISSION XIV(b)(6) ; UTAH CODE JUD. ADMIN. R. 18-2. Florida requires legal consultants to disclose whether they carry malpractice insurance, but does not impose a substantive requirement that such insurance be purchased. R. REGULATING FLA. B. 16-1.3(b).

practice in the United States in a variety of positions and with diverse organizations. If the scope of practice is too narrow, practicing as a legal consultant may make little sense economically and offer few if any meaningful career opportunities.

Scope of practice rules fall into three patterns. The first pattern takes a liberal approach to the issue of scope of permitted practice and enables licensed legal consultants to engage in a wide spectrum of advising activities. This enabling approach essentially permits licensed legal consultants to advise on the basis of any national or international law as to which they are competent, subject to certain articulated exceptions. The exceptions, of course, are controlling–they restrict licensed legal consultants from advising on federal law or the law of the particular jurisdiction providing the license except on the basis of advice from a locally admitted attorney. Thus, a New York licensed legal consultant would advise on New York law only on the basis of the advice of a New York admitted lawyer;[32] essentially this permits a licensed legal consultant to pass along advice obtained from a licensed lawyer. The rules leave it to the individual lawyers involved to determine the details of their relationship.[33]

Enabling regimes that authorize legal consultants to advise on local law based on the advice of a local lawyer also typically prohibit legal consultants from advising on particular matters that are considered so local as to be inappropriate for foreign lawyers. The local character of the activity relates either to the institution involved or to the nature of the problems addressed by that particular area of the law.[34] Four activities are forbidden to licensed legal consultants: (1) appearing in court, (2) advising on transfers of real estate located in the U.S., (3) advising on

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32. *See, e.g.*, N.Y. R. CT. APP. LICENSING LEGAL CONSULTANTS 521.1-521.3.

33. *But see* text at notes 40-42, *infra*, regarding jurisdictions that address the relationship between the locally-admitted lawyer and client more specifically.

34. *But see* CONN. SUPER. CT. §§2-17(1), 2-19; MICH. R. BOARD L. EXAMINERS 5(E)(a)(1); LA. ST. BAR ASS'N ART. XIV §11(1)(A)(2). MO. SUP. CT. R. 9.05(a); N.M. CT. R. GOVERNING FOREIGN LEGAL CONSULTANTS R. 26-101(A)(1). Connecticut and Michigan do not include these particular prohibitions, and Louisiana, Missouri, and New Mexico include only the prohibition against appearing in court. *Id.*

marital, divorce or custody matters relating to U.S. residents, and (4) advising on wills and trusts or decedents' estates relating to U.S. residents or property located in the U.S.[35] Outside of these four areas of legal practice, legal consultants licensed in an enabling regime are authorized to advise on any law as to which they are competent, including federal and state law to the extent their advice is based on that of a locally admitted lawyer.

The second pattern of scope of practice provision in the legal consultant rules follows a "protectionist" approach. Rules following this pattern authorize licensed legal consultants to advise on the law of their home jurisdiction but forbid them from advising on the law of any other jurisdiction; for example, North Carolina's legal consultant rule prohibits 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."[36] Legal consultants in North Carolina may not advise on federal law, North Carolina law, or the law of another U.S. jurisdiction, even if they base their advice on the opinion and counsel of a lawyer admitted in the relevant jurisdiction. Moreover, they are prohibited from advising on the law of any third country where they are not admitted, even if they consider themselves competent to do so.

In addition to this very narrow scope of practice provision in the protectionist regimes, these jurisdictions also specify that licensed legal consultants may not engage in the particular activities forbidden as being too local in the enabling regimes: appearing as an attorney in court; advising on transfers of real estate; advising on marital, divorce, or custody matters; or advising on wills, trusts, or decedents' estates.[37] Of course, this further restriction makes little sense, since advising on *any* federal or state law is forbidden. It is clear even without this

35. N.Y. R. CT. APP. LICENSING LEGAL CONSULTANTS § 521.3.

36. N.C. FOREIGN LEGAL CONSULTANTS § 84A-4(b)(7).

37. *See, e.g.*, TX R. XIV(g).

specification that these four areas also are off limits.

A few protectionist jurisdictions go even further. Illinois provides a good example of how special interest bar groups exert additional influence: Illinois prohibits legal consultants from offering legal advice "with respect to a personal injury occurring within the United States" or relating to immigration, customs, or trade law.[38] This is unnecessary and redundant given the general prohibition of the protectionist approach.

The third pattern of scope of practice provision in the legal consultant rules lies between the enabling and protectionist approaches. This cautious approach offers the promise of the enabling approach but simultaneously undermines the authority of a licensed legal consultant by imposing conditions of the exercise of a broad scope of authority. Jurisdictions following a cautious approach authorize licensed legal consultants to advise on federal and state law if they base their advice on that of a locally admitted lawyer—as in the enabling jurisdictions—but require the legal consultant to include the locally admitted lawyer in his or her relationship with the client in an obvious manner.[39] This triangular relationship might take one of two forms. Two states require any federal or state law advice to be communicated only by transmitting the written advice of the local lawyer to the client.[40] Five jurisdictions require that the local lawyer to be identified to the client by name after consultation in the particular matter—thus encouraging the client to contact the local lawyer directly for further information relating to federal or state law matters.[41] This latter version of the middle-of-the-road scope of practice provision also results in defining the relationship between the legal consultant and the local lawyer by requiring consultation in the particular matter at issue, rather than a looser, more flexible relationship allowed by the enabling approach.

Last, legal consultant regimes typically impose certain conditions on the exercise of the license. For example, the title

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38. ILL. SUP. CT. R. 712(e).

39. *See Regulatory Mismatch*, *supra* note 8, at 522.

40. ALASKA B.R. § 44.1(c)(2)(C); N.C. R. FOREIGN LEGAL CONSULTANTS § 84A-4(c).

41. *See Regulatory Mismatch*, *supra* note 8, at 550 n.13.

by which a legal consultant can hold him or herself out is addressed by the rules of most jurisdictions. Ethical obligations also are addressed by most rules. Certain jurisdictions require legal consultants to carry malpractice insurance, to complete a course on professionalism,[42] to pass the Multistate Ethics Examination,[43] or to advise only pursuant to a formal relationship with an attorney licensed by the host jurisdiction.[44] In addition, relations between legal consultants and local attorneys also often are articulated, making it clear that legal consultants may employ or be employed by local lawyers or join in partnership together.[45]

Apart from the particular standards included in the legal consultant rules, a more fundamental issue relates to whether the legal consultant regulatory regime is mandatory for all foreign lawyers practicing in a jurisdiction in which such rules have been adopted. Must all foreign lawyers working on a permanent basis in a jurisdiction that has adopted a legal consultant licensing regime obtain a legal consultant license? In most of the twenty-six jurisdictions that have adopted legal consultant regimes, the rules simply do not address this issue. Rather, they establish what must be done to obtain the license and what a licensed legal consultant may do, as described above. But they do not affirmatively mandate that every foreign lawyer intending to practice on a permanent basis in the jurisdiction obtain a legal consultant license before rendering advice. In contrast, New Jersey's legal consultant rule requires all foreign lawyers to obtain the license before offering services in New

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42. ARIZ. SUP. CT. R. § 33(f)(9).

43. *See* MO. SUP. CT. R. § 9.05(f) (requires legal consultants to furnish proof that they passed the Multistate Ethics Exam within a year of being licensed).

44. *See* N.J. R. GEN. APPLICATION § 1:21-9(b).

45. *See Regulatory Mismatch*, *supra* note 8, at 495–504. *But see* ILL. FOREIGN LEGAL CONSULTANTS R 712, which fails to address this issue of the right of legal consultants to associate, employ, or serve as partners of locally-admitted lawyers. Rule 712(e)(9) confuses the issue of rights of association by prohibiting a legal consultant from "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."

Jersey.[46] Without an affirmative articulation of a mandatory licensing requirement, foreign lawyers are left to guess at the necessity of becoming licensed, particularly if they anticipate working in the jurisdiction for a particular term before returning to their home countries.[47] In fact, in the New York offices of foreign law firms, it is quite common for one lawyer in the office to obtain the legal consultant license while others forego any sort of registration with the New York bar.[48]

II. THE TABLES: COMPARING THE RULES

The following Tables offer a more complete picture of the legal consultant rules and present the variety and diversity of these provisions. These Tables present a comparative analysis of the legal consultant rules[49] as well as of the ABA Model Rule on the Licensing of Legal Consultants. The analysis is divided among two tables that include a synopsis of the relevant provisions and references to the legal consultant rules in each U.S. jurisdiction having such rules as of April 2005. Table 1's columns two through five set out the licensing standards relating to the experience required for legal consultants, the place where that experience must be obtained, whether legal consultants must take the ethics exam, and whether they must

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46. *See* N.J. R. GEN. APPLICATION § 1:21-9(b). ("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."). *See also* the licensing requirement in Alaska's legal consultant rule, *supra* note 7.

47. Unauthorized practice rules supplement the legal consultant rules, and might prohibit a foreign lawyer from advising on home country law and holding herself out under home country title. *See, e.g.*, R. REGULATING FLA. B. 10-2.1, *available at* http://www.flabar.org/divexe/rrtfb.nsf/FV/5DE8883FE14988A585256BC2004522AA (Apr. 17, 2005).

48. *See Regulatory Mismatch*, *supra* note 8, at 538 ("One example is the Cuatrecasas law firm, which has three resident lawyers in New York, only one of whom" is included on an official list of legal consultant in New York.).

49. I have included the fifty states and the District of Columbia in my research. According to the *ABA Comprehensive Guide to Bar Admissions*, the Virgin Islands has also enacted a foreign legal consultant rule. *See* Chart XII, *at* http://www.abanet.org/legaled/publications/compguide2003/licensesregistration.pdf (last visited Apr. 10, 2005).

complete the NCBE character and fitness report. Column six of Table 1 addresses whether the jurisdiction considers reciprocal treatment of its attorneys as a consideration in granting a foreign lawyer the legal consultant license. This reciprocity requirement is common in the legal consultant regimes but it is complicated by the GATS, which is based on a most favored nation bargain.[50] The last columns of Table 1 set out the limitations on the legal consultant's title, the permitted relationships with local attorneys, and identify any other anomalous provisions of each jurisdiction's legal consultant rules.

Table 2 addresses, among other issues, the scope of practice allowed to legal consultants. The information on scope of practice is divided among six columns. The first four correspond to the Model Rule restrictions on practice in certain forums and substantive areas—appearing as an attorney in court, working on matters related to the transfer of real estate, estates and trusts, and family and custody law matters. These areas generally are considered to be intimately connected to local rules, procedures, and values, and consequently are inappropriate areas for practice by foreign lawyers.[51] The issue of advising on law based upon the advice of a locally admitted lawyer is set out in column six of Table 2, which provides detail about the extent of required consultation with the local lawyer and whether the consultation must be disclosed to the client. Column seven addresses the general scope of practice prescribed by the rules, such as whether the legal consultant is limited to advising on home country law or whether he or she may advise on the law of third countries as well. The last column of Table 2 addresses the ethical obligations imposed on legal consultants by the host jurisdiction's rules.

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50. On GATS and legal services, *see* Laurel S. Terry, *supra* note 15.

51. Several of these areas are also subject to national exclusion from the rights of mobility accorded European lawyers in the Establishment Directive of the European Union, Directive 98/5/EC. The Directive recognizes individual Members may require locally admitted lawyers to participate or supervise in matters relating to legal advice on decedents' estates and the transfer of real property, as well as representation in legal proceedings. *See* Council Directive 98/5/EC, 1998 O.J. (L77) 36.

III. CONCLUSION: THE FUTURE ROLE FOR LEGAL CONSULTANTS

An analysis of the legal consultant rules reveals the substantial divergence of the states from one another as well as from the standards established in the Model Rule, and highlights the ambiguity inherent in the rules on a number of important issues, including the scope of permitted practice and application standards. This lack of clarity renders it less likely that foreign lawyers will use the legal consultant status because it creates anxiety about what is expected and permitted even after a license is obtained. In order to encourage use of the legal consultant status, states must clarify the benefits of obtaining the license.

The number of foreign lawyers who have registered as legal consultants since the concept was first introduced in 1974 is quite small,[52] especially in light of the enormous growth in the international legal services market in the last thirty years.[53] More foreign-trained lawyers take the bar examination in New York in one year than have registered as legal consultants since such rules were adopted in all U.S jurisdictions with legal consultant rules combined. According to statistics generated by Pamela Steibs Hollenhorst in 1999, no more than 380 foreign lawyers registered as legal consultants in the 23 jurisdictions then supporting legal consultant regulations.[54] On the other hand, in 2002 for example, over 12,000 lawyers educated outside the United States took the New York bar examination;[55] that

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52. For information on the number of licensed legal consultants in the various jurisdictions with such rules, *see* Hollenhorst, *supra* note 10, at 3–5; for a yearly count of licensed legal consultants for the years 1999-2003 see *Persons Taking and Passing the 2003 Bar Examination*, 14 THE BAR EXAMINER 2004, *available at* http://www.ncbex.org/stats/pdf/2003stats.pdf (last visited Apr. 17, 2005).

53. On the growth of the international legal market, *see* Carole Silver, *Winners and Losers in the Globalization of Legal Services: Offshoring the Market for Foreign Lawyers*, VA. J. INT'L L. (forthcoming 2005); John P. Heinz et al., *The Scale of Justice: Observations on the Transformation of Urban Law Practice*, 27 ANN. REV. SOCIOLOGY 337 (2001); Lawrence M. Friedman, *Erewhon: The Coming Global Legal Order*, 37 STAN. J. INT'L L. 347 (2001); Charlotte Ku & Christopher J. Borgen, *American Lawyers and International Competence*, 18 DICK. J. INT'L L. 493 (2000).

54. *See* Hollenhorst, *supra* note 10, at 2.

55. *See Persons Taking and Passing the 2002 Bar Examination*, 6 THE BAR EXAMINER 2003, *available at* http://www.ncbex.org/stats/pdf/2002stats.pdf (Last visited

same year, New York had 311 licensed legal consultants.[56]

Perhaps the comparison of numbers of legal consultants and foreign lawyers taking the bar examination is inappropriate in New York, where the legal consultant rules are the most liberal in terms of the credentials required for application and the scope of practice permitted, and the bar rules also are permissive regarding foreign lawyers. After all, there is more opportunity for foreign lawyers who pass the bar exam than for those obtaining only the legal consultant license, and New York's bar rules are welcoming to foreign lawyers. A more relevant jurisdiction may be one that takes a stricter approach to bar entry requirements, where foreign lawyers cannot become full members of the bar without investing substantial time and money in legal education; in such a jurisdiction, the legal consultant category is more useful and also may be better used. One example of such a state in terms of its regulatory approach is New Jersey, which does not grant special recognition to foreign lawyers in its bar examination process and requires all applicants for the bar exam to complete a J.D. degree. Thus, New Jersey's legal consultant rule offers the only option for foreign lawyers wishing to practice in the state without enrolling in a U.S. law school for a multi-year period.[57] But according to statistics available on the number of licensed legal consultants in New Jersey, at most fifteen individuals had obtained the legal consultant license in the period ending in January 2004.[58]

One possible explanation for this lack of use of New Jersey's legal consultant category is that the conditions for obtaining the license in New Jersey are too burdensome in light of the potential gain from the license. The number of years of experience required for the license is five of the last seven years,[59] which may be so high that most of the foreign lawyers interested in obtaining the license do not satisfy the application

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Apr. 10, 2005).

56. *See Regulatory Mismatch*, *supra* note 8, at 535.

57. *See* N.J. R. GEN. APPLICATION § 1:21-9(b).

58. *See Persons Taking and Passing the 2002 Bar Examination*, *supra* note 55, at 16; *Persons Taking and Passing the 2003 Bar Examination*, *supra* note 52.

59. N.J. R. GEN. APPLICATION § 1:21-9(c)(1).

requirements. Lawyers tend to be more interested in interrupting their practice to travel to a new jurisdiction when they are young and have not yet invested substantial time in developing client relations in their home country. More foreign lawyers might take advantage of the license if the experience requirement was reduced to three years, following the New York model.

A second possible explanation for the absence of significant numbers of legal consultants in New Jersey is related to the scope of practice permitted a New Jersey licensed legal consultant. While the New Jersey rule permits legal consultants to advise on state and federal law based upon the advice of a locally admitted lawyer, it demands the local lawyer be consulted in the particular matter and be identified to the client by name. More significantly, New Jersey requires a local lawyer to assume responsibility for the legal consultant's conduct. This condition may create anxiety in both the foreign and local lawyers about the necessary communication and record-keeping required by the rule. Furthermore, the New Jersey rule prohibits legal consultants from advising on foreign law other than the law of their home countries, even though no comparable provision applies to local lawyers and there is no obvious reason to believe the likelihood and competence of a foreign lawyer in advising on the law of a third country would be any different than that of a local lawyer. Perhaps enlarging the scope of permitted practice and clearing up ambiguities would render the legal consultant status more attractive in New Jersey.

But even if the legal consultant rules were clarified and modified to follow the more liberal approaches of the Model and New York rules, would more foreign lawyers apply for the license in New Jersey? Should New Jersey hold off on modifying its rules because of concern about the legal market being flooded with foreign attorneys? Changing regulations most likely will not cause a substantial international legal market immediately to develop in New Jersey because the New Jersey-based businesses requiring international and foreign legal advice have satisfied their needs by looking to U.S. and foreign lawyers working either in New Jersey or in neighboring jurisdictions, including New York with its more hospitable environment for

foreign lawyers.

But a change in regulations is not superfluous. It may not lead to an immediately burgeoning international legal market, but it will inure to the benefit of New Jersey lawyers in three important ways. First, New Jersey lawyers who are active in foreign legal markets may enjoy greater opportunities as a result of reciprocal recognition based on an enabling legal consultant regime. Similarly, a more welcoming regulatory approach to foreign educated lawyers will simplify the trade negotiations on legal services by allowing the United States to present a unified and consistent trade policy. Second, and more important, a more liberal legal consultant regime will support the perception of New Jersey as an internationally welcoming jurisdiction. In time, this perception may lead to a more substantial international presence in the state's legal and business communities. Last, as more foreign businesses and lawyers do business in New Jersey, they will have increasing opportunities to develop relationships with local New Jersey lawyers. This inevitably will lead to referrals as well as the exchange of information about the organization and process of law practice as well as substantive law and process.

It is these last two factors that should convince the remaining jurisdictions without legal consultant regulations to adopt a Model Rule approach. The international legal market is an active and growing phenomenon that promises substantial rewards to its participants. Lawyers need to internationalize their practices in order to maintain their positions with clients and competitors. States interested in maintaining their legal markets will serve them best by encouraging international growth through supportive, enabling regulation.

TABLE 1

Jurisdiction	Years of experience are required, if any?	Where must the experience be obtained?	Multi-state Ethics exam required?	NCBE character and fitness report filing required?	Is reciprocity with the applicant's home country a consideration?	Limitation on FLC Title?	Relations with local lawyers allowed?	Other
American Bar Association[1]	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[2]	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 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 *Experience Type 1.*	Ambiguous, but likely requires practice in home country.[3] R. 44.1(b)(1).	No.	No provision.	Discretion to consider reciprocity if an Alaska attorney has sought and been denied FLC status in home country.[4] 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).[5]	No provision.	None

Arizona[6]	Not less than 5 of 7 years (*Experience Type 1).* R. 33(f)(2)(A).	Ambiguous but may require practice in home country. R. 33(f)(2)(A).[7]	No.	Yes. Authorizes use of NCBE report; paid for by applicant. R. 33(f)(3)(F).	Yes. Discretionary but only if request of Arizona attorney is pending. R. 33(f)(5).[8]	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. 33(f)(6)(B).[9]	Yes. FLCs may employ local lawyers, be employed by or in partnership with them, or be a shareholder in a professional corporation. R. 33(f)(7)(A).	Must complete state bar course on professionalism within one year of licensing, R. 33(f)(9); and immigration documentation required, R. 33(f)(2)(D).
California[10]	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.[11]	Requires only that FLC have "actually practiced the law *of* that country" of admission. (emphasis added)[12] §3.1.	No.	No provision.	No provision.	Yes, must use title "Foreign Legal Consultant" and name of home country; may also use home country title and name of employer. §§10.1-3, 10.4.[13]	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).

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Connecticut[14]	Not less than 5 of the 7 years immediately preceding application (practice is required for this period). §2-17(1).[15]	Practice experience must have been accomplished in the home country. §2-17(1).	No.	Yes. 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.
District of Columbia[16]	None specified (applicant must have been admitted, be in good standing, and be "engaged in the practice of law in that country"). *See* R. 46(c)(4)(A)(1).	In home country, however the notes to R. 46 indicate that only a showing of good standing is required. *See* R. 46(c)(4)(A)(1).[17]	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.[18]	May not use title other than: "Special Legal Consultant," home country title, or name of firm *in home country*, each with name of home country. R. 46(c)(4)(D)(6) and (D)(7).	No provision.	None.

Florida[19]	Not less than 5 of 7 years immediately preceding application (practice is required for same period of time). R. 16-1.2(a) & (b).	Practice experience must have been in the law *of* the jurisdiction in which the applicant has been admitted, but does not require practice in that jurisdiction. R. 16-1.2(b).[20]	No.	No provision.	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 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)."[21] 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).
Georgia[22]	Not less than 5 of the 7 years immediately preceding application (actual practice is required). §1(b).	Applicant to have practiced the "law of such country" – no location specified. §1(b).	No.	No provision.	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). The certification as an FLC automatically terminates if not in good standing in home jurisdiction. §6.[23]

TABLE 1

Jurisdiction	Years of experience are required, if any?	Where must the experience be obtained?	Multi-state Ethics exam required?	NCBE character and fitness report filing required?	Is reciprocity with the applicant's home country a consideration?	Limitation on FLC Title?	Relations with local lawyers allowed?	Other
Hawaii[24]	Not less than 5 of the 7 years immediately preceding the application (*Experience Type 1*). R. 14.1(a).	Ambiguous but likely requires practice in the home country.[25] R. 14.1(a).	No	No, but the cost of a "character report or investiga-tion shall be borne by the applicant." R.14.2(a)(viii).	Yes. 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." R. 14.2(d).	May not use any title other than "foreign law consultant" and may also use authorized title and firm name in home country with name of foreign country and FLC title. R. 14.4(g).	No provision.	FLC shall be subject to the exclusive disciplinary jurisdiction of the Court and the Disciplinary Board. R. 14.5(a).
Idaho[26]	"[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 accomp-lished in that country. R. 205A(a)(2).	No.	No provision.	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).

Illinois[27]	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).[28]	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 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." 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).	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)[29] and 713(b)(6).[30] 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).	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).

TABLE 1

Jurisdiction	Years of experience are required, if any?	Where must the experience be obtained?	Multi-state Ethics exam required?	NCBE character and fitness report filing required?	Is reciprocity with the applicant's home country a consideration?	Limitation on FLC Title?	Relations with local lawyers allowed?	Other
Indiana[31]	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 accomp-lished in that country. R. 5(1)(b).[32]	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).
Louisiana[33]	5 years immediately preceding the application (practice is required or working full-time as a professor or instructor in the foreign law). Art. 14, §11(1)(A)(2).	Practice of home country law, but does not specify that practice must be in home country. Art. 14, §11(1)(A)(2).[34]	No.	No provision.	No provision.	May not use any title other than personal name, firm (foreign/domestic) name, name of home country and home country title, and "Licensed Consultant on the Law of [home country]". Art. 14, §11(4).	Yes. Affiliations, employment of or by, and partnership with Louisiana lawyers, law firms and professional law corporations is permitted. Art. 14, §11(7)(A)(2)(a).	FLC may not be a notary public in Louisiana. Art. 14, §11(4)(B).

Massachusetts[35]	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).[36]	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).
Michigan[37]	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).[38]	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.	None.
Minnesota[39]	At least 5 of the 7 years immediately preceding the application (practice is required and must be a "principal occupation"). R. 10(B)(2).	The experience must have been obtained in the home country. R. 10(B)(2).	No.	No provision.	Applicant must provide summary of rules on reciprocity. No provision explicitly authorizes taking reciprocity into consideration in exercising discretion. R. 10(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. 10(E)(7).	No specific provision.	Written retainer with name of MN lawyer is required before holding client funds.[40] R. 10(E)(9). All advice must be rendered pursuant to a written retainer agreement which describes in bold type the limited scope of practice rights of the FLC. R. 10(E)(8).

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Missouri[41]	Not less than 5 of the 10 years immediately preceding the original application; practice must have been "full-time." R. 9.05(a).	Practice in home country not required. R. 9.05(a).[42]	Yes. R. 9.05(f).[43]	Yes. Board may require NCBE report and payment of fee. 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).[44]	No specific provision but FLC must be associated with a law office in Missouri. R. 9.05(e).	Must furnish proof of passing the Multistate Ethics Exam within 1 year of certification. R. 9.05(f). Must be associated with a law office in Missouri in order to obtain FLC certification. R. 9.05(e).
New Jersey[45]	Not less than 5 of the 7 years immediately preceding the application (*Experience Type 1*). R. 1:21-9(c)(1).[46]	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.	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).

New Mexico[47]	At least 5 of the 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.[48] R. 26-101(A)(1).	No.	No provision.	Reciprocity appears to be mandatory[49] 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).[50]	No specific provision.	None.
New York[51]	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.[52] §521.1(a)(2).	No.	This may be required. R. 610.5, 692.5, 805.4(e)	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.
North Carolina[53]	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.	Practice in the home country is required.[54] §84A-1(a)(5); §F.0103(e).	No.	No provision.	Yes. Reciprocity is "required."[55] §84A-2(g); § F.0103.	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).[56]	Prohibits FLC from being hired as partner, must be supervised by a North Carolina attorney. If application for FLC status is denied, may not reapply within 3 years without permission to reconsider from the Bar. 1F, §F.0113 §F.0104 places the burden of proving character and fitness on FLC.

TABLE 1

Jurisdiction	Years of experience are required, if any?	Where must the experience be obtained?	Multi-state Ethics exam required?	NCBE character and fitness report filing required?	Is reciprocity with the applicant's home country a consideration?	Limitation on FLC Title?	Relations with local lawyers allowed?	Other
Ohio[57]	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.[58]	No.	No provision.	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.
Oregon[59]	Not less than 5 of the 7 years immediately preceding the application (*Experience Type 1*). R. 12.05(2)(a)(ii).	Ambiguous but likely requires practice in FLC's home jurisdiction. R. 12.05(2)(a)(ii).[60]	No.	No provision.	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.
Pennsylvania[61]	"[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.	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. 341(a)(7).	Yes. FLCs may affiliate with, employ, be employed by, and be partners of a PA lawyer or firm in which a PA 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).

Texas[62]	Not less than 5 of the 7 years immediately preceding the application (must have "engaged in the practice of law"). R. XIV (a)(1).	Experience must be obtained in home country practice. R. XIV (a)(1).[63]	No.	No provision.	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 (g)(7).	No specific provision.	None.
Utah[64]	Admission and good standing is required, but practice experience is not required, and no particular length of time is specified.	No requirement of practice experience.	Yes. Applicants shall pass the MPRE and shall "successfully complete the one-day Utah State Bar Ethics School." R. 18-1(d).	No provision.	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. R. 18-1(d) and 18-6(a)(1).
Washington[65]	At least 5 of the 7 years immediately preceding the application ("active legal experience" is required). R. 14(b)(1)(i).	Ambiguous, but likely does not require practice in country of admission.[66] 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.[67] 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. R. 14(d)(7).[68]	No specific provision.	S. Ct. can revoke FLC license with or without cause. R. 14(g).

TABLE 2

Jurisdiction	Scope: No court appearances	Scope: No real estate	Scope: No estates and trusts	Scope: No family law	Scope: May the FLC advise on state or U.S. law with advice of a locally-admitted lawyer?	Scope: Does the Rule limit FLCs to advising only on the law of their home country?	Subject to Rules of Prof Conduct
American Bar Association[69]	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[70]	Yes. FLC may not "appear for another person as attorney in any court or before any magistrate or other judicial officer in the state of Alaska, or prepare pleadings or any	Yes. FLC may not prepare "any deed, mortgage, assignment, discharge, lease, agreement, sale or any other instruction affecting title to real estate located in the	Yes. FLC may not prepare "any will or trust instrument affecting the disposition of any property located in the" U.S. and "owned by a [U.S.] resident ..., or ... any	Yes. FLC may not "prepare any instrument concerning the marital relations, rights or duties of a resident of the [U.S.] ... or the custody or care of the children of a resident."	FLC may obtain advice from an admitted lawyer in writing and "transmit the written legal advice to the client." R. 44.1(e)(5).[71]	Yes. Foreign law also is prohibited if FLC is not admitted in the jurisdiction (international law is not specified as either excluded or appropriate for advice). R. 44.1(e)(5).[72]	Yes. FLCs are subject to the jurisdiction of the Alaska Supreme Court and Disciplinary Board, and must certify that s/he has read and agrees to abide by the disciplinary rules and rules of

	other papers in any action or proceeding brought in any such court or before any such judicial officer..." R. 44.1(e)(1). Hereinafter referred to as *Scope: Court Type 1*	United States of America." R. 44.1(e)(2) Hereinafter referred to as *Scope: Real Estate Type 1*	instrument relating to the administration of a decedent's estate in the [U.S.] ..." R. 44.1(e)(3). Hereinafter referred to as *Scope: T&E Type 1*	R. 44.1(e)(4). Hereinafter referred to as *Scope: Family Type 1*			professional responsibility. R. 44.1(f)(1) and (2)(A).[73]
Arizona[74]	Yes, same as Model R. (may not appear in any court, before a magistrate or other judicial officer). R. 33(f)(6)(A)(i).	Yes (*Scope: Real Estate Type 1*). R. 33(f)(6)(A)(ii).	Yes (same as Model Rule). R. 33(f)(6)(A)(iii) and (iv).	Yes (*Scope: Family Type 1*). R. 33(f)(6)(A)(v).	Yes. Rule. 33(f)(6)(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).[75]	No. Only advice on law of Arizona or U.S. is prohibited. R. 33(f)(6)(A)(vi).	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." R. 33(f)(7) and (8); *see also* R. 46(b).
California[76]	Yes (*Scope: Court Type 1*). R. 988(d)(1) and R. 9.1.	Yes (*Scope: Real Estate Type 1*). R. 988(d)(2) and R. 9.2.	Yes (same as Model Rule). R. 988(d)(3) and R. 9.3.	Yes (*Scope: Family Type 1*). R. 988(d)(4) and R. 9.4.	No. R. 988(d)(5) and R. 9.5.[77]	Yes (although international law is not specified). R. 988(d)(5) and R. 9.5.	Yes. R. 988(c)(6) and (7), R. 3.7 and 3.8.
Connecticut[78]	No provision.	No provision.	No provision.	No provision.	No. §2-19.	Yes. §2-19.[79]	Yes. §2-20(a)(1), (2)(A).

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Jurisdiction	Scope: No court appearances	Scope: No real estate	Scope: No estates and trusts	Scope: No family law	Scope: May the FLC advise on state or U.S. law with advice of a locally-admitted lawyer?	Scope: Does the Rule limit FLCs to advising only on the law of their home country?	Subject to Rules of Prof Conduct
District of Columbia[80]	Yes (*Scope: Court Type 1*, but also FLC may not appear for others as attorney before administrative agencies). R. 46(c)(4)(D)(1).	Yes (*Scope: Real Estate Type 1*). R. 46(c)(4)(D)(2).	Yes (essentially same as Model Rule). R. 46(c)(4)(D)(3).	Yes (*Scope: Family Type 1*). R. 46(c)(4)(D)(4).	Yes. R. 46(c)(4)(D)(5). 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. Only advising on D.C., U.S. or other state law is prohibited (international law is not specified). R. 46(c)(4)(D)(5).	Yes. Subject to the Code of Professional Responsibility of the American Bar Association, as amended by the Court. R. 46(c)(4)(E)(1)(a), (b)(i) and 46(c)(4)(F)(1).
Florida[81]	Yes (*Scope: Court Type 1*a, but in addition an FLC may not appear as attorney before a "governmental agency, quasi-judicial, or quasi-governmental authority in the state of Florida). R. 16-1.3(a)(2)(A). Hereinafter referred to as *Scope: Court Type 2*	Yes (substantially the same as *Scope: Real Estate Type 1*, 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 *Scope: Real Estate Type 2*	Yes (same as Model Rule). R. 16-1.3(a)(2)(C).	Yes (*Scope: Family Type 1*). 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[82]	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).	Yes. §4(b).	Yes. §5(a).
Hawaii[83]	Yes (*Scope: Court Type 1*). R. 14.4(a).	Yes (*Scope: Real Estate Type 1*). R. 14.4(b).	Yes (same as Model Rule). R. 14.4(c).	Yes (*Scope: Family Type 1*). 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 *exclusive* disciplinary jurisdiction of this court and the Disciplinary Board." R. 14.5(a) (emphasis added).
Idaho[84]	Yes, same as Model Rule. R. 205A(d)(1).	Yes, same as Model Rule. R. 205A(d)(2).	Yes, same as Model Rule. R. 205A(d)(3).	Yes, same as Model Rule. R. 205A(d)(4).	Yes, same as Model Rule. R. 205A(d)(5).	Ambiguous. Compare R. 205A(d)(5) and lead in language to R. 205A(d).[85]	Yes. R. 205A(e)(1), (e)(2)(ii) and (f)(1)(ii)(A).
Illinois[86]	Yes (*Scope: Court Type 1*, and cannot appear before administrative agency in IL). R. 712(e)(1).	Yes (*Scope: Real Estate Type 1*). R. 712(e)(2).	Yes (essentially same as Model Rule). R. 712(e)(3)-(4).	Yes (*Scope: Family Type 1*). R. 712(e)(5).	No. R. 712(e).[87] 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. R. 712(e),[88] but R. 712(a) adds confusion by referring to foreign *and international* law.	Yes. R. 712(f)(1).

TABLE 2

Jurisdiction	Scope: No court appearances	Scope: No real estate	Scope: No estates and trusts	Scope: No family law	Scope: May the FLC advise on state or U.S. law with advice of a locally-admitted lawyer?	Scope: Does the Rule limit FLCs to advising only on the law of their home country?	Subject to Rules of Prof Conduct
Indiana[89]	Yes (same as Model Rule). R. 5(4)(a).	Yes (same as Model Rule). R. 5(4)(b).	Yes (same as Model Rule). R. 5(4)(c).	Yes (same as Model Rule). R. 5(4)(d).	Yes. (ID not required).[90] 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." See also R. 5(4)(e) regarding advising on the basis of advice of U.S. lawyer. Rule 5(4).	Yes. Rule 5(5)(a).
Louisiana[91]	Yes (same as Model Rule). §11(4)(A)(1).	No specific provision.	No specific provision.	No specific provision.	No. See §11(4)(A) and 11(4)(A)(2).	Yes. §11(4)(A) and 11(4)(A)(2).[92]	Yes. §11(5)(A) and 11(7)(A)(1).
Massachusetts[93]	Yes (same as Model Rule). R. 3:05 §5.1(a).	Yes (same as Model Rule). R. 3:05 §5.1(b).	Yes (same as Model Rule). R. 3:05 §5.1(c).	Yes (same as Model Rule). R. 3:05 §5.1(d).	No. 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). R. 3:05 §5.1(e).	Yes. R. 3:05 §6.1.

Michigan[94]	No specific provision.	No specific provision.	No specific provision.	No specific provision.	No. R. 5(E)(d).	Yes. R. 5(E)(d).[95]	No specific provision. Required to maintain and discharge the responsibilities of active State Bar membership. R. 5(E)(d).
Minnesota[96]	Yes (*Scope: Court Type 2*). R. 10(E)(1).	Yes (*Scope: Real Estate Type 2*). R. 10(E)(2).[97]	Yes (*Scope: T&E Type 1*). R. 10(E)(3).	Yes (*Scope: Family Type 1*). R. 10(E)(4).	No. In addition, a written retainer agreement with limitations in bold is required.[98] R. 10(E) and 10(E)(5), (8).	Yes (but international law is not referred to). R. 5(E) and 5(E)(5).	Yes. R. 10(F)(1), (3)(a).
Missouri[99]	Yes (*Scope: Court Type 1*, and appearance before administrative agencies also is prohibited). R. 9.10(a)-(b).	No specific provision.	No specific provision.	No specific provision.	No. See R. 9.10 and 9.10(c).	Yes (international law is not specified). R. 9.10 and 9.10(c).[100]	Yes. R. 9.06(d).
New Jersey[101]	Yes. May not appear before court, judicial officer or administrative agency, or sign or file papers in these. R. 1:21-9(g)(1).	Yes (*Scope: Real Estate Type 1*). R. 1:21-9(g)(2).	Yes (*Scope: T&E Type 1*). R. 1:21-9(g)(3).	Yes (*Scope: Family Type 1*). R. 1:21-9(g)(4).	Yes. With ID by name and consultation in particular matter at hand.[102] 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). R. 1:21-9(g)(5). See n. -46.	Yes. R. 1:21-9(h).

TABLE 2

Jurisdiction	Scope: No court appearances	Scope: No real estate	Scope: No estates and trusts	Scope: No family law	Scope: May the FLC advise on state or U.S. law with advice of a locally-admitted lawyer?	Scope: Does the Rule limit FLCs to advising only on the law of their home country?	Subject to Rules of Prof Conduct
New Mexico[105]	Yes. FLCs may not appear before court, magistrate or judicial officer, but MAY appear before administrative agency as permitted by N.M. rules. R. 26-103(A)-(B).	No specific provision.	No specific provision.	No specific provision.	Yes. ID unnecessary. R. 26-103(C).[104]	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." R. 26-103 (lead in language) and 26-103(C).	Yes. R. 26-104(A).
New York[106]	Yes (same as Model Rule). R. 521.3(a).	Yes (same as Model Rule). R. 521.3(b).	Yes (same as Model Rule). R. 521.3(c).	Yes (same as Model Rule). R. 521.3(d).	Yes. ID unnecessary. R. 521.3(e).[105]	No. Limitation in R. 521.3(e) speaks only to NY and U.S. law.	Yes. R. 521.4(a) and 521.5(a)(2)(i).
North Carolina[107]	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." §84A-4(b)(1)-(2).	Yes (substantially the same as *Scope: Real Estate Type 1*). §84A-4(b)(3).	Yes (same as Model Rule). §84A-4(b)(4)-(5).	Yes (*Scope: Family Type 1*). §84A-4(b)(6).	No. Can transmit written advice of a lawyer to client. § 84A-4(c).[108]	Yes (international law not mentioned). §84A-4(b)(7),[109] but see also §84A-4(c), n. 54.	Yes. §84A-5(1),(5)(a).

Ohio[110]	Yes (*Scope: Court Type 1*, and in addition FLCs may not appear before any referee or administrative agency in Ohio). R. XI §5(A).	Yes (substantially the same as *Scope: Real Estate Type 1*). R. XI §5(B)(1).	Yes (same as Model Rule). R. XI §5(B)(2)-(3).	Yes (*Scope: Family Type 1*). R. XI §5(B)(4).	Yes. ID and consultation in matter at hand required. R. XI §5(C).	No. Only advice on U.S., Ohio and other state law prohibited. R. XI §5(C).	Yes. R. XI §7(A)(1),(3)(a).
Oregon[111]	Yes (*Scope: Court Type 1*). R. 12.05(5)(a).	Yes (*Scope: Real Estate Type 1*). R. 12.05(5)(b).	Yes (same as Model Rule). R. 12.05(5)(c)-(d).	Yes (*Scope: Family Type 1*). R. 12.05(5)(e).	Yes. ID to client and consultation in particular matter at hand required. R. 12.05(5)(f).	Yes. Advice on law of 3rd countries is not permitted without consultation with attorney admitted there and ID to client. R. 12.05(5)(f).[112]	Yes. R. 12.05(6)(a).
Pennsylvania[113]	Yes (same as Model Rule). R. 342(a)(1).	Yes (same as Model Rule). R. 342(a)(2).	Yes (same as Model Rule). R. 342(a)(3).	Yes (same as Model Rule). R. 342(a)(4).	No. Lead-in language to R. 342(a) & (a)(5).	Yes, but practice on international law is not mentioned. R. 342(a) & (a)(5).	Yes. R. 342(b)(1).
Texas[114]	Yes (*Scope: Court Type 1*, and also may not appear as attorney before an administrative agency in Texas). R. XIV (g)(1).	Yes (*Scope: Real Estate Type 1*). R. XIV (g)(2).	Yes (same as Model Rule). R. XIV (g)(3).	Yes (*Scope: Family Type 1*). R. XIV (g)(4).	No. R. XIV (g).	Yes. FLC may not advise on foreign law if not admitted there. R. XIV (g).[115]	Yes. R. XIV (e)-(f).
Utah[116]	Yes. FLCs may not "appear as an attorney in any court in this State in other than a *pro se* 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. R. 18-3.[117]	Yes. R. 18-2(d).
Washington[118]	Yes (*Scope: Court Type 1*). R. 14(d)(1).	Yes (*Scope: Real Estate Type 1*). 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).[119] R. 14(d)(5).	Yes. R. 14(e).

END NOTES: TABLES 1 & 2

1. 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).

2. ALASKA B.R. 44.1, *available at* http://www.abanet.org/cpr/jclr/flc_alaska.pdf (last visited Apr. 10, 2005).

3. 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.

4. 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 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."

5. 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.'"

6. ARIZ. R. SUP. CT. 33(f), *available at* http://www.abanet.org/cpr/jclr/flc_arizona.pdf (last visited Apr. 10, 2005).

7. ARIZ. R. SUP. CT. 33(f)(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*.

8. ARIZ. R. SUP. CT 33(f)(5) 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; provided, however, there is pending with the committee a request from a member of the state bar to take this factor into account, the member is actively seeking or has actively sought to establish such an office in that country, and there is a serious question as to adequacy of the opportunity for a member of the state bar to establish such an office."

9. ARIZ. R. SUP. CT 33(f)(6)(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) [h]is or her

own name; (ii) [t]he name of his or her law firm; (iii) [h]is 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."

10. CAL. REGISTERED FOREIGN L. CONSULTANTS R. & REG. § 3.1, *available at* http://calbar.ca.gov/state/calbar/calbar_generic.jsp?cid=10163&id=1309 (last visited Apr. 10, 2005); CAL. GEN. R.CT. 988, *available at* http://www.abanet.org/cpr/jclr/flc_california.pdf (last visited Apr. 10, 2005).

11. CAL. REGISTERED FOREIGN L. CONSULTANTS R. & REG. § 3.1.

12. 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).

13. 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.'"

14. CONN. SUP. CT. §2-17-19, *available at* http://www.abanet.org/cpr/jclr/flc_connecticut.pdf (last visited Apr. 10, 2005).

15. 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).

16. D.C. CT. APP. R. 46(c)(4), *available at* http://www.abanet.org/cpr/jclr/flc_dc.pdf (last visited Apr. 10, 2005).

17. D.C. CT. APP. R. 46(c)(4)(A)(1) provides simply that the applicant must have "been admitted to practice (or obtained the equivalent of admission) in a foreign country, and is in good standing as an attorney or counselor at law (or the equivalent of either) in that country."

18. 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*."

19. R. REGULATING FLA. B. 16-1, *available at* http://www.abanet.org/cpr/jclr/flc_florida.pdf (last visited Apr. 10, 2005).

20. 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."

21. 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."

22. GA. R. GOVERNING ADMISSION PRACTICE , PART E LICENSURE OF FOREIGN LEGAL CONSULTANTS, *available at* http://www.abanet.org/cpr/jclr/flc_georgia.pdf (last visited Apr. 10, 2005).

23. GA. R. GOVERNING ADMISSION PRACTICE L. §5(c)(4) 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."

24. HAW. R. SUP. CT. 14, *available at* http://www.abanet.org/cpr/jclr/flc_hawaii.pdf (last visited Apr. 10, 2005).

25. 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."

26. IDAHO B. COMMISSION R. 205A, *available at* http://www.abanet.org/cpr/jclr/flc_idaho.pdf (last visited Apr. 10, 2005).

27. ILL. FOREIGN LEGAL CONSULTANTS R. 712-713, *available at* http://www.abanet.org/cpr/jclr/flc_illinois.pdf (last visited Apr. 10, 2005).

28. 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."

29. 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."

30. 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."

31. IND. R. ADMISSION B. 5, *available at* http://www.abanet.org/cpr/jclr/flc_indiana.pdf (last visited Apr. 10, 2005).

32. 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."

33. LA. ST.B. ASS'N §11, *available at* http://www.abanet.org/cpr/jclr/flc_louisiana.pdf (last visited Apr. 10, 2005).

34. LA. ST.B. ASS'N §11(1)(A)(2) provides that the applicant must have "(a) 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 (b) 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."

35. MASS. SUP. JUD. CT.R. 3:05, *available at* http://www.abanet.org/cpr/jclr/flc_mass.pdf (last visited Apr. 10, 2005).

36. 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."

37. MICH R. BOARD L. EXAMINERS 5(E), *available at* http://www.abanet.org/cpr/jclr/flc_mich.pdf (last visited Apr. 10, 2005). 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.

38. MICH R. BARD 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."

39. MINN. R. ADMISSION B. 10, *available at* http://www.abanet.org/cpr/jclr/flc_minn.pdf (last visited Apr. 10, 2005).

40. MINN. R. ADMISSION B. 10(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."

41. MO. SUP. CT.R. 9.05; 9.08, *available at* http://www.abanet.org/cpr/jclr/flc_missouri.pdf (last visited Apr. 10, 2005).

42. 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."

43. 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."

44. MO. SUP. CT.R. 9.10(e)(3) states a common standard that is ambiguous regarding ability of FLC to name firm with which s/he is affiliated in the U.S.

45. N.J. R. GEN. APPLICATION 1:21-9, *available at* http://www.abanet.org/cpr/jclr/flc_njersey.pdf (last visited Apr. 10, 2005).

46. 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."

47. N.M. R. GOVERNING FOREIGN LEGAL CONSULTANTS 26-101, et. seq., *available at* http://www.abanet.org/cpr/jclr/flc_nmexico.pdf (last visited Apr. 10, 2005).

48. 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."

49. 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) 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."

50. 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."

51. N.Y. R.CT. APP. LICENSING LEGAL CONSULTANTS § 521.1-8, *available at* http://www.abanet.org/cpr/jclr/flc_nyork.pdf (last visited Apr. 10, 2005).

52. 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."

53. N.C. FOREIGN LEGAL CONSULTANTS §84A-1, et. seq., *available at* http://www.abanet.org/cpr/jclr/flc_ncarolina.pdf (last visited Apr. 10, 2005).

54. 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."

55. 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."

56. N.C. FOREIGN LEGAL CONSULTANTS §84A-4(10) provides that a foreign legal consultant shall not "be 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."

57. OHIO R. GOVERNING B. XI, *available at* http://www.abanet.org/cpr/jclr/flc_ohio.pdf (last visited Apr. 10, 2005).

58. 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 ..."

59. OR. R. ADMISSION ATTY'S 12.05, *available at* http://www.abanet.org/cpr/jclr/flc_oregon.pdf (last visited Apr. 10, 2005).

60. 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."

61. PENN. B. ADMISSION R. 341-42, *available at* http://pabulletin.com/secure/data/vol35/35-14/597.html (adopted on March 17, 2005 by the Pennsylvania Supreme Court, effective on September 1, 2005) (last visited Apr. 10, 2005).

62. TEX. R. GOVERNING B. ADMISSION XIV, *available at* http://www.abanet.org/cpr/jclr/flc_texas.pdf (last visited Apr. 10, 2005).

63. TEX. R. GOVERNING B. ADMISSION XIV (a)(1) requires an FLC applicant who "has been and is currently, admitted to practice law in a foreign country, and while so admitted, has engaged in the practice of law in that country for a period of not less than five of the seven years immediately preceding the date of 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."

64. UTAH BAR R. GOVERNING ADMISSIONS R. 18, *available at* http://www.utcourts.gov/resources/rules/ucja/ch18/18.htm (last visited Apr. 10, 2005).

65. WASH. ADMISSION PRACTICE R. 14, *available at* http://www.abanet.org/cpr/jclr/flc_wash.pdf (last visited Apr. 10, 2005).

66. 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."

67. 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."

68. WASH. ADMISSION PRACTICE R. 14(d)(7).

69. 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).

70. ALASKA B.R. 44.1, *available at* http://www.abanet.org/cpr/jclr/flc_alaska.pdf (last visited Apr. 10, 2005).

71. 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."

72. 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."

73. 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."

74. ARIZ. R. SUP. CT. 33(f), *available at* http://www.abanet.org/cpr/jclr/flc_arizona.pdf (last visited Apr. 10, 2005).

75. ARIZ. R. SUP. CT 33(f)(6)(A)(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."

76. CAL. REGISTERED FOREIGN L. CONSULTANTS R. & REG. § 3.1, *available at* http://calbar.ca.gov/state/calbar/calbar_generic.jsp?cid=10163&id=1309 (last visited Apr. 10, 2005); CAL. GEN. R.CT. 988, *available at* http://www.abanet.org/cpr/jclr/flc_california.pdf (last visited Apr. 10, 2005).

77. 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.

78. CONN. SUP. CT. §2-17-19, *available at* http://www.abanet.org/cpr/jclr/flc_connecticut.pdf (last visited Apr. 10, 2005).

79. 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."

80. D.C. CT. APP. R. 46(c)(4), *available at* http://www.abanet.org/cpr/jclr/flc_dc.pdf (last visited Apr. 10, 2005).

81. R. REGULATING FLA. B. 16-1, *available at* http://www.abanet.org/cpr/jclr/flc_florida.pdf (last visited Apr. 10, 2005).

82. GA. R. GOVERNING ADMISSION PRACTICE , PART E LICENSURE OF FOREIGN LEGAL CONSULTANTS, *available at* http://www.abanet.org/cpr/jclr/flc_georgia.pdf (last visited Apr. 10, 2005).

83. HAW. R. SUP. CT. 14, *available at* http://www.abanet.org/cpr/jclr/flc_hawaii.pdf (last visited Apr. 10, 2005).

84. IDAHO B. COMMISSION R. 205A, *available at* http://www.abanet.org/cpr/jclr/flc_idaho.pdf (last visited Apr. 10, 2005).

85. 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".

86. ILL. FOREIGN LEGAL CONSULTANTS R. 712-713, *available at* http://www.abanet.org/cpr/jclr/flc_illinois.pdf (last visited Apr. 10, 2005).

87. 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 . . ."

88. 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."

89. IND. R. ADMISSION B. 5, *available at* http://www.abanet.org/cpr/jclr/flc_indiana.pdf (last visited Apr. 10, 2005).

90. 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."

91. LA. ST.B. ASS'N §11, *available at* http://www.abanet.org/cpr/jclr/flc_louisiana.pdf (last visited Apr. 10, 2005).

92. LA. ST.B. ASS'N § 11(4)(A) 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 §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."

93. MASS. SUP. JUD. CT.R. 3:05, *available at* http://www.abanet.org/cpr/jclr/flc_mass.pdf (last visited Apr. 10, 2005).

94. MICH R. BOARD L. EXAMINERS 5(E), *available at* http://www.abanet.org/cpr/jclr/flc_mich.pdf (last visited Apr. 10, 2005).

95. 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.

96. MINN. R. ADMISSION B. 10, *available at* http://www.abanet.org/cpr/jclr/flc_minn.pdf (last visited Apr. 10, 2005).

97. MINN. R. ADMISSION B. 10(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."

98. MINN. R. ADMISSION B. 10(E)(8) provides that a foreign legal consultant shall not "render 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."

99. MO. SUP. CT.R. 9.05; 9.08, *available at* http://www.abanet.org/cpr/jclr/flc_missouri.pdf (last visited Apr. 10, 2005).

100. 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."

101. N.J. R. GEN. APPLICATION 1:21-9, *available at* http://www.abanet.org/cpr/jclr/flc_njersey.pdf (last visited Apr. 10, 2005).

102. 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 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."

103. WASH. ADMISSION PRACTICE R. 14, *available at* http://www.abanet.org/cpr/jclr/flc_wash.pdf (last visited Apr. 10, 2005).

104. N.M. R. GOVERNING FOREIGN LEGAL SONCULTANTS 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.".

105. N.Y. R.CT. APP. LICENSING LEGAL CONSULTANTS § 521.1-8, *available at* http://www.abanet.org/cpr/jclr/flc_nyork.pdf (last visited Apr. 10, 2005).

106. 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."

107. N.C. FOREIGN LEGAL CONSULTANTS §84A-1, et. seq., *available at* http://www.abanet.org/cpr/jclr/flc_ncarolina.pdf (last visited Apr. 10, 2005).

108. 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 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."

109. 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."

110. OHIO R. GOVERNING B. XI, *available at* http://www.abanet.org/cpr/jclr/flc_ohio.pdf (last visited Apr. 10, 2005).

111. OR. R. ADMISSION ATTY'S 12.05, *available at* http://www.abanet.org/cpr/jclr/flc_oregon.pdf (last visited Apr. 10, 2005).

112. 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."

113. PENN. B. ADMISSION R. 341-42, *available at* http://pabulletin.com/secure/data/vol35/35-14/597.html (adopted on March 17, 2005 by the Pennsylvania Supreme Court, effective on September 1, 2005) (last visited Apr. 10, 2005).

114. TEX. R. GOVERNING B. ADMISSION XIV, *available at* http://www.abanet.org/cpr/jclr/flc_texas.pdf (last visited Apr. 10, 2005).

115. TEX. R. GOVERNING ADMISSION B. XIV (g) provides that "[a] Foreign Legal Consultant may render legal services and give professional legal advice only on the law of the foreign country where the legal consultant is admitted to practice, subject, however, to the limitations that such person shall not: . . . (5) otherwise render professional legal services or advice on the law of the State of Texas or of the United States 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)."

116. UTAH BAR R. GOVERNING ADMISSIONS R. 18, *available at* http://www.utcourts.gov/resources/rules/ucja/ch18/18.htm (last visited Apr. 10, 2005).

117. 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."

118. WASH. ADMISSION PRACTICE R. 14, *available at* http://www.abanet.org/cpr/jclr/flc_wash.pdf (last visited Apr. 10, 2005).

119. 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."