

A Comparative Analysis of U.S. Foreign Legal Consultant Rules

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The following tables present a comparative analysis of the foreign legal consultant rules governing foreign lawyers in the 24 jurisdictions that have adopted such rules as of May 2003.¹ These rules permit lawyers educated and licensed outside of the United States to practice to a limited extent in these jurisdictions, without taking a bar exam, based upon their home-country expertise.²

The foreign legal consultant rules follow a basic approach that includes standards relating to the necessary qualifications for foreign lawyers wishing to obtain the legal consultant license, application procedures, scope of permitted practice in the U.S. jurisdiction, and obligations for continuing use of the license. The ABA's Model Rule on the Licensing of Foreign Legal Consultants provides a basis for comparing the rules on these issues. While the 24 jurisdictions follow the basic approach of the Model Rule in addressing each of the four basic issues – qualifications, standards, scope of practice and obligations - they are characterized by great variety in their details, and it is in the details that one discovers the real opportunities offered by the rules.

The following two tables present an analysis of certain aspects of the foreign legal consultant rules, using the ABA Model Rule as the basis for comparison.³ In Table 1, the qualifications necessary for obtaining a legal consultant license are set out in the first three columns. Nearly every jurisdiction requires the foreign lawyer to have been admitted and to be in good standing in the lawyer's home jurisdiction for a certain period of time; most of the jurisdictions require admission and good standing for five of the seven years preceding the application. Most states require the foreign lawyer to have practiced law during this period, and certain states require that the practice have been accomplished in the country where the foreign lawyer is admitted. These qualification standards are described in columns two and three of Table 1. Column four addresses an

* Senior Lecturer, Northwestern University School of Law. These Tables were prepared for the Transnational Legal Practice Committee of the American Bar Association's Section of International Law & Practice, as part of the Committee's effort to further the process of liberalization of practice opportunities for lawyers working outside of their home jurisdictions. I am grateful to the members of the Steering Committee of the Transnational Legal Practice Committee for helpful comments and encouragement. All errors remain my responsibility. Please direct all comments to me at c-silver@law.northwestern.edu, 312-503-0765.

¹ I have included the 50 states and the District of Columbia in my research. According to the ABA Comprehensive Guide to Bar Admissions, the Virgin Islands also has enacted a foreign legal consultant rule. See Chart XII, available at <http://www.abanet.org/legaied/publications/compguide2003/licensesregistration.pdf> (visited 6/23/03).

² For a history of the foreign legal consultant rules and regulatory category, see Cone, International Trade in Legal Services, chapt. 3 (1996); Louis B. Sohn, "ABA 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 (1994).

³ For a more complete analysis of the rules, see [Silver, to come].

additional qualification for the license required in certain jurisdictions - the need for the foreign lawyer to have established residency and/or an office in the jurisdiction.

Once a foreign legal consultant license is issued, the foreign lawyer must take care not to hold her/himself out as a member of the bar. Column five includes the regulatory requirements about the authorized title for foreign legal consultants; generally, they must use the title “foreign legal consultant” or its equivalent in the particular jurisdiction, and the name of the country in which they are admitted to practice. Certain states also permit the use of a law firm with which they are affiliated, although a number of the jurisdictions state this in terms of a firm in their home country, leaving open the question of their ability to use the name of a U.S. law firm. The opportunity to be affiliated with a law firm in the licensing jurisdiction is addressed in Column six. Column seven includes information about a foreign legal consultant’s obligation to inform the U.S. licensing jurisdiction of any change in her/his home country status; for example, if the foreign lawyer loses her right to practice in her home country, the legal consultant status might be withdrawn as a result of these provisions.

Table 2 includes information on the scope of practice allowed to foreign legal consultants, among other issues. The information on scope of practice is divided into six categories. The first four correspond to the Model Rule restrictions on practice in certain forums and substantive areas – appearing 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 inappropriate areas for practice by foreign lawyers.⁴ A number of jurisdictions permit foreign legal consultants to advise on local state and U.S. law if this advice is based upon consultation with a locally-admitted lawyer. This information is included in Column six of Table 2, which provides detail about the extent of the consultation with the local lawyer and the nature of the information about this consultation that must be disclosed to the client. Column seven addresses the general scope of practice prescribed by the rules; certain jurisdictions explicitly limit foreign legal consultants to advising on the law of their home jurisdictions, while others only prohibit advice on state and U.S. federal law, leaving open the opportunity to advise on the law of the foreign legal consultant’s home country, international law, and the law of third countries.

The need for insurance or other assurance against client loss is addressed in Column eight. Columns nine and ten focus on whether foreign legal consultants are subject to the same ethical and professional rules applicable to local lawyers in the jurisdiction, and whether the work of foreign legal consultants is covered by professional privileges applicable to local lawyers.

⁴ 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 that 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.

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A separate category for requirements that distinguish a particular jurisdiction's foreign legal consultant rules from those of other U.S. jurisdictions and the Model Rule is included in Table 1, under "Other."

TABLE 1

**Comparison of
ABA Model Rule for the Licensing of Legal Consultants
with State FLC Rules.**

Jurisdiction	How many years of experience are required, if any?	Where must the experience be obtained?	Is there a residency requirement (intent to practice in state; intent to maintain an office in state (these are apart from requirement of address for service of process))?	Limitation on FLC Title	Relations with local lawyers allowed	Notice re: change in home country status?	Other
American Bar Association Model Rule	At least 5 of 7 years preceding application (“actually been engaged in the practice of law”).	Practice may be in the home country or elsewhere.	Yes. Intent to practice and maintain office.	May use name, firm, home country title, home country name, “legal consultant” and “admitted to the practice of law in [home country]”. Sec. 6(g).	Affiliation, employment and partnership. Sec. Sec. 5(b).	Yes. Sec. 6 (a)(ii)(C).	
Alaska	Not less than 5 of the 7 years immediately preceding the application (practice is required). Rule 44.1(b)(1).	Ambiguous, but may require practice in home country ¹ Rule 44.1(b)(1)(B).	Yes. Intent to practice in Alaska. ² Rule 44.1(b)(3).	Must use “foreign law consultant.” May also use, with “foreign law consultant” title, home country title, firm name, and name of foreign country. Rule 44.1(e)(7). ³	No provision.	Yes. Rule 44.1(f)(2)(D).	Rule 44.1(b)(2) regarding presumption of good moral character (see note 3)
Arizona	Not less than 5 of 7 years (practice is required). Rule 33(f)(2)(A).	Ambiguous but may require practice in home country ⁴ Rule 33(f)(2)(A).	Yes. Intent to practice as an FLC in Arizona and maintain an office in Arizona. Rule 33(f)(3)(C).	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. Rule 33(f)(6)(B). ⁵	Yes; FLCs may employ local lawyers, be employed by or in partnership with them, or be a shareholder in a professional corporation. Rule 33(f)(7)(A).	No provision.	Must complete state bar course on professionalism within one year of licensing and immigration documentation required. Rules 33(f)(9) and 33(f)(2)(D).

Jurisdiction	Years of experience required?	Location of experience?	Required residency or in-state office?	Limitation on FLC Title	Relations with local lawyers allowed	Notice re: change in home country status?	Other
California	At least 4 of the 6 years immediately preceding the application (actual practice is required). Rule 988(c)(1) and Sec. 3.1.	Requires only that FLC have “actually practiced the law of that country” of admission. ⁶ Rule 988(c)(1) and Sec. 3.1.	No. Rule 988(c)(4) and Sec. 7.1.	Yes, must use title “Foreign Legal Consultant” and name of home country; may also use home country title and name of employer. Rules 10.4 and 10.1-3.7	No specific provision, but Rule 10.3 refers to employment.	Yes. Rules 14.2.2, 3.5 and Rule 988(c)(5).	Filing changes in address, good standing, legal insurance, status in home country and filing fee. Rule 14.2.
Connecticut	Not less than 5 of the 7 years immediately preceding application (practice is required). Sec. 2-17(1).	Practice experience must have been accomplished in the home country. ⁸ Sec. 2-17(1).	No. Sec.2-20(2)(C).	May only use title “Foreign Legal Consultant” and in conjunction may indicate home country. Sec. 2-19(2).	No provision.	Yes. Sec. 2-20(a)(3).	None.
District of Columbia	None specified (applicant must have been admitted and in good standing). See Rule 46(c)(4)(A)(1).	None specified. See Rule 46(c)(4)(A)(1) ⁹ .	Yes. Applicants must intend to practice as special legal consultants in D.C. and to maintain an office in D.C. for practicing. ¹⁰ Rule 46(c)(4)(A)(3)	May only use “Special Legal Consultant,” home country title, or name of firm <i>in home country</i> , each with name of home country. Rule 46(c)(4)(D)(6) and (D)(7).	No provision.	Yes. Rule 46(c)(4)(E)(1)(b)(iv).	None.
Florida	Not less than 5 of 7 years immediately preceding application (practice is required). Rule 16-1.2(a) and (b).	Practice experience must have been in the law <i>of the jurisdiction</i> in which the applicant has been admitted, but does not require practice in that jurisdiction. ¹¹ Rule 16-1.2(b).	Yes. Must maintain office in Florida for the rendering of services (intent is insufficient). Rule 16-1.2(i).	Must use only title “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. Rule 16-1.3(b).	No provision.	Yes. Terminate license on basis of suspension in home country. ¹² Rules 16-1.4(a)(6) and 16-1.5(b).	Home country profession to have disciplinary system generally consistent with that of The Florida Bar. Rule 16-1.2(c). Written retainer agreements required. ¹³ Rule 16-1.3(a)(2)(F).
Georgia	Not less than 5 of the 7 years immediately preceding application (actual practice is required). Sec. 3(a).	Applicant to have practiced the “law of such country” – no location	No. Sec 5(c)(2).	Must use only “foreign law consultant”, and may use home country title and firm name with name of foreign country along	No provision.	Yes. Sec. 5(c)(3). The certification as an FLC automatically terminates of license if not	Notification of any lawsuit brought against the consultant ... [related to] any

Jurisdiction	Years of experience required?	Location of experience?	Required residency or in-state office?	Limitation on FLC Title	Relations with local lawyers allowed	Notice re: change in home country status?	Other
		specified. 14 Sec. 3(a).		with the FLC title. Sec. 2(g).		in good standing in home jurisdiction. 15 Sec. 7(b).	legal services rendered or offered to be rendered by the consultant within GA or any other jurisdiction. Sec. 5(c)(4). The certification as an FLC automatically terminates of license if not in good standing in home jurisdiction. 16 Sec. 7(b).
Hawaii	Not less than 5 of the 7 years immediately preceding the application (practice is required). Rule 14.1(a)	Ambiguous but may require practice in the home country. ¹⁷ Rule 14.1(a).	Applicant must intend to practice in Hawaii. Rule 14.1(c), 14.5(a)(3).	May use only “foreign law consultant” and authorized title and firm name in home country with name of foreign country and FLC title. Rule 14.4(g).	No provision.	Yes. Rule 14.5(b)(4).	FLC shall be subject to the exclusive disciplinary jurisdiction of the Court and the Disciplinary Board. Rule 14.5(a).
Illinois	Not less than 5 of the 7 years immediately preceding the date of application (practice is required). Rule 712(a)(1).	Applicant must have been “engaged in the practice of law of such country” of admission. ¹⁸ Rule 712(a)(1).	Applicant must intend to practice in IL and to maintain an office for such purpose in IL. Rule 712(a)(4).	May use only “foreign legal consultant” and name of home country. May also identify law firm (domestic or foreign). Rule 712(e)(10).	No specific provision, but implication that employment is permitted in R. 712(e)(9)19 and 712(b)(6). ²⁰ 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 . . .” Rule 712(e)(9).	No specific provision.	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”. Rule 712((e)(6) & (7). Surety before

Jurisdiction	Years of experience required?	Location of experience?	Required residency or in-state office?	Limitation on FLC Title	Relations with local lawyers allowed	Notice re: change in home country status?	Other
							foreign legal consultant takes valuables on behalf of clients residing in the U.S. Rule 713(h).
Indiana	At least 5 of the 7 years preceding the application (practice is required). Rule 5(1)(b).	The experience must be in practicing the law of the home country, but it is not necessary that the work be accomplished in that country. ²¹ Rule 5(1)(b).	Yes. Applicant must intend to practice as an FLC in IN and to maintain an office for such purpose in IN. Rule 5(1)(d).	Must use “foreign legal consultant” and name of home country. May also identify law firm (domestic or foreign). Rule 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. Rule 5(5)(b).	Yes. Change in good standing. ²² Rule 5(6)(a)(i)(B).	Admission to the bar of Indiana results in FLC license being superseded. Rule 5(9).
Louisiana	5 years immediately preceding the application (practice is required or working full-time as a professor or instructor in the foreign law). Sec. 11(1)(A)(2).	Practice of home country law, but does not specify that practice must be in home country. ²³ Sec. 11(1)(A)(2).	No. Sec. 11(5)(2)(b).	May use personal name, firm (foreign/domestic) name, name of home country and home country title, and “Licensed Consultant on the Law of [home country]”. Sec. 11(4).	Yes. Affiliations, employment of or by, and partnership with Louisiana lawyers, law firms and professional law corporations is permitted. Sec. 11(7)(A)(2)(a).	Yes. Sec. 11(5)(A)(2)(c).	FLC may not be a notary public. Rule 11(4)(B).
Massachusetts	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. ²⁴ Rule 3:05(1.2)(b).	Yes. Applicant must intend to practice in MA and to maintain an office in MA for that purpose. Rule 3:05(1.2)(d).	May use personal name, firm name, home country title and name of home country, “foreign legal consultant, admitted to the practice of law in [home country]”. Rule 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. Rule 3:05(6.2)(a)-(c).	Yes. Rule 4:02(1A).	Admission to the bar of Mass renders certificate of FLC superseded. Rule 3:05(9).
Michigan ²⁵	At least 3 of the 5 years immediately preceding the application (actual practice is required). Rule 5(E)(a)(1).	Practice must in the home country. ²⁶ Rule 5(E)(a)(1).	Applicant must be a resident of MI or another U.S. state or D.C., and must maintain an office in MI (intent is insufficient). Rule 5(E)(a)(4).	May use “special legal consultant” with name of home country, and may also use title or firm name of home country. Rule 5(E)(d)(2).	No specific provision.	Yes. Rule 5(E)(c)(4)(ii).	None.
Minnesota	At least 5 of the 7 years immediately preceding the	The experience must have been obtained in the	Yes. Applicants must maintain an office in MN for	May use only “Foreign Legal Consultant, Not Admitted to Practice Law	No specific provision.	Yes. Rule 10(F)(3)(d).	Written retainer with name of MN lawyer before

Jurisdiction	Years of experience required?	Location of experience?	Required residency or in-state office?	Limitation on FLC Title	Relations with local lawyers allowed	Notice re: change in home country status?	Other
	application (practice is required). Rule 10(B)(2).	home country. ²⁷ Rule 10(B)(2).	purposes of serving as FLC (intent is insufficient). Rule 10(B)(6).	in Minnesota,” and also may state title and firm name in home country, and name of home country. Rule 10(E)(7).			holding client funds. ²⁸ Rule 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. Rule 10(E)(8).
Missouri	Not less than 5 of the 10 years immediately preceding the original application; practice must have been “full-time.” Rule 9.05(a).	Practice in home country not required. ²⁹ Rule 9.05(a).	Applicant must be “associated with a law office for such practice in this state”. Rule 9.05(e).	May use “Foreign Legal Consultant” and title and name of home country, and firm name in home country. ³⁰ Rule 9.10(e).	No specific provision but FLC must be associated with a law office in Missouri. Rule 9.10(e).	No notification duty. Suspension of certificate if requirements for license fail to exist. Rule 9.11(b).	Must furnish proof of passing the Multistate Ethics Exam within 1 year of certification. Rule 9.05(f). Must be associated with a law office in Missouri in order to obtain FLC certification. Rule 9.05(e).
New Jersey	Not less than 5 of the 7 years immediately preceding the application (practice is required). Rule 1:21-9(b)(1).	Ambiguous but intent may be to require practice in home country. ³¹ Rule 1:21-9(b)(1).	Yes. Intent to maintain a <i>bona fide</i> NJ office for practice as a FLC is required. Rule 1:21-9(b)(3).	May use “foreign legal consultant” and title and firm name in home country, name of home country. Rule 9(e)(7).	No specific provision.	No specific provision.	None.
New Mexico	At least 5 of the 7 years prior to the filing of the application (“has been actively engaged in the actual practice of law”). Rule 26-101(A)(1).	The experience must have been in the home country. ³² Rule 26-101(A)(1).	No. Rule 26-102(A)(5).	May use “Foreign Legal Consultant,” individual’s name, or firm name in home country, and additional information permitted on business card or letterhead. ³³ Rule 26-103(E).	No specific provision.	Yes. Rule 26-102(A)(6). See also Rule 104(C)(3) re: informing of actions based on services provided in NM.	None.
New York	At least 3 of the 5 years immediately	Home country practice not	Yes. Intent to practice in NY	May use name, firm name, home country title,	FLCs may affiliate with NY lawyers through	Yes. Sec. 521.5(a)(2)(iii) and	None.

Jurisdiction	Years of experience required?	Location of experience?	Required residency or in-state office?	Limitation on FLC Title	Relations with local lawyers allowed	Notice re: change in home country status?	Other
	preceding the application (“has actually been engaged in the practice of law”). Sec. 521.1(a)(2).	required. ³⁴ Sec. 521.1(a)(2).	and to maintain an office in NY for that purpose. Sec. 521.1(a)(5).	the title “legal consultant” and “admitted to the practice of law in [home country]”. Sec. 521.3(g).	employment, partnership and being a shareholder in a professional corporation. Sec. 521.4(b).	521.8.	
North Carolina	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. Sec. 84A-1(a)(1) and Sec. 84A-1(a)(5).	Practice in the home country is required. ³⁵ Sec. 84A-1(a)(5).	Yes. Intent to practice and maintain an office in NC. Sec. 84A-1(a)(3).	May use “foreign legal consultant” and title and firm name in home country. Sec. 84A-4(b)(9).	Prohibits hiring an FLC as a partner or member; FLCs must be supervised by an NC lawyer. ³⁶ Sec. 84A-4(10).	Yes. Sec. 84A-5(5)(c).	Sec. .0104 places the burden of proving character and fitness on FLC.
Ohio	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). Rule XI (1)(A).	There is no requirement of practice experience, in the applicant’s home country or elsewhere. ³⁷	Intent to practice and maintain an office in OH. Rule XI (1)(D).	Must use “Foreign Legal Consultant” and name of home country, and may also use title and firm name in home country. Rule XI (6).	No specific provision.	Yes. Rule XI (7)(A)(3)(c).	None.
Oregon	Not less than 5 of the 7 years immediately preceding the application (must have either practiced law or another profession that requires admission as an attorney). Rule 12.05(2)(a)(ii).	Ambiguous on location of practice. ³⁸ Rule 12.05(2)(a)(ii).	The rule requires an applicant intend to practice in OR (but there is no requirement of maintaining an office). Rule 12.05(2)(c).	May use “foreign law consultant” and title and firm name in home country and name of home country. Rule 12.05(5)(h).	No specific provision.	Yes. Rule 12.05(6)(b)(iv).	Rule 12.05(3)(c) regarding certification of good moral character. ³⁹
Texas	Not less than 5 of the 7 years immediately preceding the	Experience must be obtained in home country	Yes. Applicant must be “an actual resident” of Texas (intent insufficient).	May use “Foreign Legal Consultant” or title and/or firm in home country, and name of	No specific provision.	No. But see R. XIV (b)(7) re: duty to inform of lawsuits based on services	None.

Jurisdiction	Years of experience required?	Location of experience?	Required residency or in-state office?	Limitation on FLC Title	Relations with local lawyers allowed	Notice re: change in home country status?	Other
	application (must have “engaged in the practice of law”). Rule XIV (a)(1).	practice. ⁴⁰ Rule XIV (a)(1).	Rule XIV (a)(3).	home country. R. XIV (g)(7).		rendered in Texas.	
Utah	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. Intent to practice in Utah and to maintain an office in Utah. Sec. 16-1(c) and (e).	No specific provision.	Affiliation and partnership. Ethics opinion 96-14 (1997).	No specific provision.	FLCs must pass the MPRE and complete the one-day Utah State Bar Ethics School. Rule 16-1(d) & (e).
Washington	At least 5 of the 7 years immediately preceding the application (“active legal experience” is required). Rule 14(b)(1)(i).	Practice in country of admission is not necessary. ⁴¹ Rule 14(b)(1)(i).	No. Rule 14(c)(1)(iii).	May use “Foreign Law Consultant” and home country title, firm name from home country, and name of home country. Rule 14(d)(7).	No specific provision.	Yes. S. Ct. continues to have jurisdiction over FLC, even if does not reside in WA. Rules 14(f)(2) and 14(e).	S. Ct. can revoke FLC license with or without cause. Rule 14(g).

¹ Alaska 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.

² See also, Alaska R. 44.1(f)(2)(C), which requires an applicant to file a document stating current address in Alaska for purposes of service of process.

³ Alaska 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.’”

⁴ Arizona R. 33(f)(2)(A) requires that FLC applicants must “For 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*.

⁵ Arizona R. 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. His or her own name; ii. The name of his or her law firm; iii. His or her authorized title in the foreign country of his or her admission to practice, which may be used in conjunction with the name of such country.”

⁶ Cal. R. 3.1 requires FLC applicants to “Present 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)

⁷ Cal R. 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.””

⁸ Conn. Sec. 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)

⁹ D.C. 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”.

¹⁰ D.C. R. 46(c)(4)(A)(3) provides that if the applicant is a law teacher at an ABA approved law school, the residency requirement may be satisfied by the applicant’s office at the law school.

¹¹ Fla. R. 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”.

¹² Fla. R. 16-1.4(a)(5)(B) requires FLC to authorize Florida to notify FLC home country authorities of any disciplinary action taken against the FLC in Florida.

¹³ Fla. R. 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.”

¹⁴ Ga. Sec. 3(a) provides that an applicant must “have been admitted to practice and have been in good standing as an attorney or counselor at law in a foreign country for a period of not less than five (5) of the seven (7) years immediately preceding the date of application and while so admitted have actually practiced the law of such country”.

¹⁵ Ga. Sec. 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.”

¹⁶ Ga. Sec. 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.”

¹⁷ Hawaii R. 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”.

¹⁸ IL 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”.

¹⁹ IL 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”.

²⁰ IL 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”.

²¹ IN R. 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”.

²² IN R. 5(8) provides that if the foreign legal consultant no longer meets the requirements of good standing or good moral character or fitness, the license will be revoked.

²³ LA Sec. 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 preceding[sic] the application”.

²⁴ Mass. 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”.

²⁵ Mich. R. 5(E)(a)(3) provides that “To 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.

²⁶ Mich. R. 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”.

²⁷ Minn. R. 10(B)(2) provides that an applicant must “as principal occupation, have been engaged in the practice of law of that country in that country for at least five of the seven years immediately preceding the application”. R. 10(B)(3) further provides that applicants must “be in current good standing as an attorney . . . in that country, and have remained in good standing throughout the period of his/her practice”.

²⁸ Minn. R. 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.”

²⁹ Missouri 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”.

³⁰ Missouri 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.

³¹ New Jersey R. 1:21-9(b)(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”.

³² N.Mex. R. 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”.

³³ New Mexico R. 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.”

³⁴ NY Sec 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”.

³⁵ N. Carolina Sec. 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”. Sec. 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”.

³⁶ N. Carolina Sec. 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”.

³⁷ Ohio R. 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”.

³⁸ Oregon R. 12.05(2)(a) 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”.

³⁹ Oregon R. 12.05(3)(c) regarding authorizing the Board of Bar Examiners to investigate applicants for foreign legal consultant status for good character, provides “an applicant may not be recommended for admission as a foreign law consultant in the state of Oregon unless at least a majority of all nonrecused members of the Board of Bar Examiners considers the applicant to be of good moral character and to have the general fitness to practice as a foreign law consultant”.

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⁴⁰ Texas R. 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”.

⁴¹ Wash. R. 14(b)(1)(i) provides that a FLC applicant must “Present 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”.

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TABLE 2

**Comparison of
ABA Model Rule for the Licensing of Legal Consultants
with State FLC Rules.**

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?	Malpractice Insurance Required	Subject to Rules of Prof Conduct	Same privileges as Bar member (attorney-client privilege and work-product privilege)
American Bar Association	Yes (An FLC may 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 pursuant to [citation of applicable rule])”). Sec. 4(a).	Yes (An FLC may not “prepare any instrument effecting the transfer or registration of title to real estate located in the United States”). Sec. 4(b).	Yes (An FLC may not prepare “any will or trust instrument effecting the disposition on death of any property located in the United States of America and owned by a resident thereof, or ... any instrument relating to the administration of a decedent’s estate in the United States”). Sec. 4(c)(i) and (ii).	Yes (An FLC may not “prepare any instrument in respect of the marital or parental relations, rights or duties of a resident of the United States of America, or the custody or care of the children of such a resident”). Sec. 4(d).	Yes. Sec. 4(e).	Only advice on law of host state or U.S. is prohibited. Sec. 4(e).	Yes. Sec. 6 (a)(ii)(B).	Yes. Sec. 5(a) and Sec. 6 (a)(ii)(A).	Yes. Sec. 5(b).

Jurisdiction	Scope: no court appearances	Scope: no real estate	Scope: no estates and trusts	Scope: no family law	Scope: local law with advice of local lawyer?	Scope: advice limited to FLC's home country law?	Malpractice Insurance Required	Subject to Rules of Prof Conduct	Same privileges as Bar member?
Alaska	Yes (same ¹ as Model Rule). Rule 44.1(e)(1). ²	Yes (same as Model Rule). Rule 44.1(e)(2) ³	Yes (same as Model Rule). Rule 44.1(e)(3). ⁴	Yes (same as Model Rule). Rule 44.1(e)(4). ⁵	Ambiguous - If advice is required from someone admitted in a jurisdiction other than the one where the FLC is admitted, the FLC may obtain such advice from an admitted lawyer in writing and transmit the written legal advice to the client ⁶ Rule 44.1(e)(5).	Yes (international law is not specified as either excluded or appropriate for advice). Rule 44.1(e)(5). ⁷	Yes, in an "amount as the Court may prescribe". Rule 44.1(f)(2)(B).	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 professional responsibility. Rule 44.1(f)(1) and (2)(A). ⁸	No reference.
Arizona	Yes (same as Model Rule). Rule 33(f)(6)(A)(i).	Yes (same as Model Rule). Rule 33(f)(6)(A)(ii).	Yes (same as Model Rule). Rule 33(f)(6)(A)(iii) and (iv).	Yes (same as Model Rule). Rule 33(f)(6)(A)(v).	Yes. Rule. 33(f)(6)(A)(vi) permits an FLC to advise on state or federal law "in 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). ⁹	No. Only advice on law of Arizona or U.S. is prohibited. Rule 33(f)(6)(A)(vi).	No provision	By implication – FLC is "subject to the same conditions and requirements as apply to a member of the state bar . . ." Rule 33(f)(7).	Yes, including "attorney-client privilege, work-produce privilege, and other professional privileges". Rule 33(f)(7)(B).
California	Yes (same as Model Rule, and	Yes (same as Model Rule).	Yes (essentially the same as	Yes (same as Model Rule).	No. Rule 988(d)(5)	Yes (international law is not specified).	Yes (either insurance, letter of	Yes. Rule 988(c)(6)	Yes (and privileges are

Jurisdiction	Scope: no court appearances	Scope: no real estate	Scope: no estates and trusts	Scope: no family law	Scope: local law with advice of local lawyer?	Scope: advice limited to FLC's home country law?	Malpractice Insurance Required	Subject to Rules of Prof Conduct	Same privileges as Bar member?
	in addition, FLC may not "prepare pleadings or any other papers or issue subpoenas in any action or proceeding brought in any court or before any judicial officer"). Rule 988(d)(1) and Rule 9.1.	Rule 988(d)(2) and Rule 9.2.	Model Rule). Rule 988(d)(3) and Rule 9.3.	Rule 988(d)(4) and Rule 9.4.	and Rule 9.5. ¹⁰	Rule 988(d)(5) and Rule 9.5.	credit, or written guarantee executed by active Cal bar member). Rule 988(c)(3) and Sec. 6.0 of the Foreign Legal Consultant Rules. ¹¹	and (7), Rules 3.7 and 3.8.	specified). Rule 3.9.
Connecticut	No provision.	No provision.	No provision.	No provision.	No. Sec. 2-19.	Yes. Sec. 2-19. ¹²	Yes (in amounts required by Court). Sec. 2-20(a)(2)(B).	Yes. Sec. 2-20(a)(1) and 2-20(a)(2)(A).	Yes (but no specific mention of privileges is made). Sec. 2-21(a).
District of Columbia	Yes (same as Model Rule, and, in addition, Special Legal Consultants may not appear for others as attorney before administrative agencies and may not prepare pleadings or papers or issue subpoenas in such proceedings). Rule 46(c)(4)(D)(1).	Yes (same as Model Rule). Rule 46(c)(4)(D)(2).	Yes (same as Model Rule). Rule 46(c)(4)(D)(3).	Yes (same as Model Rule). Rule 46(c)(4)(D)(4).	Yes. Rule 46(c)(4)(D)(5). The Special Legal Consultant may advise on D.C. or US 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). Rule 46(c)(4)(D)(5).	Yes. Rule 46(c)(4)(E)(1)(b)(i).	Yes. Subject to the Code of Professional Responsibility of the American Bar Association, as amended by the Court. Rules 46(c)(4)(E)(1)(a) and 46(c)(4)(E)(1)(b)(i) and 46(c)(4)(F)(1).	Yes (no specific mention of privileges is made). Rule 46(c)(4)(F)(1).
Florida	Yes (same as Model Rule, and in addition an	Yes (same as Model Rule, and also may	Yes (same as Model Rule). Rule 16-	Yes (same as Model Rule). Rule 16-	No. Rule 16-1.3 does not provide	Yes. Rule 16-1.3(a)(1). In addition, all advice	Disclosure in writing to client of extent of	Yes. Rule 16-1.4(a)(5); 16-	No provision.

Jurisdiction	Scope: no court appearances	Scope: no real estate	Scope: no estates and trusts	Scope: no family law	Scope: local law with advice of local lawyer?	Scope: advice limited to FLC's home country law?	Malpractice Insurance Required	Subject to Rules of Prof Conduct	Same privileges as Bar member?
	FLC may not appear as attorney before a "governmental agency, quasi-judicial, or quasi-governmental authority in the state of Florida, and may not prepare papers or pleadings for such proceedings). Rule 16-1.3(a)(2)(A)	not prepare any instrument affecting title to personal property located in the US, except if governed by home country of FLC). Rule 16-1.3(a)(2)(B).	1.3(a)(2)(C).	1.3(a)(2)(D).	for this; Rule 16-1.3(a)(2)(E). ¹³	must be rendered pursuant to a "written retainer agreements that shall specify in bold type that the foreign legal consultant is not admitted to practice law in the state of Florida . . ."	insurance. ¹⁴ Rule 16-1.3(b).	1.6(a); and 16-1.2(g).	
Georgia	Yes (same as Model Rule, and appearing before administrative agencies is also prohibited, as is preparing papers, pleadings and issuing subpoenas relating to such proceedings). Sec. 2(a).	Yes (same as Model Rule). Sec. 2(b).	Yes (same as Model Rule). Sec. 2(c).	Yes (same as Model Rule). Sec. 2(d).	No. Sec. 2 and 2(e). ¹⁵	Yes. Sec. 2 and 2(e).	No provision.	Yes. Sec. 7(a) and Sec. 5(c)(1).	No specific provision.
Hawaii	Yes (same as Model Rule, and in addition may not prepare pleadings or other papers). Rule 14.4(a).	Yes (same as Model Rule). Rule 14.4(b).	Yes (same as Model Rule). Rule 14.4(c).	Yes (same as Model Rule). Rule 14.4(d).	Yes. Advice from licensed attorney who has been consulted in particular matter and ID to client by name. Rule 14.4(e).	Yes. Excludes HI, U.S., other states, D.C. and other foreign countries where FLC not admitted. Rule 14.4(e).	Yes. Rule 14.5(b)(2).	Yes, and the FLC "shall be subject to the <i>exclusive</i> disciplinary jurisdiction of this court and the Disciplinary Board." (emphasis added) Rule 14.5(a).	No specific provision.
Illinois	Yes (same as	Yes (same as	Yes (same as	Yes (same as	No.	Yes.	Yes.	Yes.	No provision.

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Jurisdiction	Scope: no court appearances	Scope: no real estate	Scope: no estates and trusts	Scope: no family law	Scope: local law with advice of local lawyer?	Scope: advice limited to FLC's home country law?	Malpractice Insurance Required	Subject to Rules of Prof Conduct	Same privileges as Bar member?
	Model Rule, and cannot appear before administrative agency in IL, and may not prepare pleadings, papers or issue subpoenas relating to such proceedings). Rule 712(e)(1).	Model Rule). Rule 712(e)(2).	Model Rule). Rule 712(e)(3) and (4).	Model Rule). Rule 712(e)(5).	Rule 712(e). ¹⁶ 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”. Rule 712((e)(6) & (7).	Rule 712(e); ¹⁷ but 712(a) adds confusion by referring to foreign and international law (see n. 14).	Rules 712(f)(3) and 712(h).	Rule 712(f)(1).	
Indiana	Yes (same as Model Rule). Rule 5(4)(a).	Yes (same as Model Rule). Rule 5(4)(b).	Yes (same as Model Rule). Rule 5(4)(c).	Yes (same as Model Rule). Rule 5(4)(d).	Yes. (ID not required). ¹⁸ Rule 5(4)(e).	Yes. Rule 5(4).	No provision.	Yes. Rule 5(5)(a).	Yes (privileges are specified). Rule 5(5)(b)(ii).
Louisiana	Yes (same as Model Rule). Sec. 11(4)(A)(1).	No specific provision.	No specific provision.	No specific provision.	No. See Sec. 11(4)(A) and 11(4)(A)(2).	Yes. Sec. 11(4)(A) and 11(4)(A)(2). ¹⁹	Yes. Sec. 11(5)(A)(3); Appendix to Art. XIV, Sec. 11 requires minimum coverage of \$500,000 per claim.	Yes. Sec. 11(5)(A) and 11(7)(A)(1).	Yes (privileges are specified). Sec. 11(7)(A)(2)(b).
Massachusetts	Yes (same as Model Rule). Rule 3:05(5.1)(a).	Yes (same as Model Rule). Rule	Yes (same as Model Rule). Rule	Yes (same as Model Rule). Rule	No. Rule 3:05(5.1)(e).	Advising on “law of this Commonwealth or of the United States”	No specific provision.	Yes. Rule 3:05(6.1).	Yes (privileges are specified). Rule 3:05(6.3).

Jurisdiction	Scope: no court appearances	Scope: no real estate	Scope: no estates and trusts	Scope: no family law	Scope: local law with advice of local lawyer?	Scope: advice limited to FLC's home country law?	Malpractice Insurance Required	Subject to Rules of Prof Conduct	Same privileges as Bar member?
		3:05(5.1)(b).	3:05(5.1)(c).	3:05(5.1)(d).		prohibited, so foreign and international law is not prohibited. Rule 3:05(5.1)(e).			
Michigan	No specific provision.	No specific provision.	No specific provision.	No specific provision.	No. Rule 5(E)(d).	Yes. Rule 5(E)(d). ²⁰	No specific provision.	No specific provision. Required to maintain and discharge the responsibilities of active State Bar membership. Rule 5(E)(d).	No specific provision.
Minnesota	Yes (same as Model Rule, and in addition, FLCs may not appear as attorneys before any "federal, state, county or municipal governmental agency, quasi-judicial or quasi-governmental authority in the State of Minnesota" or prepare papers or pleadings relating to such proceedings). Rule 10(E)(1).	Yes (same as Model Rule, and in addition, FLCs may not advise with regard to title to personal property located in the US except to the extent that the law of the FLC's home country is applicable). Rule 10(E)(2). ²¹	Yes (same as Model Rule). Rule 10(E)(3).	Yes (same as Model Rule). Rule 10(E)(4).	No. In addition, a written retainer agreement with limitations in bold required. ²² Rules 10(E), 10(E)(5) and 10(E)(8).	Yes (but international law is not referred to). Rules 5(E) and 5(E)(5).	Yes. Insurance or bond required. Rule 10(F)(3)(b).	Yes. Rules 10(F)(1) and 10(F)(3)(a).	No specific provision.
Missouri	Yes (same as Model Rule, and appearance before administrative agencies also is prohibited, as is preparation of	No specific provision.	No specific provision.	No specific provision.	No. See Rules 9.10 and 9.10(c).	Yes. Rules 9.10 and 9.10(c). ²³	Yes. Rule 9.06(c).	Yes. Rule 9.06(d).	No specific provision.

Jurisdiction	Scope: no court appearances	Scope: no real estate	Scope: no estates and trusts	Scope: no family law	Scope: local law with advice of local lawyer?	Scope: advice limited to FLC's home country law?	Malpractice Insurance Required	Subject to Rules of Prof Conduct	Same privileges as Bar member?
	pleadings, papers or issuance of subpoenas relating to such proceedings). Rules 9.10(a) and 9.10(b).								
New Jersey	Yes (may not appear before court, judicial officer or administrative agency, or sign or file papers in these). Rule 1:21-9(e)(1).	Yes (same as Model Rule). Rule 1:21-9(e)(2).	Yes (same as Model Rule). Rule 1:21-9(e)(3).	Yes (same as Model Rule). Rule 1:21-9(e)(4).	Yes. With ID by name and consultation in particular matter at hand. ²⁴ Rule 1:21-9(e)(5).	Yes (FLCs are restricted from advising on New Jersey, US, other US state, other foreign law, except as provided in Rule 1:21-9(e)(5). Rule 1:21-9(e)(5). See n. 22.	No specific provision.	Yes. Rules 1:21-9(f) and (f)(1).	Yes (but no mention of privileges). Rule 1:21-9(f)(2).
New Mexico	Yes (same as Model Rule, but FLCs MAY appear before administrative agency as permitted by N.Mex rules, and may not prepare papers or pleadings except as permitted for nonadmitted counsel). Rule 26-103(A) and (B).	No specific provision.	No specific provision.	No specific provision.	Yes. ID unnecessary. ²⁵ Rule 26-103(C).	Yes. Rule 26-103 (lead in language) and 26-103(C).	No specific provision.	Yes. Rule 26-104(A).	Yes (privileges are mentioned). Rule 26-104(A)(1).
New York	Yes (same as Model Rule). Rule 521.3(a).	Yes (same as Model Rule). Rule 521.3(b).	Yes (same as Model Rule). Rule 521.3(c).	Yes (same as Model Rule). Rule 521.3(d).	Yes. ID unnecessary. ²⁶ Rule 521.3(e).	No. Limitation in Rule 521.3(e) speaks only to NY and US law.	Yes. Rule 521.5(a)(2)(ii).	Yes. Rules 521.5(a)(1)(i), 521.4 and 521.4(a).	Yes (privileges are specified). Rule 521.4(b)(2).
North Carolina	Yes (FLCs may not appear as attorney before any "judicial	Yes (same as Model Rule). Sec. 84A-4(b)(3).	Yes (same as Model Rule). Sec. 84A-4(b)(4) and (5).	Yes (same as Model Rule). Sec. 84A-4(b)(6).	No. Can transmit written advice of a lawyer to	Yes. Sec. 84A-4(b)(7), ²⁸ but see also Sec. 84A-4(c), n. 25.	Yes. Sec. 84A-5(3).	Yes. Sec. 84A-5(1) and (5)(a).	No specific provision.

Jurisdiction	Scope: no court appearances	Scope: no real estate	Scope: no estates and trusts	Scope: no family law	Scope: local law with advice of local lawyer?	Scope: advice limited to FLC's home country law?	Malpractice Insurance Required	Subject to Rules of Prof Conduct	Same privileges as Bar member?
	officer or State or municipal agency or tribunal" and may not "sign or file in the capacity of an attorney any pleadings, motions, or other documents" in such proceedings) Sec. 84A-4(b)(1) and (2).				client. Sec. 84A-4(c). ²⁷				
Ohio	Yes (same as Model Rule, and in addition FLCs may not appear before any referee or administrative agency in Ohio, and may not prepare papers, pleadings or issue subpoenas in such proceedings). Rule XI (5)(A).	Yes (same as the Model Rule). Rule XI (5)(B)(1).	Yes (same as Model Rule). Rule XI (5)(B)(2) and (3).	Yes (same as Model Rule). Rule XI (5)(B)(4).	Yes. ID and consultation in matter at hand required. Rule XI (5)(C).	No. Only advice on U.S., Ohio and other state law prohibited. Rule XI (5)(C).	Yes. Rule XI (7)(A)(2).	Yes. Rules XI (7)(c) and XI (7)(A)(1).	No specific provision.
Oregon	Yes (same as Model Rule, and in addition may not prepare pleadings or other papers in such proceedings). Rule 12.05(5)(a).	Yes (same as Model Rule). Rule 12.05(5)(b).	Yes (same as Model Rule). Rule 12.05(5)(c) and (d).	Yes (same as Model Rule). Rule 12.05(5)(e).	Yes. ID to client and consultation in particular matter at hand required. Rule 12.05(5)(f).	Yes (advice on law of 3 rd countries is not permitted without consultation with attorney admitted there and ID to client, per R. 12.05(5)(f)). Rule 12.05(5)(f). ²⁹	Yes. Rule 12.05(6)(b)(ii).	Yes. Rule 12.05(6)(a).	No specific provision.
Texas	Yes (same as Model Rule, and also may not appear as attorney before an administrative agency in Texas,	Yes (same as Model Rule). Rule XIV (g)(2).	Yes (same as Model Rule). Rule XIV (g)(3).	Yes (same as Model Rule). Rule XIV (g)(4).	No. Rules XIV (g) and XIV (g)(5).	Yes (FLC may not advise on foreign law if not admitted there). Rules XIV (g) and XIV (g)(5). ³⁰	Yes. Rule XIV (b)(6).	Yes. Rules XIV (e) and XIV (f).	No specific provision.

Jurisdiction	Scope: no court appearances	Scope: no real estate	Scope: no estates and trusts	Scope: no family law	Scope: local law with advice of local lawyer?	Scope: advice limited to FLC's home country law?	Malpractice Insurance Required	Subject to Rules of Prof Conduct	Same privileges as Bar member?
	and may not prepare pleadings, papers or issue subpoenas in such proceedings). Rule XIV (g)(1).								
Utah	Yes (FLCs may not "appear as an attorney in any court in this State in other than a <i>pro se</i> capacity;"). Rule 16-3(a).	Yes. Rule 16-3(c).	Yes. Rule 16-3(c).	Yes. Rule 16-3(c).	No. Rules 16-3 and 16-3(b).	Possibility of advising on foreign and international law is left open (ambiguous). ³¹ Rule 16-3(b).	Yes. Rule 16-2(e).	Yes. Rule 16-2(d).	No specific provision.
Washington	Yes (same as Model Rule, and in addition, FLCs may not prepare pleadings, papers or issue subpoenas in such proceedings). Rule 14(d)(1).	Yes (same as Model Rule). Rule 14(d)(2).	Yes (same as Model Rule). Rule 14(d)(3).	Yes (same as Model Rule). Rule 14(d)(4).	No. Rule 14(d)(5).	Possibility of advising on foreign and international law left open (ambiguous). ³² Rule 14(d)(5).	No specific provision.	Yes. Rule 14(e).	No specific provision.

¹ "Same" in these charts means substantially the same; please consult the text of the rules for details.

² Alaska R. 44.1(e)(1) prohibits foreign legal consultants from appearing "as attorney in any court or before any magistrate or other judicial officer ... or prepare pleadings or any other papers in any action or proceeding brought in any such court or before any such judicial officer ..."

³ Alaska R. 44.1(e)(2) prohibits foreign legal consultants from preparing "any deed, mortgage, assignment, discharge, lease, agreement, sale or any other instruction affecting title to real estate located in the United States of America"

⁴ Alaska R. 44.1(e)(3) prohibits foreign legal consultants from preparing "(A) any will or trust instrument affecting the disposition of any property located in the United States of America and owned by a resident of the United States of America, or (B) any instrument relating to the administration of a decedent's estate in the United States of America"

⁵ Alaska R. 44.1(e)(4) prohibits foreign legal consultants from preparing "any instrument concerning the marital relations, rights or duties of a resident of the United States of America, or the custody or care of the children of a resident"

⁶ Alaska 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;”

⁷ Alaska 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.”

⁸ Alaska 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.” Rule 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”.

⁹ Arizona R. 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;”

¹⁰ California R. 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 R. 9.5

¹¹ For the California Foreign Legal Consultant Rules, see

http://www.calbar.ca.gov/state/calbar/calbar_generic.jsp?sCategoryPath=/Home/Attorney%20Resources/Special%20Services/Foreign%20Legal%20Consultants&sImagePath=Rules.gif&sCatHtmlPath=html/Attorney-Resources_Special-Services_Foreign-Legal-Consultants_Rules_2cer_flcrules.html&sFileType=HTML&sHeading=Rules.

¹² Conn. Sec. 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.”

¹³ Fla. R. 16-1.3(a)(2)(E) provides that an foreign legal consultant may not “render professional legal advice on the law of the State of Florida, the United States, or any other state, subdivision, commonwealth, or territory of the United States, or the District of Columbia (whether rendered incident to the preparation of a legal instrument or otherwise);”

¹⁴ Fla. R. 16-1.3(b) requires foreign legal consultants to “provide clients 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 rule 16-1.3(a)(2)(A)-(F).”

¹⁵ Ga. Sec. 2 provides “A person licensed as a foreign law consultant under these Rules may render legal services and give professional legal advice on, and only on, the law of the foreign country in which the foreign law consultant is admitted to practice, subject, however, to the further limitations that such person shall not: ... (e) render professional legal services or advice on the law of the State of Georgia 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 country other than the country of admission as an attorney or counselor at law (whether rendered incident to the preparation of legal instruments or otherwise)”

¹⁶ IL R. 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 ..."

¹⁷ IL R. 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".

¹⁸ IN R. 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".

¹⁹ LA Sec. 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 Sec. 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."

²⁰ Mich. R. 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.

²¹ Minn. R. 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".

²² Minn. R. 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".

²³ Missouri R. 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) Render 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".

²⁴ New Jersey R. 1:21-9(e) 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".

²⁵ New Mexico R. 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”.

²⁶ NY R. 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”.

²⁷ N.C. Sec. 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.”

²⁸ N.C. Sec. 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.”

²⁹ Oregon R. 12.05(5)(f) 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: ... 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”.

³⁰ Texas R. 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)”.

³¹ Utah R. 16-3 provides that “A person licensed to practice as a Foreign Legal Consultant under this Rule may render legal services in this State 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 this State or on the United States of America (“United States”)”.

³² Washington R. 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) Render 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”.