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the legal profession®

# The IBA Global Cross Border Legal Services in Northern America Report 2019

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## INTRODUCTION

This database was produced for the IBA Bar Issues Commission Trade in Legal Services Committee. It is an extract from a larger Global Crossborder Legal Services database which covers over 140 countries, and more than 220 jurisdictions worldwide. Given the growth of crossborder activity amongst lawyers in Northern America, this extract may be a useful tool for Bar Associations and others interested in looking at how cross border legal services works in different jurisdictions on the continent.

### *How the database was compiled*

The IBA Global Crossborder Legal Services database is available in full on the IBA's website. The jurisdictions covered in this extract have been compiled using the same methodology. This is as follows:

- First desk research was undertaken to find relevant statutory, regulatory and, where appropriate, judicial or Common Law provisions governing the regulation and supply of legal services in the various countries covered in the database.
- These initial results were then sent to the responsible competent authority for verification and if this was not possible, confirmation of the regulatory position was sought from local practising lawyers. The organisation undertaking this verification is mentioned at the end of each jurisdiction's entry, where applicable

### *Sources used*

Wherever possible primary sources have been used. Answers to questions on lawyers' titles, basic qualification requirements, reserved areas of work and responsible competent authorities are drawn in most cases from primary legislation or government gazettes. Competent authorities, who are responsible for the admission and registration of lawyers are the most common source for information on codes of conduct and requirements in relation to practice, including corporate forms in which lawyers may practise, the ability to practise in partnership with host country lawyers or to employ host country lawyer and the existence of other restrictions. Links to the sources used on a country by country basis are included in the body of the database. The World Trade Organisation services database ([www.wto.org](http://www.wto.org)) has been used as the main source of information on countries' market access commitments for legal services and horizontal commitments and its Regional Trade Agreement database for information on the coverage of legal services in RTAs and bilateral trade agreements. Information on the commercial presence of foreign legal providers has been obtained from published commercial sources, such as Chambers and Partners website ([www.chambersandpartners.com](http://www.chambersandpartners.com)) or Legal 500 ([www.legal500.com](http://www.legal500.com)), where possible this has also been verified with registration data held by competent authorities. Information on general investment restrictions has been derived from a variety of sources, including individual government investment agencies and the World Bank's 'Doing Business' website ([www.doingbusiness.com](http://www.doingbusiness.com)). Information on visas and work permits has come from both the horizontal commitments notified to the WTO and from commercial visa procurement agencies.

### ***Notes on Interpretation***

Legal services are defined for the purposes of this database as in UN CPC 861 and arbitration and mediation services, which are frequently conducted by lawyers are also considered. Many countries define the 'practice of law' within their own jurisdictions differently from the UN CPC classification and many also distinguish between services which are regulated and therefore restricted to qualified lawyers (often only locally qualified lawyers) and those services which are unrestricted, subject only to immigration and work permit requirements. The broad approach taken by this database allows us to reflect a fairer picture of overall market access offered by host countries.

Certain terminology has been used throughout this database, such as 'licensing', 'foreign legal consultant rules' and 'fly in fly out'. Many countries do not use this terminology themselves and may, for example, permit foreign lawyer establishment without having a formal FLC regime, but in order to obtain a basis for comparison, we have described arrangements that are considered to have equivalent effect in these sections even if they would not be described locally as such.

There are missing elements in this database which could usefully be added in future. We have not, for example, included any information about disciplinary arrangements, however most of the authorities who are responsible for issuing licences are also the authorities responsible for issuing certificates of good standing to individuals wishing to move across borders.

# Canada

*Is there legislation governing the legal sector*

Governance of the legal profession in Canada is a matter of provincial and territorial responsibility. Every lawyer in Canada and notary in Quebec is required by law to be a member of one of Canada's 14 provincial and territorial law societies and to be governed by its rules. All law societies are members of the Federation of Law Societies of Canada (FLSC), the national coordinating body of the regulators. Each law society in Canada has its own legislation governing the regulation of its members, however, with national mobility of the profession, the law societies recognise the benefit of moving toward a harmonised national standard of rules of conduct.

*Under what title do lawyers practise?*

See provincial information

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

Admission is undertaken at provincial level and requirements may vary.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

Licensing by a provincial or territorial law society entitles a lawyer to practise in that jurisdiction. The law societies have also entered into two National Mobility Agreements that provide broad permanent and temporary mobility rights to members of the legal profession. Lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the Barreau du Québec under a new National Mobility Agreement expected to come into force before the end of 2014. In addition, lawyers can practise temporarily, for a maximum of 100 days, in any of the following: British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Nova Scotia, Newfoundland, New Brunswick, and Prince Edward Island.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

The scope of reserved practice varies according to provincial and territorial legislation.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

The legal forms permissible to lawyers are determined at provincial level.



# Canada

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Ethical rules are determined at provincial level but the Federation of Law Societies of Canada (FLSC) has approved a Model Code of Professional Conduct which is in the process of being implemented by the Canadian law societies. Over time, it is expected that any significant differences in rules of conduct across Canada will be eliminated.  
[http://www.flsc.ca/\\_documents/ModelcodeWTCrevdec2012FI.pdf](http://www.flsc.ca/_documents/ModelcodeWTCrevdec2012FI.pdf) but the

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Licensing is undertaken at provincial level - see relevant body under each province.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licensing is undertaken at provincial level - see relevant body under each province.

*Is the jurisdiction a member of the WTO?*

Canada joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Canada has made GATS commitments in relation to foreign legal consultants (advisory services on foreign and public international law only)

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

Canada is party to the North American Free Trade Agreement (NAFTA) and also has bilateral trade agreements with: Chile, Costa Rica, Israel, Colombia, Peru and the EU.

*Do these currently include legal services or are there plans to include them in future?*

NAFTA includes a chapter on legal services which sets out a process for moving towards the establishment of mutual foreign legal consultancy regimes.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA includes a chapter on legal services which sets out a process for moving towards the establishment of mutual foreign legal consultancy regimes. But this has not yet been implemented.

*Are there any 'foreign law' firms present in this jurisdiction?*

See responses by province. A number of Canadian firms have recently merged with UK and US firms and therefore become part of larger international verein structures.

## Canada

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers who are practising in a Canadian province are required to register as foreign legal consultants. Only the province of British Columbia permits foreign layers to “fly-in fly-out” without a permit. Lawyers who intend to stay for less than six months and do not plan to enter the Canadian labour market and who can demonstrate their main place of business and source of income is located outside Canada and the profits from their business will accrue outside Canada, may obtain visas for business purposes. US and Mexican lawyers have more flexibility to market their services under NAFTA.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Yes

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

See provincial information.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

See provincial information.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

See provincial information.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes

*Are foreign lawyers allowed to appear in court under any circumstances?*

No

*Can foreign lawyers requalify as local lawyers?*

Yes. In order to obtain a full licence to practise law in any province or territory other than Quebec, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to any of the law societies. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates. There is a similar process in Quebec administered by the Barreau du Québec.

## Canada

<i>Can a foreign law firm obtain a licence to open an office?</i>	See provincial information.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	See provincial information.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	No
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	There is no firm-based licensing, so the scope of practice is dictated by the licence of the individual lawyers in the firm. If they are Canadian licensed, they have unrestricted scope but if they are FLCs, they may only advise on their home country law
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	See provincial information.
<i>Are there rules about the name a foreign law firm can take?</i>	See provincial information.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	See provincial information.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	See provincial information.
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	See provincial information.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	See provincial information.

## Canada

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

See provincial information.

*Other useful sources or comments or links*

Federation of Law Societies of Canada: <http://www.flsc.ca/en/>  
and Canadian Bar Association: <http://www.cba.org/>

*Verified by*

Federation of Law Societies of Canada (August 2014)

## Canada - Alberta

*Is there legislation governing the legal sector*

The Legal Profession Act:  
<http://www.lawsociety.ab.ca/lawyers/regulations/lpa.aspx>

*Under what title do lawyers practise?*

Barrister and Solicitor

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To become a lawyer for the first time, a person must: Have a minimum Bachelor of Laws from a Canadian Common Law university (LLB or JD)) or a certificate of qualification from the National Committee on Accreditation of the Federation of Law Societies of Canada certifying that the applicant's academic credentials are at least equivalent to a Canadian common law LLB. Applicants must complete a one year apprenticeship (articling) with a practitioner of the Bar of Alberta, successfully complete the Canadian Centre for Professional Legal Education (CPLED) training program - this is an eight-month program that includes class sessions and online training that must be completed successfully while articling; upon successful completion of all these steps lawyers must register with the Alberta Law Society.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

The holder can practise in the territory of Alberta and, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the Barreau du Québec under a new National Mobility Agreement expected to come into force before the end of 2014. In addition, lawyers can practise temporarily, for a maximum of 100 days, in any of the following: British Columbia, Saskatchewan, Manitoba, Ontario, Nova Scotia, Newfoundland, New Brunswick, and Prince Edward Island.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Appearing in court and advising on the law of Alberta is reserved to Alberta licensed lawyers and other Canadian lawyers pursuant to the national mobility agreements.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Self-employment, partnerships, limited liability, professional corporation

## Canada - Alberta

<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Rules of the Law Society of Alberta: <a href="http://www.lawsociety.ab.ca/files/regulations/Rules.pdf">http://www.lawsociety.ab.ca/files/regulations/Rules.pdf</a> and a Code of Conduct: <a href="http://www.lawsociety.ab.ca/lawyers/regulations/code.aspx">http://www.lawsociety.ab.ca/lawyers/regulations/code.aspx</a>
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	If they wish to form an LLP or a Professional corporation, they need to apply to the Law Society of Alberta for a permit.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Law Society of Alberta
<i>Is the jurisdiction a member of the WTO?</i>	See information for Canada
<i>Has it made any WTO commitments on legal services?</i>	See information for Canada
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	See information for Canada
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Canada
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Canada
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	No
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	Foreign lawyers are required to obtain a permit as a foreign legal consultant. Fly-in-fly-out practice is not permitted without a permit.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	See information for Canada
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant). The foreign lawyer should contact the Alberta Law society for the applicable forms.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has</i>	For detailed information on foreign legal consultants see 'Part 2, Division 5' of The Rules of the Law Society of Alberta.

## Canada - Alberta

*been granted a limited licence (e.g. residency requirement)*

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Must have practised in own jurisdiction for at least three years.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes

*Are foreign lawyers allowed to appear in court under any circumstances?*

No - not without becoming licensed in a Canadian jurisdiction.

*Can foreign lawyers requalify as local lawyers?*

Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates.

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. There is no explicit foreign law firm licensing regime which regulates these arrangements.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Foreign investment in Canada by non-Canadians is subject to a regulated review process governed by the Investment Canada Act (ICA), a federal department called Industry Canada and a federal agency called Investment Canada. The ICA provides that every foreign investor (defined by the ICA as a "non-Canadian") must file a Notification with Industry Canada (unless the investment is specifically exempt under the ICA), every time a non-Canadian begins a new business activity in Canada or acquires control of an existing business in Canada.

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

Not applicable

*Is there a quota on the number of licences available?*

Not applicable

## Canada - Alberta

<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	They can advise on home and international law.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not known
<i>Are there rules about the name a foreign law firm can take?</i>	The Rules of the Law Society of Alberta, Rule 78(2) provides that a licensed foreign legal consultant when engaging in advertising or other form of marketing activity in Alberta must use the designation 'licensed foreign legal consultant', must state the country where they are qualified to give legal advice and shall not use any designation which might lead a reasonable person to conclude that the consultant is a member of the Law Society.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Foreign legal consultants who are not also licensed to practise law in Alberta may not be a partner in a limited liability partnership in Alberta, and foreign legal consultants may not own shares in a professional corporation that is carrying on the practise of law in Alberta
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	The Law Society of Alberta: <a href="http://www.lawsociety.ab.ca/">http://www.lawsociety.ab.ca/</a>
<i>Verified by</i>	Federation of Law Societies of Canada (August 2014)



## Canada – British Columbia

*Is there legislation governing the legal sector*

Legal Profession Act:  
<http://www.lawsociety.bc.ca/page.cfm?cid=694&t=Legal-Profession-Act-Contents>

*Under what title do lawyers practise?*

Barrister and Solicitor

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To become a lawyer for the first time, a person must: 1. complete a Bachelor of Laws degree from a Canadian common law university, 2. complete the 12-month Law Society's Admission Program which includes articles and the Professional Legal Training Course (PLTC).  
<http://www.lawsociety.bc.ca/page.cfm?cid=29&t=Law-Students>

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

The holder can practise in the territory of British Columbia and, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the Barreau du Québec under a new National Mobility Agreement expected to come into force before the end of 2014. In addition, lawyers can practise temporarily, for a maximum of 100 days, in any of the following: Alberta, Saskatchewan, Manitoba, Ontario, Nova Scotia, Newfoundland, New Brunswick, and Prince Edward Island.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Appearing in court and advising on the law of British Columbia is reserved to British Columbia licensed lawyers and other Canadian lawyers pursuant to the national mobility agreements.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Self-employment, partnership, limited liability, law corporation, multi-disciplinary partnership

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Rules of the Law Society of British Columbia:  
<http://www.lawsociety.mb.ca/lawyer-regulation/law-society-rules/english-version> and the Code of Professional Conduct for British Columbia (the BC Code):  
<http://www.lawsociety.bc.ca/page.cfm?cid=2578&t=BC-Code-Table-of-Contents>

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

The Law Society of British Columbia must approve multi-disciplinary practices and must also approve the name of a 'law corporation'

## Canada – British Columbia

<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Law Society of British Columbia
<i>Is the jurisdiction a member of the WTO?</i>	See information for Canada
<i>Has it made any WTO commitments on legal services?</i>	See information for Canada
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	See information for Canada
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Canada
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Canada
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	No
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	Foreign lawyers may provide foreign legal services without a permit for a maximum of 30 days in any calendar year (Rule 2-19.1))
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	See information for Canada
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant). The lawyer should contact the Law Society of British Columbia to apply for a permit: <a href="http://www.lawsociety.bc.ca/page.cfm?cid=22&amp;t=Practitioners-of-Foreign-Law">http://www.lawsociety.bc.ca/page.cfm?cid=22&amp;t=Practitioners-of-Foreign-Law</a>
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	The relevant legislation is the Legal Profession Act S.B.C. 1998, c.9, section 17 and the Law Society Rules passed under the authority of the Act. These rules are available online at <a href="http://www.lawsociety.bc.ca">www.lawsociety.bc.ca</a> .

## Canada – British Columbia

<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Must provide proof that they have practised the law of a foreign jurisdiction for at least three of the last five years.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No - not without becoming licensed in a Canadian jurisdiction.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Foreign investment in Canada by non-Canadians is subject to a regulated review process governed by the Investment Canada Act (ICA), a federal department called Industry Canada and a federal agency called Investment Canada. The ICA provides that every foreign investor (defined by the ICA as a "non-Canadian") must file a Notification with Industry Canada (unless the investment is specifically exempt under the ICA), every time a non-Canadian begins a new business activity in Canada or acquires control of an existing business in Canada.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law</i>	They can advise on home and international law.

## Canada – British Columbia

*firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?*

*Are there restrictions on the corporate form a foreign law firm can take?*

Not known

*Are there rules about the name a foreign law firm can take?*

There are specific rules in relation to use of names by lawyers or law firms. These rules provide that: insofar as firm names are a 'marketing activity', the provisions of Chapter 14 of the Professional Conduct Handbook apply. Foreign lawyers and firms are treated the same as local lawyers in the application of these rules.

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL*

There is no explicit foreign law firm licensing regime which regulates these arrangements.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Not known

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes

*Other useful sources or comments or links*

The Law Society of British Columbia:  
[www.lawsociety.bc.ca](http://www.lawsociety.bc.ca)

*Verified by*

Federation of Law Societies of Canada (August 2014)

## Canada – Manitoba

*Is there legislation governing the legal sector*

Legal Profession Act:  
<http://web2.gov.mb.ca/laws/statutes/ccsm/l107e.php>

*Under what title do lawyers practise?*

Barrister and Solicitor

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To become a lawyer the following are required: A Bachelor of Laws degree (L.L.B.) or a Juris Doctor degree (J.D.) from a faculty of common law at a Canadian university or Certificate of Equivalency issued by the National Committee on Accreditation (NCA). Successful completion of the CPLED Bar Admissions Programs and completion of a 12-month articling period.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

The holder can practise in the territory of Manitoba and, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the Barreau du Québec under a new National Mobility Agreement expected to come into force before the end of 2014. In addition, lawyers can practise temporarily, for a maximum of 100 days, in any of the following: British Columbia, Alberta, Saskatchewan, Ontario, Nova Scotia, Newfoundland, New Brunswick, and Prince Edward Island.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Appearing in court and advising on the law of Manitoba is reserved to Manitoba licensed lawyers and other Canadian lawyers pursuant to the national mobility agreements.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Self-employment, partnership, limited liability, law corporations

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Rules of the Law Society of Manitoba:  
<http://www.lawsociety.mb.ca/lawyer-regulation/law-society-rules/english-version> and the Code of Professional Conduct:  
<http://www.lawsociety.mb.ca/lawyer-regulation/code-of-professional-conduct>

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

If they wish to form an LLP or Legal Corporation, they must apply to the Law Society:  
<http://www.lawsociety.mb.ca/member-resources/law->

## Canada – Manitoba

	corporations and <a href="http://www.lawsociety.mb.ca/member-resources/limited-liability-partnerships">http://www.lawsociety.mb.ca/member-resources/limited-liability-partnerships</a>
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Law Society of Manitoba
<i>Is the jurisdiction a member of the WTO?</i>	See information for Canada
<i>Has it made any WTO commitments on legal services?</i>	See information for Canada
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	See information for Canada
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Canada
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Canada
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	No
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	Foreign lawyers are required to obtain a permit as a foreign legal consultant. Fly-in-fly-out practice is not permitted without a permit.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	See information for Canada
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant). A foreign lawyer must apply to the Law Society for a permit to act as a Foreign Legal Consultant: <a href="http://www.lawsociety.mb.ca/for-lawyers/information-for-foreign-trained-lawyers/foreign-legal-consultant">http://www.lawsociety.mb.ca/for-lawyers/information-for-foreign-trained-lawyers/foreign-legal-consultant</a>
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	The relevant legislation is the Law Society Rules, Rules 3-32 to 3-44.1, and the Legal Profession Act, sections 20(2) to 20(4), 22.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	The person must be a member in good standing of the legal profession of a foreign jurisdiction, must be of good character and repute, must have practised the law



## Canada – Manitoba

	of his or her home jurisdiction for at least three complete years, must provide written undertaking that he or she will not handle trust funds, will submit to the jurisdiction of the Law Society and comply with the Act, the Law Society Rules and the Code of Professional Conduct and must carry professional liability insurance.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No - not without becoming licensed in a Canadian jurisdiction.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Foreign investment in Canada by non-Canadians is subject to a regulated review process governed by the Investment Canada Act (ICA), a federal department called Industry Canada and a federal agency called Investment Canada. The ICA provides that every foreign investor (defined by the ICA as a "non-Canadian") must file a Notification with Industry Canada (unless the investment is specifically exempt under the ICA), every time a non-Canadian begins a new business activity in Canada or acquires control of an existing business in Canada.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as</i>	They can advise on home and international law.

## Canada – Manitoba

*opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?*

*Are there restrictions on the corporate form a foreign law firm can take?*

Not known

*Are there rules about the name a foreign law firm can take?*

A foreign legal consultant when engaging in advertising or another form of marketing activity in Manitoba must use the term 'foreign legal consultant' and state the country or general jurisdiction in respect of which he or she is qualified to practise law and the professional title used in that country or general jurisdiction.

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL*

There is no explicit foreign law firm licensing regime which regulates these arrangements.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Not known

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes

*Other useful sources or comments or links*

The Law Society of Manitoba:  
<http://www.lawsociety.mb.ca/>

*Verified by*

Federation of Law Societies of Canada (August 2014)



## Canada – New Brunswick

*Is there legislation governing the legal sector*

Law Society Act 1996, <http://www.lawsociety-barreau.nb.ca/emain.asp?128>

*Under what title do lawyers practise?*

Barrister and Solicitor

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To become a lawyer for the first time, a person must: Have a minimum Bachelor of Laws from a Canadian Common Law university (LLB) or a certificate of qualification from the National Committee on Accreditation of the Federation of Law Societies of Canada certifying that the applicant's academic credentials are at least equivalent to a Canadian common law LLB. Applicants must then complete a 48-week articling period, 4 weeks full-time attendance at the Bar Admission course, and write Law Society of New Brunswick Bar Examinations on the Rules of New Brunswick and the examination on the statutes of New Brunswick.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

The holder can practise in the territory of New Brunswick and, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the Barreau du Québec under a new National Mobility Agreement expected to come into force before the end of 2014. In addition, lawyers can practise temporarily, for a maximum of 100 days, in any of the following: British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Nova Scotia, Newfoundland, and Prince Edward Island.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Appearing in court and advising on the law of New Brunswick is reserved to New Brunswick licensed lawyers and other Canadian lawyers pursuant to the national mobility agreements.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Professional Corporations, Self-employment, Partnerships, professional corporation, Limited Liability Partnerships

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Law Society of New Brunswick General Rules: [http://lawsociety-barreau.nb.ca/uploads/forms/General\\_Rules\\_under\\_the\\_Law\\_Society\\_Act%2C\\_1996\\_-\\_R%C3%A8gles\\_g%C3%A9n%C3%A9rales\\_prises\\_so](http://lawsociety-barreau.nb.ca/uploads/forms/General_Rules_under_the_Law_Society_Act%2C_1996_-_R%C3%A8gles_g%C3%A9n%C3%A9rales_prises_so)

## Canada – New Brunswick

	us_le_r%C3%A9gime_de_la_loi_de_1996_sur_le_Barr eau.pdfCode of Professional Conduct: <a href="http://www.lawsociety-&lt;br/&gt;barreau.nb.ca/assets/documents/CODEOFPROFESSI&lt;br/&gt;ONALCONDUCT_February_2009.pdf">http://www.lawsociety- barreau.nb.ca/assets/documents/CODEOFPROFESSI ONALCONDUCT_February_2009.pdf</a>
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	A permit for a professional corporation must be obtained from the Law Society
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Law Society of New Brunswick
<i>Is the jurisdiction a member of the WTO?</i>	See information for Canada
<i>Has it made any WTO commitments on legal services?</i>	See information for Canada
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	See information for Canada
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Canada
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Canada
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	No
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	Foreign lawyers are required to obtain a permit as a foreign legal consultant. Fly-in-fly-out practice is not permitted without a permit.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	See information for Canada
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant). A foreign lawyer must apply to the Law Society for a permit to act as a Foreign Legal Consultant: <a href="http://www.lawsociety-&lt;br/&gt;barreau.nb.ca/emain.asp?722">http://www.lawsociety- barreau.nb.ca/emain.asp?722</a>
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been</i>	The relevant legislation is the Foreign Legal Consultants Rules and the Law Society Act 1996.

## Canada – New Brunswick

*granted a limited licence (e.g. residency requirement)*

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Must have practised in own jurisdiction for at least three years. Foreign legal consultants may only practise the law of their home jurisdiction and are prohibited from handling trust moneys.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes

*Are foreign lawyers allowed to appear in court under any circumstances?*

No - not without becoming licensed in a Canadian jurisdiction.

*Can foreign lawyers requalify as local lawyers?*

Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates.

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. There is no explicit foreign law firm licensing regime which regulates these arrangements.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Foreign investment in Canada by non-Canadians is subject to a regulated review process governed by the Investment Canada Act (ICA), a federal department called Industry Canada and a federal agency called Investment Canada. The ICA provides that every foreign investor (defined by the ICA as a “non-Canadian”) must file a Notification with Industry Canada (unless the investment is specifically exempt under the ICA), every time a non-Canadian begins a new business activity in Canada or acquires control of an existing business in Canada.

*Are there different types of foreign law firm ‘licence’ (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

Not applicable

*Is there a quota on the number of licences available?*

Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

Not applicable

## Canada – New Brunswick

<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	They can advise on home and international law.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not known
<i>Are there rules about the name a foreign law firm can take?</i>	The Foreign Legal Consultants Rules state that when advertising or otherwise marketing a foreign legal consultant must use the term "foreign legal consultant", state the jurisdiction in respect of the law of which he or she is qualified to give legal advice and state the professional title applicable to him or her in that jurisdiction
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not known
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	The Law Society of New Brunswick: <a href="http://www.lawsociety-barreau.nb.ca/">http://www.lawsociety-barreau.nb.ca/</a>
<i>Verified by</i>	Federation of Law Societies of Canada (August 2014)

## Canada – Newfoundland and Labrador

*Is there legislation governing the legal sector*

Law Society Act 1999:  
<http://www.lawsociety.nf.ca/act.asp>

*Under what title do lawyers practise?*

Barrister and Solicitor

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To become a lawyer for the first time, a person must: Have a minimum Bachelor of Laws from a Canadian Common Law university (LLB or JD)) or a certificate of qualification from the National Committee on Accreditation of the Federation of Law Societies of Canada certifying that the applicant's academic credentials are at least equivalent to a Canadian common law LLB. Applicants must also complete a one-year articling term and successfully complete the law society bar admission program.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

The holder can practise in the territory of Newfoundland and Labrador, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the Barreau du Québec under a new National Mobility Agreement expected to come into force before the end of 2014. In addition, lawyers can practise temporarily, for a maximum of 100 days, in any of the following: British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Nova Scotia, New Brunswick, and Prince Edward Island.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Appearing in court and advising on the law of Newfoundland & Labrador is reserved to lawyers licensed by the Law Society of Newfoundland and Labrador or, pursuant to the national mobility agreements, another Canadian jurisdiction.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Self-employment, partnerships, Professional law corporation

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Law Society Rules:  
<http://www.lawsociety.nf.ca/lawyers/lawyer-regulation/law-society-rules/> and Code of Professional Conduct: <http://www.lawsociety.nf.ca/code/code.asp>

## Canada – Newfoundland and Labrador

<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	If they wish to form a professional legal corporation, they need to apply to the Law Society of Newfoundland and Labrador for a permit.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Law Society of Newfoundland & Labrador
<i>Is the jurisdiction a member of the WTO?</i>	See information for Canada
<i>Has it made any WTO commitments on legal services?</i>	See information for Canada
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	See information for Canada
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Canada
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Canada
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	No
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	Foreign lawyers are required to obtain a permit as a foreign legal consultant. Fly-in-fly-out practice is not permitted without a permit.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	See information for Canada
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant). The foreign lawyer should contact the Law Society for a permit: <a href="http://www.lawsociety.nf.ca/part1.asp?partid=7#Foreign%20legal%20consultants">http://www.lawsociety.nf.ca/part1.asp?partid=7#Foreign legal consultants</a>
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	The relevant legislation is the Law Society Act 1999.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not known



## Canada – Newfoundland and Labrador

<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No - not without becoming licensed in a Canadian jurisdiction.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	"Foreign investment in Canada by non-Canadians is subject to a regulated review process governed by the Investment Canada Act (ICA), a federal department called Industry Canada and a federal agency called Investment Canada. The ICA provides that every foreign investor (defined by the ICA as a "non-Canadian") must file a Notification with Industry Canada (unless the investment is specifically exempt under the ICA), every time a non-Canadian begins a new business activity in Canada or acquires control of an existing business in Canada. "
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	They can advise on home and international law.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not known

## Canada – Newfoundland and Labrador

<i>Are there rules about the name a foreign law firm can take?</i>	Not known
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not known
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	The Law Society of Newfoundland & Labrador: <a href="http://www.lawsociety.nf.ca/">http://www.lawsociety.nf.ca/</a>
<i>Verified by</i>	Federation of Law Societies of Canada (August 2014)



# Canada – Northwest Territories

*Is there legislation governing the legal sector*

The Legal Profession Act:  
<http://www.justice.gov.nt.ca/Legislation/..%5CPDF%5C ACTS%5CLegal%20Profession.pdf>

*Under what title do lawyers practise?*

Barrister and Solicitor

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To become a lawyer for the first time, a person must: Have a minimum Bachelor of Laws from a Canadian Common Law university (LLB or JD)) or a certificate of qualification from the National Committee on Accreditation of the Federation of Law Societies of Canada certifying that the applicant's academic credentials are at least equivalent to a Canadian common law LLB. Applicants must also complete a bar admissions program in a neighbouring jurisdiction (preferably the CPLED program in Alberta), pass a Northwest Territories bar exam complete a 12-month articling period.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

The holder can practise in the Northwest Territories and, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the Barreau du Québec under a new National Mobility Agreement expected to come into force before the end of 2014. Members of the Law Society of the Northwest Territories may also obtain a special appearance certificate to practice temporarily in another Canadian jurisdiction.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Appearing in court and advising on the law of the Northwest Territories

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Self-employed, partnership, limited liability partnership and professional corporation

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Code of professional conduct of the CBA and the Law Society Rules:  
<http://www.lawsociety.nt.ca/society/publications.html>

## Canada – Northwest Territories

<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	If they wish to form an LLP or a professional corporation, they need to apply to the Law Society for a permit.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Law Society of the Northwest Territories
<i>Is the jurisdiction a member of the WTO?</i>	See information for Canada
<i>Has it made any WTO commitments on legal services?</i>	See information for Canada
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	See information for Canada
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Canada
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Canada
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	No
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	Foreign lawyers are not permitted to practice in the Northwest Territories unless they become licensed.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	See information for Canada
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	A foreign lawyer cannot obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant).
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable

## Canada – Northwest Territories

<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No - not without becoming licensed.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign firms are not permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Foreign lawyers may not provide services in commercial association with local lawyers

## Canada – Northwest Territories

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Yes

*Can a domestic lawyer enter into partnership with a foreign lawyer?* No

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Yes

*Other useful sources or comments or links* Law Society of the Northwest Territories:  
<http://www.lawsociety.nt.ca/society/>

*Verified by* Federation of Law Societies of Canada (August 2014)

## Canada – Nova Scotia

*Is there legislation governing the legal sector*

Legal Profession Act:  
<http://nsbs.org/sites/default/files/cms/menu-pdf/legalprofessionact.pdf>

*Under what title do lawyers practise?*

Lawyer

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To become a lawyer for the first time, a person must: Have a minimum Bachelor of Laws from a Canadian Common Law university (LLB or JD)) or a certificate of qualification from the National Committee on Accreditation of the Federation of Law Societies of Canada certifying that the applicant's academic credentials are at least equivalent to a Canadian common law LLB. Applicants must also complete a skills course and bar exam and must also successfully completed 12-month articling period.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

The holder can practise in the territory of Nova Scotia and, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the Barreau du Québec under a new National Mobility Agreement expected to come into force before the end of 2014. In addition, lawyers can practise temporarily, for a maximum of 100 days, in any of the following: British Columbia, Alberta, Saskatchewan, Manitoba, Ontario Newfoundland, New Brunswick, and Prince Edward Island.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Appearing in court and advising on the law of Nova Scotia is reserved to Nova Scotia licensed lawyers and, pursuant to the national mobility agreements, other Canadian lawyers.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Self-employed, partnership, law corporation, limited liability partnership

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Nova Scotia Barristers' Society regulations:  
<http://nsbs.org/sites/default/files/cms/menu-pdf/currentregs.pdf> and Code of Professional Conduct:  
[http://nsbs.org/sites/default/files/cms/menu-pdf/2012-09-07\\_codeofconduct.pdf](http://nsbs.org/sites/default/files/cms/menu-pdf/2012-09-07_codeofconduct.pdf)

## Canada – Nova Scotia

<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	To form an LLP or law corporation an application for a permit must be submitted to the Law Society
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Nova Scotia Barristers' Society
<i>Is the jurisdiction a member of the WTO?</i>	See information for Canada
<i>Has it made any WTO commitments on legal services?</i>	See information for Canada
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	See information for Canada
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Canada
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Canada
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	No
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	Foreign lawyers are required to obtain a permit as a foreign legal consultant. Fly-in-fly-out practice is not permitted without a permit.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	See information for Canada
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant). A foreign lawyer must apply to the Law Society for a permit: <a href="http://nsbs.org/sites/default/files/cms/forms/foreignlegalconsultant.pdf">http://nsbs.org/sites/default/files/cms/forms/foreignlegalconsultant.pdf</a>
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	The relevant legislation are regulations made under the Legal Profession Act and the Legal Profession Regulations.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Must have practised in own jurisdiction for at least three years. Foreign legal consultants may only practise the law of their home jurisdiction and are prohibited from handling trust moneys.

## Canada – Nova Scotia

<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No - not without obtaining a license from a Canadian jurisdiction.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates. Dependent on experience the requalifying lawyer may not need to undertake a period of articling.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	They can advise on home and international law.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable

## Canada – Nova Scotia

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL*

There is no explicit foreign law firm licensing regime which regulates these arrangements.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Foreign firms are not permitted to enter into commercial association with local lawyers or law firms

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

No

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Not known

*Other useful sources or comments or links*

The Nova Scotia Barristers' Society: <http://nsbs.org/>

*Verified by*

Federation of Law Societies of Canada (August 2014)



## Canada – Nunavut

*Is there legislation governing the legal sector*

The Legal Profession Act of Nunavut:  
<http://www.canlii.org/en/nu/laws/stat/rsnwt-nu-1988-c-l-2/latest/rsnwt-nu-1988-c-l-2.html>

*Under what title do lawyers practise?*

Barrister and Solicitor

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To become a lawyer for the first time, a person must: Have a minimum Bachelor of Laws from a Canadian Common Law university (LLB or JD)) or a certificate of qualification from the National Committee on Accreditation of the Federation of Law Societies of Canada certifying that the applicant's academic credentials are at least equivalent to a Canadian common law LLB. Applicants must also complete a bar admissions program in a neighbouring jurisdiction and a Nunavut bar exam. Applicants must also complete 12 months of articling.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

The holder can practise in Nunavut and, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the Barreau du Québec under a new National Mobility Agreement expected to come into force before the end of 2014. Members of the Law Society of Nunavut may also obtain a special appearance certificate to practice temporarily in another Canadian jurisdiction.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Appearing in court and advising on the law of Nunavut

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Self-employment, partnership

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Code of professional conduct of the CBA and the Law Society Rules: <http://lawsociety.nu.ca/wp-content/uploads/2014/06/LSN-Consolidated-Rules-May-31-2014.pdf>

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not known

## Canada – Nunavut

<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Law Society of Nunavut
<i>Is the jurisdiction a member of the WTO?</i>	See information for Canada
<i>Has it made any WTO commitments on legal services?</i>	See information for Canada
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	See information for Canada
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Canada
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Canada
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	No
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	Foreign lawyers are not permitted to practice in Nunavut unless they become licensed.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	See information for Canada
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	A foreign lawyer cannot obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant).
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No - not without becoming licensed.

## Canada – Nunavut

*Can foreign lawyers requalify as local lawyers?*

Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates.

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are not permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Not applicable

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

Not applicable

*Is there a quota on the number of licences available?*

Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

Not applicable

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?*

Not applicable

*Are there restrictions on the corporate form a foreign law firm can take?*

Not applicable

*Are there rules about the name a foreign law firm can take?*

Not applicable

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL*

Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Foreign lawyers may not provide services in commercial association with local lawyers

## Canada – Nunavut

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

No

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

No

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Not known

*Other useful sources or comments or links*

Law Society of Nunavut: <http://lawsociety.nu.ca/>

*Verified by*

Federation of Law Societies of Canada (August 2014)

## Canada – Prince Edward

*Is there legislation governing the legal sector*

Legal Profession Act:  
[http://www.gov.pe.ca/law/statutes/pdf/l-06\\_1.pdf](http://www.gov.pe.ca/law/statutes/pdf/l-06_1.pdf)

*Under what title do lawyers practise?*

Barrister, solicitor and attorney

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To become a lawyer for the first time, a person must: Have a minimum Bachelor of Laws from a Canadian Common Law university (LLB or JD)) or a certificate of qualification from the National Committee on Accreditation of the Federation of Law Societies of Canada certifying that the applicant's academic credentials are at least equivalent to a Canadian common law LLB. Applicants must also complete a 12-month articling program that includes an in-province bar-admission course and the Nova Scotia Barristers' Society skills training course.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

The Holder can practise in the territory of Prince Edward Island and, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the Barreau du Québec under a new National Mobility Agreement expected to come into force before the end of 2014. In addition, lawyers can practise temporarily, for a maximum of 100 days, in any of the following: British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Nova Scotia, Newfoundland, and New Brunswick.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Appearing in court and advising on the law of Prince Edward Island is reserved to lawyers licensed in Prince Edward Island or another Canadian jurisdiction.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Self-employed, partnership, law corporation

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Regulations of the Law Society of Prince Edward Island: <http://www.lspei.pe.ca/pdf/regulations.pdf> and Ethics and Code of Conduct: [http://www.lspei.pe.ca/ethics\\_and\\_code.php](http://www.lspei.pe.ca/ethics_and_code.php)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

To form a law corporation an application for a permit must be submitted to the Law Society

## Canada – Prince Edward

<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	The Law Society of Prince Edward Island
<i>Is the jurisdiction a member of the WTO?</i>	See information for Canada
<i>Has it made any WTO commitments on legal services?</i>	See information for Canada
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	See information for Canada
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Canada
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Canada
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	No
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	Foreign lawyers are required to obtain a permit as a foreign legal consultant. Fly-in-fly-out practice is not permitted without a permit.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	See information for Canada
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant). A foreign lawyer must apply to the Law Society for a permit: <a href="http://www.lspei.pe.ca/foreign_legal_consultants.php">http://www.lspei.pe.ca/foreign_legal_consultants.php</a>
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	The relevant legislation are the Regulations of the Law Society of Prince Edward Island - Regulation 21.12, and the Legal Profession Act.
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Must have practised in own jurisdiction for at least three years. Foreign legal consultants may only practise the law of their home jurisdiction and are prohibited from handling trust moneys.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes

## Canada – Prince Edward

<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No - not without becoming licensed by a Canadian jurisdiction.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Foreign investment in Canada by non-Canadians is subject to a regulated review process governed by the Investment Canada Act (ICA), a federal department called Industry Canada and a federal agency called Investment Canada. The ICA provides that every foreign investor (defined by the ICA as a “non-Canadian”) must file a Notification with Industry Canada (unless the investment is specifically exempt under the ICA), every time a non-Canadian begins a new business activity in Canada or acquires control of an existing business in Canada.
<i>Are there different types of foreign law firm ‘licence’ (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there “scope of practice” rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	They can advise on home and international law.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not known
<i>Are there rules about the name a foreign law firm can take?</i>	Not known

## Canada – Prince Edward

<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not known
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	The Law Society of Prince Edward Island: <a href="http://www.lspei.pe.ca/">http://www.lspei.pe.ca/</a>
<i>Verified by</i>	Federation of Law Societies of Canada (August 2014)



## Canada – Québec

*Is there legislation governing the legal sector*

Act of the Bar of Quebec:

[http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=%2F%2FB\\_1%2FB1\\_A.htm](http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=%2F%2FB_1%2FB1_A.htm)

*Under what title do lawyers practise?*

Lawyer, avocat

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To become a lawyer for the first time, a person must complete a two-year college program in the subject of their choice, obtain a civil law degree (3 years ) from one of six specified universities, complete the École du Barreau - Professional training and practice program (4 or 8 months), and complete a six-month workplace training program (articling).

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

The holder can practise as a lawyer in Quebec and, under two national mobility agreements, can practise federal and Quebec law in all other Canadian provinces and territories as a Canadian Legal Advisor. A new National Mobility Agreement that will come into force late in 2014 will extend full mobility rights for lawyers to and from Quebec on the same terms as currently exists between other Canadian jurisdictions.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Appearing in court and advising on the law of Quebec is reserved to lawyers licensed in Quebec, except for certain activities that are reserved to Quebec notaries under the Quebec Notaries Act:  
[http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/N\\_3/N3\\_A.HTM](http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=2&file=/N_3/N3_A.HTM)

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Limited Liability Partnership (LLP), Multi-Disciplinary Partnership (MDP), Joint Stock Company (JSC)

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Code of ethics of advocates:  
<http://www.barreau.qc.ca/en/avocats/deontologie/lois-reglements/>

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Applications to form an LLP, JSC or and MDP must be made to the Bar

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Bar of Quebec

*Is the jurisdiction a member of the WTO?*

See information for Canada

## Canada – Québec

<i>Has it made any WTO commitments on legal services?</i>	See information for Canada
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	See information for Canada
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Canada
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Canada
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	No
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	Foreign lawyers are required to obtain a permit as a foreign legal consultant. Fly-in-fly-out practice is not permitted without a permit.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	See information for Canada
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	A foreign lawyer may obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant). A foreign lawyer must apply to the Bar for a permit: <a href="http://www.barreau.qc.ca/en/avocats/hors-quebec/">http://www.barreau.qc.ca/en/avocats/hors-quebec/</a>
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not known
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Provide evidence that they are proficient in French
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No - not without obtaining a license in Quebec.

## Canada – Québec

*Can foreign lawyers requalify as local lawyers?*

Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the Barreau du Québec's Equivalences Committee which will assess the applicant's credentials and determine what conditions must be met for admission. Applicants must also demonstrate proficiency in French.

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. There is no explicit foreign law firm licensing regime which regulates these arrangements.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Foreign investment in Canada by non-Canadians is subject to a regulated review process governed by the Investment Canada Act (ICA), a federal department called Industry Canada and a federal agency called Investment Canada. The ICA provides that every foreign investor (defined by the ICA as a "non-Canadian") must file a Notification with Industry Canada (unless the investment is specifically exempt under the ICA), every time a non-Canadian begins a new business activity in Canada or acquires control of an existing business in Canada.

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

Not applicable

*Is there a quota on the number of licences available?*

Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

Not applicable

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?*

They can advise on home and international law.

*Are there restrictions on the corporate form a foreign law firm can take?*

Not known

## Canada – Québec

<i>Are there rules about the name a foreign law firm can take?</i>	Not known
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not known
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	The Bar of Quebec: <a href="http://www.barreau.qc.ca/en/">http://www.barreau.qc.ca/en/</a>
<i>Verified by</i>	Federation of Law Societies of Canada (August 2014)

## Canada – Saskatchewan

<i>Is there legislation governing the legal sector</i>	Legal Profession Act: <a href="http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/L10-1.pdf">http://www.qp.gov.sk.ca/documents/English/Statutes/Statutes/L10-1.pdf</a>
<i>Under what title do lawyers practise?</i>	Lawyer
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	To become a lawyer for the first time, a person must: Have a minimum Bachelor of Laws from a Canadian Common Law university (LLB or JD)) or a certificate of qualification from the National Committee on Accreditation of the Federation of Law Societies of Canada certifying that the applicant's academic credentials are at least equivalent to a Canadian common law LLB. Applicants must also complete a 12-month articling period and successfully complete the Saskatchewan CPLED bar admission program.
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	The holder can practise in the territory of Saskatchewan and, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the Barreau du Québec under a new National Mobility Agreement expected to come into force before the end of 2014. In addition, lawyers can practise temporarily, for a maximum of 100 days, in any of the following: British Columbia, Alberta, Manitoba, Ontario, Nova Scotia, Newfoundland, New Brunswick, and Prince Edward Island.
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	Appearing in court and advising on the law of Saskatchewan is reserved to lawyers licensed in Saskatchewan or another Canadian jurisdiction.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Self-employed, partnership, limited liability partnership, professional corporation

## Canada – Saskatchewan

<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Code of Professional Conduct: <a href="http://www.lawsociety.sk.ca/lawyer-regulation/code-of-professional-conduct/">http://www.lawsociety.sk.ca/lawyer-regulation/code-of-professional-conduct/</a> and the Law Society rules: <a href="http://www.lawsociety.sk.ca/lawyer-regulation/law-society-rules/">http://www.lawsociety.sk.ca/lawyer-regulation/law-society-rules/</a>
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	If they wish to form an LLP or a Professional corporation, they need to apply to the Law Society: <a href="http://www.lawsociety.sk.ca/for-lawyers-and-students/practice-resources/incorporation-of-lawyers/">http://www.lawsociety.sk.ca/for-lawyers-and-students/practice-resources/incorporation-of-lawyers/</a>
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Law Society of Saskatchewan
<i>Is the jurisdiction a member of the WTO?</i>	See information for Canada
<i>Has it made any WTO commitments on legal services?</i>	See information for Canada
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	See information for Canada
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Canada
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Canada
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	No
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	Foreign lawyers are required to obtain a permit as a foreign legal consultant. Fly-in-fly-out practice is not permitted without a permit.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	See information for Canada

## Canada – Saskatchewan

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (ie become a foreign legal consultant). A lawyer seeking to act as a Foreign Legal Consultant in Saskatchewan must complete an Application to Act as Foreign Legal Consultant (Form A-16).

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

The relevant legislation is the Legal Profession Act, section 10(i) and the Rules of the Law Society of Saskatchewan (Rule 220).

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Not known

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes

*Are foreign lawyers allowed to appear in court under any circumstances?*

No - not without becoming licensed by a Canadian jurisdiction.

*Can foreign lawyers requalify as local lawyers?*

Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates.

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. There is no explicit foreign law firm licensing regime which regulates these arrangements.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Foreign investment in Canada by non-Canadians is subject to a regulated review process governed by the Investment Canada Act (ICA), a federal department called Industry Canada and a federal agency called Investment Canada. The ICA provides that every foreign investor (defined by the ICA as a “non-Canadian”) must file a Notification with Industry Canada (unless the investment is specifically exempt under the ICA), every time a non-Canadian begins a new business activity in Canada or acquires control of an existing business in Canada.



## Canada – Saskatchewan

<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?</i>	They can advise on home and international law.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not known
<i>Are there rules about the name a foreign law firm can take?</i>	Yes, Rule 1606 prohibits law firm names that are misleading or undignified. A foreign legal consultant when engaging in advertising or another form of marketing activity in Saskatchewan must use the term 'foreign legal consultant' and state the country or general jurisdiction in respect of which he or she is qualified to practise law and the professional title used in that country or general jurisdiction.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Foreign legal consultants must not be directors of or own the voting shares of a professional corporation
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes



## Canada – Saskatchewan

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes

*Other useful sources or comments or links*

The Law Society of Saskatchewan: [www.lawsociety.sk.ca](http://www.lawsociety.sk.ca)

*Verified by*

Federation of Law Societies of Canada (August 2014)

## Canada – Upper Canada

<i>Is there legislation governing the legal sector</i>	Law Society Act: <a href="http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90l08_e.htm">http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90l08_e.htm</a>
<i>Under what title do lawyers practise?</i>	Barrister and Solicitor
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	To become a lawyer the following are required: A Bachelor of Laws degree (L.L.B.) or a Juris Doctor degree (J.D.) from a faculty of common law at a Canadian university or Certificate of Equivalency issued by the National Committee on Accreditation (NCA). The candidate must successfully complete the Licensing Examinations (both solicitor and barrister examinations) and a 10-month articling period.
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	The holder can practise in the territory of Ontario and, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the Barreau du Québec under a new National Mobility Agreement expected to come into force before the end of 2014. In addition, lawyers can practise temporarily, for a maximum of 100 days, in any of the following: British Columbia, Alberta, Saskatchewan, Manitoba, Nova Scotia, Newfoundland, New Brunswick, and Prince Edward Island.
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	Appearing in court and advising on the law of Ontario is reserved to lawyers licensed in Ontario or another Canadian jurisdiction.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	Self-employment, partnerships, Professional Corporations, Multi-Disciplinary Partnerships, Affiliations, Limited Liability Partnerships
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Law Society By Laws: <a href="http://www.lsuc.on.ca/with.aspx?id=1070">http://www.lsuc.on.ca/with.aspx?id=1070</a> and Rules of Professional Conduct: <a href="http://www.lsuc.on.ca/with.aspx?id=671">http://www.lsuc.on.ca/with.aspx?id=671</a>
<i>Do law firms need to receive a "license" (or</i>	Applications to form an LLP, Professional Corporation, MDP, or an Affiliation must be made to the Law Society of Upper Canada

## Canada – Upper Canada

*permission/approval) to practice law?*

*Which authority issues licences? Are there different authorities for individuals and firms?*

Law Society of Upper Canada

*Is the jurisdiction a member of the WTO?*

See information for Canada

*Has it made any WTO commitments on legal services?*

See information for Canada

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

See information for Canada

*Do these currently include legal services or are there plans to include them in future?*

See information for Canada

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

See information for Canada

*Are there any 'foreign law' firms present in this jurisdiction?*

A couple of large US firms have a presence in Toronto

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are required to obtain a permit as a foreign legal consultant. Fly-in-fly-out practice is not permitted without a permit.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

See information for Canada

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant*

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (ie become a foreign legal consultant). A foreign lawyer must apply to the Law Society for a

## Canada – Upper Canada

*and what is the scope of this limited licence?*

permit to act as a Foreign Legal Consultant:  
<http://www.lsuc.on.ca/with.aspx?id=2147490490&langtype=1033>

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

The rules applicable to foreign legal consultants are contained in Bylaw 14:  
<http://www.lsuc.on.ca/WorkArea/DownloadAsset.aspx?id=2147485814>

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

A supervisor may be required depending on the applicant's experience.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes

*Are foreign lawyers allowed to appear in court under any circumstances?*

No - not without becoming licensed by a Canadian jurisdiction.

*Can foreign lawyers requalify as local lawyers?*

Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates.

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law. There is no explicit foreign law firm licensing regime which regulates these arrangements.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Foreign investment in Canada by non-Canadians is subject to a regulated review process governed by the Investment Canada Act (ICA), a federal department called Industry Canada and a federal agency called Investment Canada. The ICA provides that every foreign investor (defined by the ICA as a "non-Canadian") must file a Notification with Industry Canada (unless the investment is specifically exempt under the ICA), every time a non-Canadian begins a new business activity in Canada or acquires control of an existing business in Canada.

## Canada – Upper Canada

<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	They can advise on home and international law.
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not known
<i>Are there rules about the name a foreign law firm can take?</i>	Not known
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	There is no explicit foreign law firm licensing regime which regulates these arrangements.
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not known
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes

## Canada – Upper Canada

*Can a domestic lawyer  
enter into partnership with  
a foreign lawyer?*

Yes

*Can a domestic lawyer or  
domestic law firm employ  
a foreign lawyer?*

Yes

*Other useful sources or  
comments or links*

The Law Society of Upper Canada: <http://www.lsuc.com/>

*Verified by*

Federation of Law Societies of Canada (August 2014)

## Canada – Yukon

*Is there legislation governing the legal sector*

Legal Profession Act:  
<http://www.lawsocietyyukon.com/act.php>

*Under what title do lawyers practise?*

Barrister and Solicitor

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

To become a lawyer for the first time, a person must: Have a minimum Bachelor of Laws from a Canadian Common Law university (LLB or JD)) or a certificate of qualification from the National Committee on Accreditation of the Federation of Law Societies of Canada certifying that the applicant's academic credentials are at least equivalent to a Canadian common law LLB. Applicants must also complete a bar admissions program in a neighbouring jurisdiction (usually the British Columbia Bar Admission program) and complete a 12-month articling period.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

The holder can practise in the territory of Yukon and, pursuant to two national mobility agreements, lawyers admitted in any of the provinces or territories of Canada (other than Quebec) may become licensed in any other province or territory without passing an examination. These permanent mobility rights will be extended to mobility to and from the Barreau du Québec under a new National Mobility Agreement expected to come into force before the end of 2014. Members of the Law Society of Yukon may also obtain a special appearance certificate to practice temporarily in another Canadian jurisdiction.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Appearing in court and advising on the law of Yukon

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Self-employment, partnerships, Professional corporation

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

Rules of the Law Society of Yukon:  
<http://www.lawsocietyyukon.com/pdf/RULES%20-%20May%202013.pdf> and the Code of Professional Conduct: <http://www.lawsocietyyukon.com/code.php>

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

If they wish to form a professional corporation, they need to apply to the Law Society for a permit.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Law Society of Yukon

## Canada – Yukon

<i>Is the jurisdiction a member of the WTO?</i>	See information for Canada
<i>Has it made any WTO commitments on legal services?</i>	See information for Canada
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	See information for Canada
<i>Do these currently include legal services or are there plans to include them in future?</i>	See information for Canada
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	See information for Canada
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	No
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?</i>	Foreign lawyers are not permitted to practice in the Northwest Territories unless they become licensed.
<i>Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?</i>	See information for Canada
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	A foreign lawyer cannot obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant).
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Not known



## Canada – Yukon

<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No - not without requalifying.
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must apply to the National Committee on Accreditation for evaluation of their credentials and experience. The National Committee on Accreditation establishes the educational and practising criteria an applicant must meet to be considered for admission to the Law Society. Once an applicant satisfies those criteria, he or she must follow the same process for admission as domestic graduates.
<i>Can a foreign law firm obtain a licence to open an office?</i>	Foreign firms are not permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not known
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	Not applicable
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?</i>	Not applicable
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable

## Canada – Yukon

<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Foreign lawyers may not provide services in commercial association with local lawyers
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	No
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	No
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Not known
<i>Other useful sources or comments or links</i>	Law Society of Yukon: <a href="http://www.lawsocietyyukon.com/">http://www.lawsocietyyukon.com/</a>
<i>Verified by</i>	Federation of Law Societies of Canada (August 2014)

# United States (Alabama)

*Is there legislation governing the legal sector*

CODE OF ALABAMA TITLE 34. PROFESSIONS AND BUSINESSES. CHAPTER 3. ATTORNEY-AT-LAW

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have a bachelor's degree, a JD, satisfy character and fitness to practice requirements, and have passed the Alabama State bar exam.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Alabama. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

The reserved areas of practice for Alabama attorneys are set out in the CODE OF ALABAMA TITLE 34. PROFESSIONS AND BUSINESSES. CHAPTER 3. ATTORNEY-AT-LAW. This provides that ""§34-3-6. Who may practice as attorneys?  
(b) For the purposes of this chapter, the practice of law is defined as follows:  
Whoever,  
(1) In a representative capacity appears as an advocate or draws papers, pleadings or documents, or performs any act in connection with proceedings pending or prospective before a court or a body, board, committee, commission or officer constituted by law or having authority to take evidence in or settle or determine controversies in the exercise of the judicial power of the state or any subdivision thereof; or  
(2) For a consideration, reward or pecuniary benefit, present or anticipated, direct or indirect, advises or counsels another as to secular law, or draws or procures or assists in the drawing of a paper, document or instrument affecting or relating to secular rights; or  
(3) For a consideration, reward or pecuniary benefit, present or anticipated, direct or indirect, does any act in a representative capacity in behalf of another tending to obtain or secure for such other the prevention or the redress of a wrong or the enforcement or establishment of a right; or  
(4) As a vocation, enforces, secures, settles, adjusts or compromises defaulted, controverted or disputed accounts, claims or demands between persons with neither of whom he is in privity or in the relation of employer and employee in the ordinary sense;  
Is practicing law.  
(c) Nothing in this section shall be construed to prohibit any person, firm or corporation from attending to and caring for his or its own business, claims or demands,

## United States (Alabama)

nor from preparing abstracts of title, certifying, guaranteeing or insuring titles to property, real or personal, or an interest therein, or a lien or encumbrance thereon, but any such person, firm or corporation engaged in preparing abstracts of title, certifying, guaranteeing or insuring titles to real or personal property are prohibited from preparing or drawing or procuring or assisting in the drawing or preparation of deeds, conveyances, mortgages and any paper, document or instrument affecting or relating to secular rights, which acts are hereby defined to be an act of practicing law, unless such person, firm or corporation shall have a proprietary interest in such property; however, any such person, firm or corporation so engaged in preparing abstracts of title, certifying, guaranteeing or insuring titles shall be permitted to prepare or draw or procure or assist in the drawing or preparation of simple affidavits or statements of fact to be used by such person, firm or corporation in support of its title policies, to be retained in its files and not to be recorded.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

Under title 10 of the Alabama Code, limited liability partnerships and limited liability companies are permitted to any lawful business other than banks or insurance companies. In addition, lawyers may work in sole practice or general partnership.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Alabama Code of professional conduct which is modelled on the ABA model code (see [http://www.sunethics.com/al\\_rpc\\_index.htm](http://www.sunethics.com/al_rpc_index.htm)).

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Alabama State Bar (see: <http://www.alabar.org/>) under the authority of the State Supreme Court.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Alabama may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North

## United States (Alabama)

*treatment to businesses or individuals from particular countries?*

American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program.

*Are there any 'foreign law' firms present in this jurisdiction?*

No - foreign lawyers are not permitted to establish in Alabama and no large national or international US firms have offices here.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see rule 5.5 on Unauthorized Practice of Law. Effective September 19, 2006).

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Alabama would need to be fully admitted to the Alabama Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No - There is no FLC licensing regime in Alabama.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable

## United States (Alabama)

<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Foreign lawyers are not permitted to provide arbitration and mediation services in Alabama unless admitted elsewhere in the USA.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Only US attorneys may appear pro hac vice in the Alabama courts by associating in the particular case with an attorney who is a member in good standing of the Alabama State Bar (Rule VII)
<i>Can foreign lawyers requalify as local lawyers?</i>	Not known
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable

## United States (Alabama)

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Not applicable

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Not applicable

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Not applicable

*Other useful sources or comments or links*

# United States (Alaska)

*Is there legislation governing the legal sector*

ALASKA STATUTES TITLE 8. BUSINESS AND PROFESSIONS. CHAPTER 08. ATTORNEYS.

*Under what title do lawyers practise?*

Attorney-at-Law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have an LLB or JD, satisfy character and fitness to practice requirements, and have passed the bar exam, or been admitted on motion without exam via reciprocity.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Alaska. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the practice rules of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

The practice of law is defined in the ALASKA BAR RULE 63 as ""(a) representing oneself by words or conduct to be an attorney, and, if the person is authorized to practice law in another jurisdiction but is not a member of the Alaska Bar Association, representing oneself to be a member of the Alaska Bar Association; and

(b) either (i) representing another before a court or governmental body which is operating in its adjudicative capacity, including the submission of pleadings, or (ii), for compensation, providing advice or preparing documents for another which effect (sic) legal rights or duties.""

This is further qualified in ALASKA BAR RULE 15 ""(b) Unauthorized Practice of Law. (1) For purposes of the practice of law prohibition for disbarred and suspended attorneys in subparagraph (a)(6) of this rule, except for attorneys suspended solely for non-payment of bar fees, ""practice of law"" is defined as: (A) holding oneself out as an attorney or lawyer authorized to practice law; (B) rendering legal consultation or advice to a client; (C) appearing on behalf of a client in any hearing or proceeding or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, hearing officer, or governmental body which is operating in its adjudicative capacity, including the submission of pleadings; (D) appearing as a representative of the client at a deposition or other discovery matter; (E) negotiating or transacting any matter for or on behalf of a client with third parties; or (F) receiving, disbursing, or otherwise handling a client's funds. (2) For purposes of the practice of law prohibition for attorneys suspended solely for the non-payment of fees and for inactive attorneys, ""practice of law"" is defined as it is in



## United States (Alaska)

subparagraph (b)(1) of this rule, except that these persons may represent another to the extent that a layperson would be allowed to do so.

This is further qualified by ALASKA RULE OF PROFESSIONAL CONDUCT 5.5:

(a) A lawyer shall not practice law in any jurisdiction unless authorized to do so by the laws of that jurisdiction.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not: (1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that: (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter; (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in that proceeding or reasonably expects to be so authorized; (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or (4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that: (1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or  
(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

## United States (Alaska)

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership, a limited liability company, or a professional corporation. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Alaska Rules of Professional Conduct which is modelled on the ABA Model Rules (see <http://www.courts.alaska.gov/prof.htm>).

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the business form taken (e.g. limited liability company) and the local state statutes.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Alaskan Bar (see: <http://www.alaskabar.org/>)

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

The US has scheduled commitments for Alaska in modes 1-3 for legal consultancy on the law of the jurisdiction where the service supplier is qualified as a lawyer (excluding appearing in courts other than admission pro hac vice); preparing any instrument effecting the transfer or registration of title to real estate located in the United States of America; preparing 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 USA and preparing 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).

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

## United States (Alaska)

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program.

*Are there any 'foreign law' firms present in this jurisdiction?*

A number of international US firms such as Dorsey and Whitney and Crowell and Moring have offices in Alaska.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Only lawyers from other US states may provide temporary services under Rule 5.5 of the Alaskan Rules of Professional Conduct.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Alaska would need to be fully admitted to the Alaska Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

"Yes - a foreign lawyer may be licensed as a foreign legal consultant in Alaska (see Alaska Bar Rule 44.1, available online at [www.state.ak.us/courts/bar.htm#44.1](http://www.state.ak.us/courts/bar.htm#44.1)), however the court has discretion to consider whether an attorney in Alaska would be allowed a reasonable and practical opportunity to establish an office to give legal advice to clients in the applicant's country of admission. If granted, the FLC licence permits a foreign legal consultant ""to provide legal services in the State of Alaska, subject to the limitations that the person shall not:

- (1) 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 other papers in any action or proceeding brought in any such court or before any such judicial officer, except as authorized by Civil Rule 81(a)(2);
- (2) prepare any deed, mortgage, assignment, discharge, lease, agreement, sale or any other instruction affecting title to real estate located in the United States of America;
- (3) prepare:
  - (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;
- (4) prepare 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;
- (5) provide professional legal advice on the 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 counsellor at law or the equivalent, whether provided incident to the preparation of legal instruments or otherwise. 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 or counsellor at law or equivalent, the foreign law consultant shall consult an attorney, counsellor 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;
- (6) in any way represent that the person is licensed as an attorney or counsellor at law in the State of Alaska, or the equivalent in any jurisdiction, unless so licensed;

## United States (Alaska)

or

(7) use 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 or counsel at law or the equivalent may be used if the title, firm name, and the name of the foreign country are stated together with the title "foreign law consultant".

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Must use the title of FLC.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

The applicant must have spent 5 of the previous 7 years prior to registration practising law. He/she must also submit a certificate of registration and good standing with his/her home-country bar, meet the professional liability insurance requirement, and agree to be bound by the Rules of Disciplinary Enforcement, Ethics Opinions adopted by the Board of Governors of the Alaska Bar Association, and the Code of Professional Responsibility.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Only lawyers from other US states may provide arbitration and mediation services under Rule 5.5 of the Alaskan Rules of Professional Conduct.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Alaska's pro hac vice rules do not cover foreign lawyers.

*Can foreign lawyers requalify as local lawyers?*

There is no explicit rule, but a foreign lawyer may qualify to take the UBE in Alaska under Bar Rule 2 section 3 or by reciprocity admission from a reciprocal state. A graduate of a foreign law school in which the principles of English law are taught may be eligible to take the bar exam if he or she submits proof that 1) the law school from which he/she graduated meets the ABA's standards for approval; and 2) he/she has successfully completed 1 year at an ABA-approved law school, including successful completion of 1 course in U.S. Constitutional Law and 1 course in U.S. Civil Procedure, or is a member in good standing of the bar of 1 or more states, territories, or the District of Columbia and was admitted to the bar of that state, territory, or the District of Columbia after written examination.

*Can a foreign law firm obtain a licence to open an office?*

Foreign firms are permitted to establish a commercial presence (a permanent office) to offer advisory services in foreign and international law;

## United States (Alaska)

<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Subject to the Alaska Statutes.
<i>Are there rules about the name a foreign law firm can take?</i>	Foreign name is permitted.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	Alaska Bar Association (February 2014)

# United States (Arizona)

<i>Is there legislation governing the legal sector</i>	RULES OF THE SUPREME COURT OF ARIZONA – RULE 31 – REGULATION OF THE PRACTICE OF LAW
<i>Under what title do lawyers practise?</i>	Attorney at Law
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	An individual must have an LLB or JD, satisfy character and fitness to practice requirements, and have passed the bar exam.
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	This only automatically entitles the holder to practise in Arizona. The right to practise on a temporary basis in another state or to appear pro hac vice in another state requires the permission of that state.
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	<p>The definition of the practice of law in Arizona is set out in the RULES OF THE SUPREME COURT OF ARIZONA – RULE 31 – REGULATION OF THE PRACTICE OF LAW</p> <p>"(a) Supreme Court Jurisdiction Over the Practice of Law</p> <ol style="list-style-type: none"> <li>1. Jurisdiction. Any person or entity engaged in the practice of law or unauthorized practice of law in this state, as defined by these rules, is subject to this court's jurisdiction.</li> <li>2. Definitions. <ol style="list-style-type: none"> <li>A. "Practice of law" means providing legal advice or services to or for another by: <ol style="list-style-type: none"> <li>(1) preparing any document in any medium intended to affect or secure legal rights for a specific person or entity;</li> <li>(2) preparing or expressing legal opinions;</li> <li>(3) representing another in a judicial, quasi-judicial, or administrative proceeding, or other formal dispute resolution process such as arbitration and mediation;</li> <li>(4) preparing any document through any medium for filing in any court, administrative agency or tribunal for a specific person or entity; or</li> <li>(5) negotiating legal rights or responsibilities for a specific person or entity.</li> </ol> </li> <li>B. "Unauthorized practice of law" includes but is not limited to: <ol style="list-style-type: none"> <li>(1) engaging in the practice of law by persons or entities not authorized to practice pursuant to paragraphs (b) or (c) or specially</li> </ol> </li> </ol> </li> </ol>



## United States (Arizona)

	<p>admitted to practice pursuant to Rule 38(a); or</p> <p>(2) using the designations "lawyer," "attorney at law," "counsellor at law," "law," "law office," "J.D.," "Esq.," or other equivalent words by any person or entity who is not authorized to practice law in this state pursuant to paragraphs (b) or (c) or specially admitted to practice pursuant to Rule 38(a), the use of which is reasonably likely to induce others to believe that the person or entity is authorized to engage in the practice of law in this state.</p>
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Lawyers must comply with the Arizona Rules of Professional Conduct which is modelled after the ABA Model Rules of Professional Conduct (see: <a href="http://www.azbar.org/ethics/rulesofprofessionalconduct">http://www.azbar.org/ethics/rulesofprofessionalconduct</a> ).
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Law firms do not need to receive a license from the Court, but they may be subject to other notification requirements depending on the type of legal entity formed (e.g., limited liability company) and the requirements of the local code.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by the Arizona Supreme Court (see: <a href="http://www.azcourts.gov/cld/AttorneyAdmissions/AdmissionbyUBETestinginArizona/HowtoApplyforAdmission.aspx">http://www.azcourts.gov/cld/AttorneyAdmissions/AdmissionbyUBETestinginArizona/HowtoApplyforAdmission.aspx</a> ).
<i>Is the jurisdiction a member of the WTO?</i>	The United States joined the WTO on 1 January 1995.
<i>Has it made any WTO commitments on legal services?</i>	Under the WTO commitments made by the USA, an individual practising 'as or through' a lawyer qualified in Arizona may provide legal services in modes 1-3.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to</i>	The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain,



## United States (Arizona)

*businesses or individuals from particular countries?*

Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program.

*Are there any 'foreign law' firms present in this jurisdiction?*

In addition to international US firms such as Greenberg Traurig, Squire Sanders and Bryan Cave, there are a couple of firms (DLA Piper and Dentons) which are the US arms of Swiss vereins containing English firms.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

To provide temporary services in Arizona, a person must be licensed in another U.S. jurisdiction and must receive permission to practice in the state under Rule 38 of the Arizona Rules of the Supreme Court (Admission Pro Hac Vice) and Rule 5.5 of the Arizona Rules of Professional Conduct.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments made by the United States, an individual wishing to practice law on a "fly in fly out" basis in Arizona would need to be admitted to the Arizona bar or to the bar of another U.S. state or be recognized as a foreign legal consultant under rule 38(b) of the Arizona Rules of the Supreme Court "Service salespersons" are permitted to enter the United States for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service."

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal*

Yes, a foreign lawyer may be licensed as a foreign legal consultant in Arizona (subject to

## United States (Arizona)

*consultant and what is the scope of this limited licence?*

the discretion of the court to require evidence of reciprocity) see Arizona Supreme Court Rules, Rule 38(b), available online at (<http://government.westlaw.com/linkedslice/default.asp?SP=AZR-1000>). The scope of practice available to a foreign legal consultant is as follows:

A. A person licensed to practice as a foreign legal consultant under this rule may render legal services in this state subject, however, to the limitations that he or she shall not:

- i. 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 Rule 38(a);
- ii. prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States of America;
- iii. prepare any will or trust instrument affecting the disposition on death of any property located in the United States of America and owned by a resident thereof;
- iv. prepare any instrument relating to the administration of a decedent's estate in the United States of America;
- v. prepare any instrument in respect to 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;
- vi. 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;
- vii. in any way hold himself or herself out as a member of the state bar.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

A foreign legal consultant (FLC) must have the intention to open an office in Arizona but the rules do not require ongoing evidence of this fact. FLCs are also bound by the Arizona rules requiring them to state in any advertisement or communication that targets or specifically offers legal services to Arizona

## United States (Arizona)

residents that: (1) the non-member is not licensed to practice law by the Supreme Court of Arizona; or (2) the non-member's practice is limited to federal or tribal legal matters (for example, a non-member may state his or her practice is limited to immigration matters).

A person registered as a foreign legal consultant must also use the title "legal consultant", 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.

Ariz. R. Sup. Ct. 38(b)(7), 17A A.R.S.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

To be registered as a foreign legal consultant, an applicant must:

A. 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 counsellor 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 counsellor at law or the equivalent in such country or political subdivision;

B. possess the good moral character necessary for a member of the state bar;

C. intend to practice as a registered foreign legal consultant in this state and to maintain an office in the state for such practice;

D. possess the necessary documentation evidencing compliance with the immigration laws of the United States;

E. have attained the age of twenty-one;

F. file with the Committee on Character and Fitness an application in the form supplied by

## United States (Arizona)

	the Committee. The application must be accompanied by required supporting documents and application fee. The applicant shall also complete and submit a character report accompanied by a character investigation fee as established by the Court. The character report and related fee may be submitted separately from the application to practice as a registered foreign legal consultant.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Only lawyers from other US states may provide arbitration and mediation services under rule 5.5 of the Arizona Rules of Professional Conduct.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Only lawyers admitted in other U.S. states are covered by Arizona's Pro Hac Vice Admission Rule, Ariz. R. Sup. Ct. 38(a), 17A A.R.S.
<i>Can foreign lawyers requalify as local lawyers?</i>	Only other U.S. lawyers who meet the required criteria can be admitted to the Arizona Bar without examination. Foreign candidates wishing to requalify must pass the Arizona bar exam or provide a qualifying score on the uniform bar examination and meet other admissions criteria.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate requirements for law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	No, there are no requirements beyond those for registering as an FLC.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable

## United States (Arizona)

<i>Are there rules about the name a foreign law firm can take?</i>	Foreign names are permitted, but law firms must comply with rules regarding law firm names. See Ethical Rule 7.5.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	According to Ethics Opinion 96-08 of the Arizona Bar Association: An Arizona attorney may be hired as an associate to operate the Arizona office of an out-of-state law firm as long as: (1) the associate has a bona fide employment relationship with the firm; (2) the Arizona attorney must be fully responsible for the Arizona office, including the supervision of partners in Arizona who are not yet admitted in Arizona (and limiting their practices to federal law); and (3) the firm must clearly indicate on all communications and letterhead where each of the attorneys is admitted and that the Arizona associate is the managing associate for the Arizona office.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	Arizona State Courts (January 2014)

## United States (Arkansas)

<i>Is there legislation governing the legal sector or the practise of law? (Please give title e.g. Legal Practice Act)</i>	Arkansas Code 1987, Title 16 Practice, Procedure, And Courts, Subtitle 2. Courts and Court Officers, Chapter 22 Attorneys At Law
<i>Under what title do lawyers practise in this jurisdiction? (e.g. Advocate)</i>	Attorney at law
<i>Does a lawyer need a licence to practise, if so how does he/she obtain a licence and how often must this be renewed?</i>	An individual must have an LLB or JD from an ABA approved law school, satisfy character and fitness to practice requirements, and have passed the bar exam. The candidate must be resident in the US to obtain a licence.
<i>Does this licence entitle the holder to practise throughout the country? Please explain the jurisdictional limits (e.g. state limitations etc.)</i>	This only automatically entitles the holder to practise in Arkansas. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	The State Supreme Court judgment in Arkansas Bar Association v. Block, 323 S.W.2d 912 (1959) held that "Research of authorities by able counsel and by this court has failed to turn up any clear, comprehensible definition of what really constitutes the practice of law. Courts are not in agreement. We believe it is impossible to frame any comprehensive definition of what constitutes the practice of law. Each case must be decided upon its own particular facts. -The practice of law is difficult to define. Perhaps it does not admit of exact definition".
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Arkansas code of professional conduct which is modelled on the ABA model code (see: <a href="https://courts.arkansas.gov/rules-and-administrative-orders/%5Bcurrent%5D-arkansas-rules-of-professional-conduct">https://courts.arkansas.gov/rules-and-administrative-orders/%5Bcurrent%5D-arkansas-rules-of-professional-conduct</a> ).
<i>Do law firms need to receive a "license" (or permission/approval) to practice law in addition to any individual licences?</i>	Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by the Arkansas State Supreme Court: <a href="http://www.courts.arkansas.gov/professional_conduct">http://www.courts.arkansas.gov/professional_conduct</a>

# United States (Arkansas)

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Arkansas may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

No - foreign lawyers are not permitted to establish in Arkansas and there are no large national or international US law firms with offices in this state.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see rule 5.5 on Unauthorized Practice of Law).

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Arkansas would need to be fully admitted to the Arkansas Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No - there is no FLC rule in Arkansas.



## United States (Arkansas)

<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Rule 5.5 of the Arkansas code of conduct exempts other US lawyers who are not admitted to practice in Arkansas from unauthorised practice of law violation provided the legal services they are providing "are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission".
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	On February 26, 2004 the Arkansas Supreme Court adopted an Admission by Motion Rule. This is based on the ABA Rule but requires reciprocity, fee (\$1500) and designate Clerk of the Court for service of process. (Effective October 1, 2004) <a href="http://courts.state.ar.us/opinions/2004a/20040226/admission.html#">http://courts.state.ar.us/opinions/2004a/20040226/admission.html#</a>
<i>Can foreign lawyers requalify as local lawyers?</i>	There is no explicit rule, but a foreign lawyer may qualify in Arkansas by following the state route to qualification as a US lawyer would do.
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of</i>	No



## United States (Arkansas)

*branches a foreign firm can have?*

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* No

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Not applicable

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Not applicable

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Not applicable

*Other useful sources or comments or links*

*Verified by*

## United States (California)

*Is there legislation governing the legal sector*

The California Business & Professions Code Div. 3 - Professions and Vocations Generally, Ch. 4 - Attorneys (Bus. & Prof Code §§ 6000 et seq.) known as 'The State Bar Act' (1939).

*Under what title do lawyers practise?*

Attorney at Law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must be 18 years old, have at least 2 year's post-secondary study, or equivalent, legal training as defined by statute, good moral character, and have passed the bar exam. Once these requirements are met, one is admitted by the Supreme Court, subject to annual renewal fees.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

As with all U.S. state jurisdictions, this only entitles the holder to practise in their state of admission, in this case California. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

In the U.S., the practice of law can be performed only by licensed attorneys. The California State Legislature adopted the State Bar Act in 1927 and used the term 'practice law' without providing a definition. Early case law in *People v. Merchants' Protective Corp.* (1922) provided the following definition 'As the term is generally understood, the practice of the law is the doing or performing services in a court of justice, in any matter depending therein, throughout its various stages, and in conformity to the adopted rules of procedure. But in a larger sense it includes legal advice and counsel, and the preparation of legal instruments and contracts by which legal rights are secured although such matter may or may not be depending in a court.' This remains the definition of legal practice.

*Do you need to hold local nationality to be eligible to practise law?*

No. US citizenship is not required to be admitted in California.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership, or as a professional corporation. Fee sharing with non-lawyers is prohibited. Thus, multidisciplinary practices or alternative business structures are not currently permitted.

## United States (California)

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The California Business and Professions Code Sections 6000 et seq, and the California Rules of Professional Conduct set the disciplinary standards in California (see: <http://rules.calbar.ca.gov/Rules/RulesofProfessionalConduct.aspx>).

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

California does not regulate "firms," only individuals. But in order to be certified as a law corporation or a limited liability partnership, one has to be registered by the State Bar. Otherwise firms are not licensed.

*Which authority issues licences? Are there different authorities for individuals and firms?*

California attorneys are admitted by the Supreme Court and licensed by the State Bar of California (see <http://www.calbar.ca.gov/>). Only individual members are admitted and licensed.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

The USA has scheduled commitments for California in modes 1-3 for the practice of home country law, international law (to the extent this is incorporated in home-country law) and 3rd-country law (provided that the FLC first obtains advice from an attorney licenced in that jurisdiction). Suppliers regularly supplying legal services in California must be licensed as foreign legal consultants.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership. California does not have a separate agreement with anyone and does not offer preferential treatment to other jurisdictions on admission to legal practice. California does not have a separate agreement with anyone and does not offer preferential treatment to other jurisdictions on admission to legal practice.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program.

## United States (California)

*Are there any 'foreign law' firms present in this jurisdiction?*

Foreign firms are represented in California through the representative offices of English firms Osborne Clarke and Clyde and Co, the Australian/Chinese firm King and Wood Mallesons. Other English firms such as Dentons, DLA and Hogan Lovells are represented through the US arms of their Swiss vereins. A large number of US international and national firms are also present.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

California Rules of Court 9.47 (part of litigation) and 9.48 (non-litigation matter) only permit lawyers who are licensed to practice in another US jurisdiction to practise temporarily in California without registering with the State Bar.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in California would need to be fully admitted to the California Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes - a foreign lawyer may be licensed as a foreign legal consultant (see California Court Rule 9.44). This permits foreign legal consultants to offer services in international law, to the extent this is incorporated in home-country law. Practice of 3rd-country law and California law is not permitted. For FLC rules see <http://admissions.calbar.ca.gov/Requirements/ForeignLegalConsultantsFLC.aspx> Rule 9.44 of California rules of court permit the following: "Subject to all applicable rules, regulations, and statutes, a registered foreign legal consultant may render legal services in California, except that he or she may not:

- (1) 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 or prepare pleadings or any other papers or issue subpoenas in any action or proceeding brought in any court or before any judicial officer;
- (2) Prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States;

## United States (California)

(3) Prepare any will or trust instrument affecting the disposition on death of any property located in the United States and owned by a resident or any instrument relating to the administration of a decedent's estate in the United States;

(4) Prepare any instrument in respect of the marital relations, rights, or duties of a resident of the United States, or the custody or care of the children of a resident; or

(5) Otherwise render 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 named in satisfying the requirements of (c) of this rule, whether rendered incident to preparation of legal instruments or otherwise.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

An FLC in California must provide the State Bar with an 'address of record' in California (which does not necessarily require residency) and evidence of security for claims such as an acceptable insurance policy. Rule 3.402 Duties of Registered Foreign Legal Consultants.

A Foreign Legal Consultant must

(A) annually renew registration as a Registered Foreign Legal Consultant and submit the fee set forth in the Schedule of Charges and Deadlines;

(B) report to the State Bar within thirty days any change in eligibility or the security for claims required by these rules;

(C) at all times maintain the security for claims required by these rules and upon demand promptly provide the State Bar with current evidence of security for claims;

(D) provide legal advice in California exclusively regarding the law of a foreign jurisdiction where he or she is licensed to practice law and which is identified in the Application To Register as a Foreign Legal Consultant;

(E) use the title "Registered Foreign Legal Consultant" and no other in connection with activities performed as a Registered Foreign Legal Consultant;

(F) not claim in any way to be a member of the State Bar of California;

(G) maintain an address of record and a current e-mail address with the State Bar;

## United States (California)

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

and  
(H) otherwise comply with Rule 9.44 and these rules

FLC registration is subject to meeting requirements of registration, an experience requirement (4 of the 6 years preceding registration must have been spent practising law), certification of registration and good standing with home-country bar, meeting the professional liability insurance requirement, and agreement to be bound by the requirements of the State Bar of California.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Lawyers who are not admitted in another US state are not covered by California Rules of Court Rule 9.43 on out-of-state attorney arbitration counsel. Foreign lawyers can therefore not appear in arbitrations on the basis of their foreign qualifications alone. Except in labour and international arbitration. See *Birbrower, Montalbano, Condon & Frank v. Superior Court* (1998) 17 Cal.4th 119.

*Are foreign lawyers allowed to appear in court under any circumstances?*

No. Only lawyers admitted in other US states are covered by California's Pro Hac Vice Admission Rule, Rule 9.40, effective January 1, 2007 (See [http://www.courtinfo.ca.gov/rules/index.cfm?title=nine&linkid=rule9\\_40](http://www.courtinfo.ca.gov/rules/index.cfm?title=nine&linkid=rule9_40)).

*Can foreign lawyers requalify as local lawyers?*

They may qualify as set forth below to take the bar examination. But they must pass the examination to be fully admitted to practice. Foreign law school graduates must request individual evaluation to determine legal education equivalency. Graduates from foreign law schools may qualify to take the California bar exam if they obtain an LL.M. degree or complete an additional 1 year of law study at an ABA-approved or California-accredited law school which includes a certain number of credits in bar examination subject matter. Foreign-educated law students who did not graduate are not eligible to take the exam and are required to either graduate with a J.D. degree at an ABA-approved or California-accredited law school or complete 4 years of law study at a law school registered in California and pass the First-Year Law Students' Exam. Foreign law school graduates who are admitted to the active practice of law in good standing in their countries do not have to complete any additional law study to qualify to take the bar exam.

*Can a foreign law firm obtain a licence to open an office?*

There is no special licensing procedure for foreign law firms, but LLPs or Law Corporations must be registered with the State Bar.

## United States (California)

<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Subject to the California code
<i>Are there rules about the name a foreign law firm can take?</i>	Foreign name is permitted.
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services.
<i>Other useful sources or comments or links</i>	See the State Bar of California's website, <a href="http://www.calbar.ca.gov">www.calbar.ca.gov</a>
<i>Verified by</i>	The State Bar of California (January 2014)



# United States (Colorado)

*Is there legislation governing the legal sector*

Article VI of the Colorado Constitution grants the Colorado Supreme Court exclusive jurisdiction to regulate and control the practice of law in Colorado. *Conway-Bogue v. Denver Bar Ass'n*, 135 Colo. 398, 312 P.2d 998 (1957). The Court has enacted rules that regulate attorney admission (C.R.C.P. 201, 220-222); attorney registration (C.R.C.P. 227); attorney discipline (C.R.C.P. 251); unauthorized practice of law (C.R.C.P. 228, et seq.); the Attorneys' Fund for Client Protection (C.R.C.P. 252); and mandatory continuing legal and judicial education requirements (C.R.C.P. 260). In addition, there is a limited statutory framework set out in the COLORADO REVISED STATUTES 2012, TITLE 12. PROFESSIONS AND OCCUPATIONS, GENERAL, ARTICLE 5. ATTORNEYS-AT-LAW

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

A US lawyer from another State can obtain a license to practice law in Colorado by applying on motion (C.R.C.P. 201.3(1), pursuant to Uniform Bar Exam score transfer procedures (C.R.C.P. 201.3(5), or through single-client certification (C.R.C.P. 222). Others must take the bar exam (pursuant to C.R.C.P. 201.6). All applicants must have an LLB or JD, satisfy character and fitness to practice requirements, and have passed the bar exam. There is an annual registration and fee. There are additional proposed rules before the Colorado Supreme Court that will also allow certification and pro hac vice admission of Foreign Legal Consultants. Proposed C.R.C.P. 204.2 and 205.5.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

A Colorado license or certification only automatically entitles the holder to practise in Colorado. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

An out-of-state, U.S. lawyer may practice law in Colorado on a temporary basis pursuant to C.R.C.P. 220. There is a proposed rule pending before the Colorado Supreme Court that would also allow limited, temporary practise by foreign lawyers (C.R.C.P. 205.2).

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

The Colorado supreme court has defined the practice of law as follows: "We believe that generally one who acts in a representative capacity in protecting, enforcing, or defending the legal rights and duties of another and in counselling, advising and assisting him in connection with these rights and duties is engaged in the practice of law". *Denver Bar Ass'n v. Public Utilities Commission*, 154 Colo. 273, 279, 391 P.2d 467, 471 (1964). See also C.R.C.P. 201.3(2).



## United States (Colorado)

COLORADO COURT RULES GOVERNING ADMISSION TO THE BAR CHAPTER 18. RULES GOVERNING ADMISSION TO THE BAR RULE 201.3. CLASSIFICATION OF APPLICANTS Rule 201.3(2):

(2) For purposes of this rule, "practice of law" means:

(a) the private practice of law as a sole practitioner or as a lawyer employee of or partner or shareholder in a law firm, professional corporation, legal clinic, legal services office, or similar entity; or

(b) employment as a lawyer for a corporation, partnership, trust, individual, or other entity with the primary duties of:

(i) furnishing legal counsel, drafting documents and pleadings, and interpreting and giving advice with respect to the law, and/or

(ii) preparing, trying or presenting cases before courts, executive departments, administrative bureaus or agencies; or

(c) employment as a lawyer in the law offices of the executive, legislative, or judicial departments of the United States, including the independent agencies thereof, or of any state, political subdivision of a state, territory, special district, or municipality of the United States, with the primary duties of

(i) furnishing legal counsel, drafting documents and pleadings, and interpreting and giving advice with respect to the law, and/or

(ii) preparing, trying or presenting cases before courts, executive departments, administrative bureaus or agencies; or

(d) employment as a judge, magistrate, hearing examiner, administrative law judge, law clerk, or similar official of the United States, including the independent agencies thereof, or of any state, territory or municipality of the United States with the duties of hearing and deciding cases and controversies in judicial or administrative proceedings, provided such employment is available only to a lawyer; or

(e) employment as a teacher of law at a law school approved by the American Bar Association throughout the applicant's employment; or

f) any combination of subparagraphs (a)-(e) above. Colorado Koscove v. Bolte, 30 P.3d 784 (Colo.App. 2001)

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership, professional corporation, or in a professional limited liability company (C.R.C.P. 265). Fee sharing with non-lawyers is prohibited.

# United States (Colorado)

*partnership, multi-disciplinary  
partnership, incorporation)*

*What other ethical or regulatory  
requirements must a licensed  
lawyer comply with?*

The Colorado Rules of Professional Conduct, which are modelled on the ABA model rules (see: <http://www.cobar.org/index.cfm/ID/22119/CETH/Colorado-Rules-of-Professional-Conduct/>).

*Do law firms need to receive a  
"license" (or permission/approval) to  
practice law?*

Not from the Colorado Supreme Court, but Colorado law firms may be subject to other notification requirements depending on the form taken (e.g. limited liability company, professional corporations, See C.R.C.P. 265) and the local State code.

*Which authority issues licences?  
Are there different authorities for  
individuals and firms?*

Licences are issued by the Colorado Supreme Court: <http://www.coloradosupremecourt.com/>

*Is the jurisdiction a member of the  
WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments  
on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Colorado may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral  
agreements which offer special  
treatment to businesses or  
individuals from particular  
countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal  
services or are there plans to  
include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different  
jurisdictions treated differently as a  
result of any such agreements?*

NAFTA lawyers have access to the professional visa program.

*Are there any 'foreign law' firms  
present in this jurisdiction?*

No - foreign lawyers are not permitted to establish in Colorado at this time.

*Are there any explicit rules or  
restrictions other than visas on fly in  
fly out practice of law? I.e. Do you  
need to obtain a licence for  
temporary practice?*

According to Colorado Supreme Court Rule (C.R.C.P.) 220, only lawyers from other US jurisdictions may provide temporary services in Colorado at this time. If proposed Rules 205.2 (Temporary practice by foreign lawyer) and 205.5 (Pro hac vice authority by foreign lawyer) are adopted, then temporary practice by foreign lawyers will be allowed under certain conditions.

*Can a foreign lawyer obtain a visa  
to visit clients or to market, even if  
they are not permitted to practise  
law?*

Under the WTO commitments of the USA, an individual presently wishing to practise law on a fly in fly out basis in Colorado would need to be fully admitted to the Colorado Bar or to the Bar of another US State. 'Service salespersons'

## United States (Colorado)

are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Not yet - there is a proposed FLC rule pending before the Colorado Supreme Court, C.R.C.P. 204.2. Please check [www.coloradosupremecourt.com](http://www.coloradosupremecourt.com) for updates on the status of this proposed rule.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable as of this date.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Not applicable as of this date.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

The Colorado code of conduct exempts other US lawyers who are not admitted to practice in Colorado from unauthorised practice of law violation provided the legal services they are providing "are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission". Colorado would allow foreign lawyers to undertake arbitration and mediation under the proposed rules pending before the Colorado Supreme Court.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Foreign lawyers are not allowed to appear in Court in a representative capacity at present. This will change with the adoption of proposed C.R.C.P. 205.2, pending before the Colorado Supreme Court.

## United States (Colorado)

<i>Can foreign lawyers requalify as local lawyers?</i>	Must have practiced actively and substantially for 5 of the previous 7 years (soon to be 3 of the previous 5 years) in jurisdiction where admitted a rule, reciprocity required. Colorado Admission Rule 201.3(1) <a href="http://www.coloradosupremecourt.com/BLE/Forms/Rules.htm">http://www.coloradosupremecourt.com/BLE/Forms/Rules.htm</a>
<i>Can a foreign law firm obtain a licence to open an office?</i>	Not at present.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Not applicable

## United States (Colorado)

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Not applicable

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Not applicable

*Other useful sources or comments or links*

*Verified by*

Attorney Regulation Counsel, Colorado Supreme Court  
(December 2013)

## United States (Connecticut)

*Is there legislation governing the legal sector*

CONNECTICUT REVISED STATUTES 2011, CHAPTER 876, ATTORNEYS

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have a JD, satisfy character and fitness to practice requirements, and have passed the bar exam. A candidate must be resident in the US to be licensed.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Connecticut. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

State Bar Association of Connecticut v. Connecticut Bank & Trust Co., 140 A.2d 863, 870 (1958).  
The practice of law consists in no small part of work performed outside of any court and having no immediate relation to proceedings in court. It embraces the giving of legal advice on a large variety of subjects and the preparation of legal instruments covering an extensive field.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Connecticut code of professional conduct is found in the Connecticut Practice Book which is modelled on the ABA model code (see: <http://www.jud.ct.gov/pb.htm>)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Connecticut Superior Court.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

The USA has scheduled commitments for Connecticut in modes 1-3 for the practice of home country law, international law (to the extent this is incorporated in home-country law) and 3rd-country law (provided that the FLC first obtains advice from an attorney licenced in that jurisdiction).

## United States (Connecticut)

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

*Do these currently include legal services or are there plans to include them in future?*

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

*Are there any 'foreign law' firms present in this jurisdiction?*

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Suppliers regularly supplying legal services in Connecticut must be licensed as foreign legal consultants.

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

NAFTA lawyers have access to the professional visa program.

There are no foreign or large US firms established in Connecticut.

Rule 5.5 of the Connecticut Rules of Professional Conduct provide that a lawyer who is not admitted to practice in Connecticut, but who is admitted in another US jurisdiction that accords similar privileges to Connecticut lawyers, may provide legal services on a temporary basis in Connecticut.

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Connecticut would need to be fully admitted to the Connecticut Bar or to the Bar of another US State which offers reciprocal access. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.



## United States (Connecticut)

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes - a foreign lawyer may be licensed as a foreign legal consultant (see Connecticut Rules of Court, Rules of Practice for the Superior Court, General Provisions, Chapter 2. Attorneys § 2-17, Superior Court Rules Regulating Admission To The Bar, Sections 2-17 To 2-21 CT R SUPER CT GEN § 2-17 (Effective 1991)). This permits the following scope of practice Section 2-19. —Scope of Practice of Foreign Legal Consultants:

"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. Such person shall not:

(1) in any way hold himself or herself out as a member of the bar of the state of Connecticut; or

(2) Use in this state any title other than "Foreign Legal Consultant," but in conjunction therewith may indicate the foreign country in which he or she is licensed to practice law."

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

An FLC in Connecticut must fulfil the following conditions once admitted, provide:

(A) a written commitment to observe the Connecticut Rules of Professional Conduct and other rules regulating the conduct of attorneys (B) an undertaking or appropriate evidence of professional liability insurance, in such amount as the court may prescribe, to assure the foreign legal consultant's proper professional conduct and responsibility, (C) a duly acknowledged instrument in writing setting forth the foreign legal consultant's address in the state of Connecticut or United States, and designating the clerk of the superior court for the judicial district of Hartford at Hartford as his or her agent upon whom process may be served."

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Licensure is subject to meeting requirements of registration, a minimum age of 26 years, an experience requirement (5 of the 7 years preceding registration must have been spent practising law), and certification of registration, meeting the professional liability insurance requirement, an overdraft notification, good standing with home-country bar, and a written commitment to observe the Connecticut Rules of Professional Conduct.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

The Connecticut code of conduct exempts other US lawyers who are not admitted to practice in Connecticut but come from a US jurisdiction which offers reciprocal access, from unauthorised practice of law violation provided the legal services they are providing "are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably



## United States (Connecticut)

	related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission".
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Connecticut 's pro hac vice rules do not cover foreign lawyers.
<i>Can foreign lawyers requalify as local lawyers?</i>	An applicant who otherwise does not meet the educational requirements may be eligible to sit for the exam if he/she meets certain conditions. Conditions include admission before the highest court of original jurisdiction in a U.S. state, the District of Columbia, the Commonwealth of Puerto Rico, or a U.S. District Court for 10 or more years, good standing in such jurisdiction, active practice of law in that jurisdiction for 5 of the last 7 years, and an intention to actively practice law in Connecticut and to devote a majority of his/her work to such practice. Not addressed. Section 2-13, Connecticut Superior Court Rules Regulating Admission to the Bar <a href="http://www.jud.state.ct.us/CBEC/#Sec.%202-13">http://www.jud.state.ct.us/CBEC/#Sec.%202-13</a>
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate requirements on law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable

## United States (Connecticut)

<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services.
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services.
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	Attorney Services, Connecticut Bar Examiners (January 2014)

## United States (Delaware)

*Is there legislation governing the legal sector*

DELAWARE CODE 1852 (as amended), Title 10, Courts and Judicial Procedure, Organization, Powers, Jurisdiction and Operation of Courts, CHAPTER 19. GENERAL PROVISIONS APPLICABLE TO COURTS AND JUDGES, § 1906. Admission of attorneys.

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a JD from an ABA approved law school, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Delaware. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

The following working definition of the practice of law was established by Delaware case law: "advice or service under circumstances which imply the possession and use of legal knowledge and skill. The practice of law includes all advice to clients, and all actions taken for them in matters connected with the law."

Rule 4(c) of the Rules of the Board on the unauthorised practice of law states that "In evaluating any information involving the possible unauthorized practice of law in the State of Delaware, Disciplinary Counsel shall initially determine whether the person which is the subject of such information is otherwise authorized to practice law in the State of Delaware. If not, Disciplinary Counsel shall then determine whether such person has possibly engaged in any of the following types of conduct: (i) giving legal advice on matters relating to Delaware law, (ii) drafting legal documents or pleadings for a person or entity (other than one's self) reflecting upon Delaware law, for use in a Delaware legal tribunal or governmental agency, unless the drafting of such documents or pleadings has been supervised by a person authorized to practice law in the State of Delaware, (iii) appearing as legal counsel for, or otherwise representing, a person or entity (other than one's self) in a Delaware legal tribunal or governmental agency, (iv) holding one's self out as being authorized to practice law in the State of Delaware, (v) engaging in an activity which has traditionally been performed exclusively by persons authorized to practice law, and (vi) engaging in any other act which may indicate an occurrence of the unauthorized practice of law in the

# United States (Delaware)

State of Delaware as established by case law, statute, ruling or other authority.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Delaware code of professional conduct which is modelled on the ABA model code (see: <http://courts.delaware.gov/rules/DLRPCwithCommentsFeb2010.pdf>)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Delaware Supreme Court (see: <http://www.courts.delaware.gov>).

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Delaware may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program.

*Are there any 'foreign law' firms present in this jurisdiction?*

The only "foreign" firm present in Delaware is DLA Piper which is established under the US arm of its Swiss Verein.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice*

Rule 5.5 of the Delaware code of conduct allows temporary practice by foreign lawyers.  
 ""(c) A lawyer admitted in another United States

## United States (Delaware)

*of law? I.e. Do you need to obtain a licence for temporary practice?*

jurisdiction or in a foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual could practise law on a fly in fly out basis in Delaware provided they meet the requirements of the Delaware Supreme Court Rules for temporary practice. In addition, 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

## United States (Delaware)

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes - a foreign lawyer may be licensed as a foreign legal consultant (see Supreme Court Rule 55.2 Foreign Legal Consultants "A person licensed to practice as a foreign legal consultant under this Rule may render legal services in this jurisdiction with respect to the law of the foreign country or countries in which the Foreign Legal Consultant is admitted to practice law, but shall not be considered admitted to practice law in this jurisdiction, or in any way hold himself out as a member of the bar of this jurisdiction, or do any of the following: (1) Appear as a lawyer on behalf of another person in any court, or before any magistrate or other judicial officer, in this jurisdiction (except when admitted pro hac vice); (2) Prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America; (3) Prepare: (A) Any will or trust instrument effecting the disposition on death of any property located 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; (4) 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; (5) Render professional legal advice on the law of this State, of any other jurisdiction in which he or she is not authorized to practice law or of the United States of America (whether rendered incident to the preparation of legal instruments or otherwise)".

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

An FLC licensed in Delaware must not carry on a practice under, or utilize in connection with such practice, any name, title or designation other than one or more of the following: (A) The foreign legal consultant's own name; (B) The name of the law firm with which the foreign legal consultant is affiliated; (C) The foreign legal consultant's authorized title in the foreign country of his or her admission to practice, which may be used in conjunction with the name of that country; and (D) The title "foreign legal consultant," which may be used in conjunction with the words "admitted to the practice of law in [name of the foreign country of his or her admission to practice]".

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Foreign lawyers must be members in good standing with the Bar of a foreign country and take an oath to adhere to the professional code of conduct of the State in order to be admitted as an FLC. An FLC must also provide evidence of appropriate professional indemnity

## United States (Delaware)

	insurance and provide an address for service of process in Delaware.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Rule 5.5c of the Delaware code of conduct allows foreign lawyers to conduct arbitration or mediation where those services arise from practice in a jurisdiction in which he or she is admitted and do not require pro hac vice admission.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Delaware's pro hac vice rules do not cover foreign lawyers.
<i>Can foreign lawyers requalify as local lawyers?</i>	There is no requalification process for a foreign lawyer and any foreign lawyer wishing to be admitted in Delaware must meet the same requirements as domestic applicants.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate requirements on law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence'? (E.g. Joint Law Venture, stand-alone foreign licence etc.)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable

## United States (Delaware)

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Not applicable

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Not applicable

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Yes

*Other useful sources or comments or links*

*Verified by* Delaware Office of Disciplinary Counsel (February 2014)



# United States (District of Columbia)

*Is there legislation governing the legal sector*

DISTRICT OF COLUMBIA COURT OF APPEALS RULES, in particular Rule 46 ("Admission to the Bar") and Rule 49 ("Unauthorized Practice of Law"), District of Columbia Rules Governing the Bar X ("Rules of Professional Conduct") and XI ("Disciplinary Proceedings")

*Under what title do lawyers practise?*

Attorney, attorney at law, lawyer, Esquire

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have a JD or LLB, satisfy character and fitness to practice requirements, and have been admitted by bar examination or by motion. License must be renewed annually by registration and payment of bar dues.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This entitles the holder to practise in DC or in other jurisdictions if related solely to questions of D.C. law. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

The definition of the practice of law in Washington DC is set out in DISTRICT OF COLUMBIA COURT OF APPEALS RULE 49 ("UNAUTHORIZED PRACTICE OF LAW"), which states that ""(2) ""Practice of Law"" means the provision of professional legal advice or services where there is a client relationship of trust or reliance. One is presumed to be practicing law when engaging in any of the following conduct on behalf of another: (a) Preparing any legal document, including any deeds, mortgages, assignments, discharges, leases, trust instruments or any other instruments intended to affect interests in real or personal property, wills, codicils, instruments intended to affect the disposition of property of decedents' estates, other instruments intended to affect or secure legal rights, and contracts except routine agreements incidental to a regular course of business; (b) Preparing or expressing legal opinions; (c) Appearing or acting as an attorney in any tribunal; (d) Preparing any claims, demands or pleadings of any kind, or any written documents containing legal argument or interpretation of law, for filing in any court, administrative agency or other tribunal; (e) Providing advice or counsel as to how any of the activities described in sub-paragraph (a) through (d) might be done, or whether they were done, in accordance with applicable law; (f) Furnishing an attorney or attorneys, or other persons, to render the services described in subparagraphs (a) through (e) above. The rule is not intended to cover the provision of mediation or alternative dispute resolution ("ADR") services. This intent is expressed in the first sentence of the definition of the "practice of law" which requires the presence of two

## United States (District of Columbia)

	essential factors: the provision of legal advice or services and a client relationship of trust or reliance. ADR services are not given in circumstances where there is a client relationship of trust or reliance; and it is common practice for providers of ADR services explicitly to advise participants that they are not providing the services of legal counsel.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A lawyer may practise as a sole practitioner, a limited liability corporation, or a general or limited liability partnership. Fee sharing with non-lawyers is permitted, see D.C. Rules of Professional Conduct, Rule 5.4 ("Professional Independence of a Lawyer").
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The DC Rules of Professional Conduct which is modelled on the ABA model rules (see: <a href="http://www.dcbart.org/bar-resources/legal-ethics/amended-rules/">http://www.dcbart.org/bar-resources/legal-ethics/amended-rules/</a> ).
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the DC code.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by the DC Court of Appeals ( <a href="http://www.dccourts.gov">http://www.dccourts.gov</a> ).
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995.
<i>Has it made any WTO commitments on legal services?</i>	The USA has scheduled commitments for DC in modes 1-3 for the practice of home country law, international law (to the extent this is incorporated in home-country law) and 3rd-country law (provided that the FLC first obtains advice from an attorney licenced in that jurisdiction). Suppliers regularly supplying legal services in DC must be licensed as foreign legal consultants.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

## United States (District of Columbia)

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are a number of foreign (mostly English) law firms established in DC including: Ashursts, Clifford Chance, Freshfields and Linklaters. Other English firms have a presence through the US arms of their Swiss vereins (Hogan Lovells, Dentons, Norton Rose Fulbright).

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Opinion 14-04 of the Committee on the Unauthorized Practice of Law of the District of Columbia Court of Appeals states a foreign lawyer may engage in the incidental practice of law in the District.  
[http://www.dccapells.gov/dccourts/docs/rule49\\_opinion14-04.pdf](http://www.dccapells.gov/dccourts/docs/rule49_opinion14-04.pdf)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in the District of Columbia would be able to obtain a visa without registration as a foreign legal consultant. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes - a foreign lawyer may be licensed as a 'special legal consultant (see District of Columbia Court of Appeals, Rule 46). The scope of practice is as follows: "A person licensed to practice as a Special Legal Consultant may render legal services in the District of Columbia... subject, however, to the limitations that any person so licensed shall not: (1) appear for a person other than himself or herself as attorney in any court, before any magistrate or other judicial officer, or before any administrative agency, in the District of Columbia (other than upon admission pro hac vice in accordance with Rule 49 (b) or any applicable agency rule) or prepare pleadings or any other papers or issue subpoenas in an action or proceeding brought in any such court or agency or before any such judicial officer; (2) prepare any deed, mortgage, assignment, discharge, lease, or any other instrument affecting title to real estate located in the United States; (3) prepare: (a) any will or trust instrument effecting the disposition on death of any property located in the United

## United States (District of Columbia)

States and owned, in whole or in part, by a resident thereof, or

(b) any instrument relating to the administration of a decedent's estate in the United States;

(4) prepare any instrument in respect of the marital relations, rights, or duties of a resident of the United States or the custody or care of one or more children of any such resident;

(5) render professional legal advice on or under the law of the District of Columbia or of the United States or of any state, territory, or possession thereof (whether rendered incident to the preparation of legal instruments or otherwise) except on the basis of advice from a person acting as counsel to such Special Legal Consultant (and not in his or her official capacity as a public employee) duly qualified and entitled (other than by virtue of having been licensed as a Special Legal Consultant under this paragraph (4)) to render professional legal advice in the District of Columbia on such law who has been consulted in the particular matter on hand and has been identified to the client by name;

(6) in any way hold himself or herself out as a member of the Bar of this court; or

(7) use any title other than one or more of the following, in each case only in conjunction with the name of the person's country of admission:

(a) "Special Legal Consultant"; (b) such Special Legal Consultant's authorized title in foreign country of his or her admission to practice; (c) the name of such Special Legal Consultant's firm in that country."

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

A foreign lawyer licensed as a Special Legal Consultant in DC must maintain an office in DC, be bound by the Rules of Professional Conduct, and meet professional indemnity insurance requirements.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Licensure is subject to meeting requirements of registration, a minimum age of 26 years, certification of registration and good standing with home-country bar, meeting the professional liability insurance requirement, and a written commitment to be bound by the Rules of Professional Responsibility. The court may use its discretion in granting a licence depending on conditions of reciprocity in the applicant's home jurisdiction.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

*Are foreign lawyers allowed to appear in court under any circumstances?*

Foreign lawyers may apply to appear pro hac vice under Rule 49(c)(7) of the District of Columbia Court of Appeals.

## United States (District of Columbia)

<i>Can foreign lawyers requalify as local lawyers?</i>	"Applicants may be permitted to take the bar examination upon successful completion of at least 26 semester hours of study in the subjects tested on the DC bar exam in an ABA-approved law school. An applicant may be exempted from the requirement to sit the bar exam if they have been a member in good standing for 5 years of a court of general jurisdiction of any U.S. state or territory."
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate requirements on law firms. A foreign lawyer licensed as a Special Legal Consultant is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand-alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Foreign name is permitted as long as not deceptive. Rule of Professional Conduct 7.5 ("Firm Name and Letterheads").
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No

## United States (District of Columbia)

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes

*Other useful sources or comments or links*

*Verified by*

Office of Bar Counsel (February 2014)

## United States (Florida)

<i>Is there legislation governing the legal sector</i>	THE FLORIDA STATUTES, TITLE XXXII REGULATION OF PROFESSIONS AND OCCUPATIONS, CHAPTER 454 - ATTORNEYS AT LAW
<i>Under what title do lawyers practise?</i>	Attorney at law
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	An individual must have an LLB or JD, satisfy character and fitness to practice requirements, and have passed the bar exam.
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	This only automatically entitles the holder to practise in Florida. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	In the case of State ex rel. The Florida Bar v. Sperry, 140 So.2d 587, 591 (1962), the Court opined "We think that in determining whether the giving of advice and counsel and the performance of services in legal matters for compensation constitute the practice of law it is safe to follow the rule that if the giving of such advice and performance of such services affect important rights of a person under the law, and if the reasonable protection of the rights and property of those advised and served requires that the persons giving such advice possess legal skill and a knowledge of the law greater than that possessed by the average citizen, then the giving of such advice and the performance of such services by one for another as a course of conduct constitute the practice of law".
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.



## United States (Florida)

<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Florida code of professional conduct which is modelled on the ABA model code (see: <a href="http://www.floridabar.org/divexe/rrtfb.nsf/FV?Openview&amp;Start=1&amp;Expand=4#4">http://www.floridabar.org/divexe/rrtfb.nsf/FV?Openview&amp;Start=1&amp;Expand=4#4</a> ).
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.
<i>Which authority issues licences?</i>	Licences are issued by the Florida bar: <a href="http://www.flabar.org/">http://www.flabar.org/</a>
<i>Are there different authorities for individuals and firms?</i>	
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995.
<i>Has it made any WTO commitments on legal services?</i>	The USA has scheduled commitments for Florida in mode 1 for the practice of home country law and international law (to the extent this is incorporated in home-country law). A service supplier regularly supplying services in Florida must be licensed as an FLC.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	NAFTA lawyers have access to the professional visa program.



## United States (Florida)

*Are there any 'foreign law' firms present in this jurisdiction?*

The only "foreign" firms present in Florida are DLA Piper, Hogan Lovells and Dentons who are all established under the US arm of their Swiss vereins.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

There is an express rule allowing temporary practice by foreign lawyers. The relevant legislation is Rule 4-5.5 of the rules regulating the Florida Bar. This is available online through [www.floridabar.org](http://www.floridabar.org). Conditions or restrictions on scope of practice are described in Rule 4-5.5.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual could practise law on a fly in fly out basis in Florida provided they meet the requirements of the Florida Bar for temporary practice. In addition, 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes - a foreign lawyer can become a foreign legal consultant (see Florida Bar rules available online at [www.floridabar.org](http://www.floridabar.org)). Rule 16.3.1 sets out the scope of practice which is as follows: The practice of a foreign legal consultant shall (1) be limited to those regarding the laws of the foreign country in which such person is admitted to practice as an attorney, counsellor at law, or the equivalent; (2) not include any activity or any service constituting the practice of the laws of the United States, the state of Florida, or any other state, commonwealth, or territory of the United States or the District of Columbia including, but not limited to, the restrictions that such person shall not: (A) appear for another person as attorney in any court or before any magistrate or other judicial officer or before any federal, state, county, or municipal governmental agency, quasi-judicial, or quasi-governmental authority in the state of Florida, or prepare pleadings or any other papers in any action or proceedings brought in any such court, or before any such judicial officer, except as authorized in any rule of procedure relating to admission pro hac vice, or pursuant to administrative rule; (B) prepare any deed, mortgage, assignment, discharge, lease, agreement of sale, or any other instrument affecting title to real property located in the United States, or personal property located in the United States, except where the instrument affecting title to such property is governed by the law of a jurisdiction in which the foreign legal consultant is admitted to practice as an attorney, counsellor at law, or the equivalent; (C) prepare any will or trust instrument affecting the disposition of any property located in the United States and owned by a resident thereof nor prepare

## United States (Florida)

any instrument relating to the administration of a decedent's estate in the United States; (D) prepare any instrument with respect to the marital relations, rights, or duties of a resident of the United States or the custody or care of the children of such a resident; (E) 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); or (F) render 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, counsellor at law, or the equivalent.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Foreign legal consultants must use the title "Foreign Legal Consultant, Not Admitted to Practice Law in Florida" alongside their home title. They must provide clients with a letter disclosing the extent of their professional liability insurance coverage and make it clear to clients what services they are not permitted to provide under Florida law and that clients do not have recourse to the Clients' Security Fund. They must maintain an office in Florida and provide an annual sworn statement to confirm that they remain in good standing with their home Bar.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Licensure is subject to meeting requirements of registration, a minimum age of 26 years, an experience requirement (5 of the 7 years preceding registration must have been spent practising law of the foreign country in which he/she is admitted and which has a professional disciplinary system which is consistent with that of the Florida Bar), provision of a certificate of registration and good standing with home-country bar (no disciplinary actions within 10 years), a character reference, and a sworn statement to abide by the Rules of Professional Conduct.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Foreign lawyers may provide services without registration under rule 4-5.5 of the Florida Bar rules, if these are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding held or to be held in Florida or another jurisdiction and the services are not services for which the forum requires pro hac vice admission, (A) if the services are performed for a client who resides in or has an office in the jurisdiction in which the lawyer is admitted to practice, or (B) where the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Foreign lawyers are not included under the scope of the Florida pro hac vice rule (1-3.10).

## United States (Florida)

<i>Can foreign lawyers requalify as local lawyers?</i>	A foreign lawyer can obtain a full licence to practise law in this jurisdiction by sitting the Bar exam. These rules are the same as those applicable to a local applicant. Information about the Florida Bar exam is available online at <a href="http://www.floridabarexam.org">www.floridabarexam.org</a> .
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate requirements on law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand-alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a</i>	Not applicable

## United States (Florida)

*foreign law firm can take?*

*Are there rules about the name a foreign law firm can take?* Foreign name is permitted

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL* Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* No

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services.

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Yes

*Other useful sources or comments or links*

*Verified by* Florida Bar (April 2014)

## United States (Georgia)

*Is there legislation governing the legal sector*

The governing of the practice of law falls under the inherent powers of the Supreme Court of Georgia. There is legislation in aid of the Court's inherent powers found at Title 15 Courts, Chapter 19 Attorneys, Section 19. (O.C.G.A. 15-19-1 through 15-19-58.)

*Under what title do lawyers practice?*

Attorney at Law or lawyer

*How does an individual lawyer obtain a "license" to practice law? How often must this be renewed?*

An attorney or lawyer must receive a license from the Supreme Court of Georgia. In order to do so, an individual must have a bachelor's degree, an LLB or JD from an ABA approved law school, satisfy character and fitness to practice requirements, and have passed the bar examination and multistate professional responsibility examination (MPRE). The full fitness, educational and testing requirements are found at <https://www.gabaradmissions.org/rules-governing-admission>. No renewal of this license is required.

*Does this entitle the holder to practice throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Georgia. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Only persons holding a license may give legal advice. Subject to certain situations where the pro se exception applies only holders of the license may engage in representation in criminal and civil court proceedings. The "Practice of law" is also defined in Georgia's Code as follows "(1) Representing litigants in court and preparing pleadings and other papers incident to any action or special proceedings in any court or other judicial body; (2) Conveyancing; (3) The preparation of legal instruments of all kinds whereby a legal right is secured; (4) The rendering of opinions as to the validity or invalidity of titles to real or personal property; (5) The giving of any legal advice; and (6) Any action taken for others in any matter connected with the law".

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary*

Persons who are authorized to practice law in this State are hereby authorized to practice law as sole proprietorships or as partners, shareholders, or members of:

- Partnerships under O.C.G.A. § 14-8-1 ET. seq.; or
- Limited liability partnerships under O.C.G.A. § 14-8-1 et. seq.; or
- Professional corporations under O.C.G.A. § 14-7-1 et. seq.; or
- Professional associations under O.C.G.A. § 14-10-1 et. seq.; or
- Limited liability companies under O.C.G.A. § 14-11-100 et. seq.

## United States (Georgia)

<i>partnership, incorporation)</i>	See <a href="http://www.gabar.org/barrules/handbookdetail.cfm?what=rule&amp;id=13">http://www.gabar.org/barrules/handbookdetail.cfm?what=rule&amp;id=13</a> . Fee sharing with non-lawyers is prohibited.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	Lawyers must comply with Ethical and Professional Rules, see, <a href="http://www.gabar.org/barrules/ethicsandprofessionalism/index.cfm">http://www.gabar.org/barrules/ethicsandprofessionalism/index.cfm</a> and State Bar Governance Rules, see, <a href="http://www.gabar.org/barrules/handbook.cfm">http://www.gabar.org/barrules/handbook.cfm</a>
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	No
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licenses are issued by the Supreme Court of Georgia. Firms are not licensed.
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995.
<i>Has it made any commitments under GATS in legal services?</i>	The USA has scheduled commitments for Georgia in mode 1 for the practice of home country law and international law (to the extent this is incorporated in home-country law).
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	NAFTA lawyers have access to the professional visa program.

## United States (Georgia)

*Are there any 'foreign law' firms present in this jurisdiction?*

The only "foreign" firms present in Georgia are DLA Piper and Dentons who are all established under the US arm of their Swiss vereins.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Rule 5.5 adopted by Georgia Supreme Court on June 8, 2004 allows temporary practice of law by foreign lawyers. See [http://www2.state.ga.us/Courts/Supreme/amended\\_rules/6\\_8\\_2004\\_order.htm](http://www2.state.ga.us/Courts/Supreme/amended_rules/6_8_2004_order.htm)

*Can a foreign lawyer obtain a visa to visit clients or to market but not to practice?*

Under the WTO commitments of the USA, an individual could practise law on a fly in fly out basis in Georgia provided they meet the requirements of the Georgia Bar for temporary practice. In addition, 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes.  
(a) A person licensed to practice as a foreign law consultant under this Rule may render legal services in this State subject, however, to the limitations that he or she shall not:  
(i) 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;  
(ii) prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America;  
(iii) prepare: (a) 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  
(b) any instrument relating to the administration of a decedent's estate in the United States of America;  
(iv) 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;  
(v) render professional legal advice on the law of this State, or of any other United States jurisdiction, 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;  
(vi) be, or in any way hold himself or herself out as, a member of the bar of this State; or



## United States (Georgia)

(vii) 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:

(a) his or her own name;

(b) the name of the law firm with which he or she is affiliated;

(c) 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; and

(d) the title "legal consultant," which may be used in conjunction with the words "admitted to the practice of law in [name of the foreign country of his or her admission to practice]."

(b) A person licensed to practice as a legal consultant under this Rule may render legal advice regarding matters which are governed by international law, the law of the foreign country where the applicant is admitted to practice, or the law of a non-United States jurisdiction.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

An FLC licensed in Georgia must abide by the code of conduct of the State Bar of Georgia.



## United States (Georgia)

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Section 1. General Regulation as to Licensing of Foreign Law Consultants  
A person who meets the following qualifications may apply to the Georgia Office of Bar Admissions for licensing as a Foreign Law Consultant. The applicant must:

- (a) be a member in good standing of a recognized legal profession in a foreign country, the members of which are admitted to practice as attorneys or counsellors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority;
- (b) for at least five of the seven years immediately preceding his or her application have 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;
- (c) possess the good moral character and general fitness requisite for a member of the bar of this State;
- (d) intends to practice as a legal consultant in this State.

### Section 2. Proof Required

- (1) a certificate from the professional body or public authority in such foreign country having final jurisdiction over professional discipline
- (2) a letter of recommendation from one of the members of the executive body of such professional body or public authority or from one of the judges of the highest law court or court of original jurisdiction of such foreign country;
- (3) a duly authenticated English translation of such certificate and such letter if in either case, it is not in English;
- (4) a letter of recommendation from at least two (2) active members of the State Bar of Georgia
- (5) such other evidence as to the applicant's educational and professional qualifications, good moral character and general fitness.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes if, on a temporary basis the Foreign Lawyer performs services in this jurisdiction that:

- 1. are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
- 2. are in or reasonably related to a pending or potential proceeding before a tribunal held or to be held in a jurisdiction outside the United States if the Foreign Lawyer, or a person the Foreign Lawyer is assisting, is authorized by law or by order of the tribunal to appear in such proceeding or reasonably expects to be so authorized;
- 3. are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceedings held or to be held in this or another jurisdiction, if the services arise out of or are reasonably related to the Foreign Lawyer's practice in a jurisdiction in which the Foreign Lawyer is admitted to practice;
- 4. are not within paragraphs (2) or (3) and
  - i. are performed for a client who resides or has an office in a jurisdiction in which the Foreign Lawyer is authorized to practice to the extent of that authorization; or

## United States (Georgia)

- ii. arise out of or are reasonably related to a matter that has a substantial connection to a jurisdiction in which the lawyer is authorized to practice to the extent of that authorization; or
- iii. are governed primarily by international law or the law of a non-United States jurisdiction

<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Georgia permits foreign lawyers to appear pro hac vice subject to the conditions outlined above.
<i>Can foreign lawyers requalify as local lawyers?</i>	The Supreme Court amended its admission rules on December 12, 2002 to allow admission by motion. (Reciprocity and fee required). (Approved by Bar on April 5, 2003)
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate licensing requirements for law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers</i>	No

## United States (Georgia)

*themselves)? (e.g.  
home, host,  
international law), if  
so, what are they?*

*Are there  
restrictions on the  
corporate form a  
foreign law firm can  
take?*

Not applicable

*Are there rules  
about the name a  
foreign law firm can  
take?*

- a. A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1.
- b. A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.
- c. The name of a lawyer holding public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.
- d. Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.
- e. A trade name may be used by a lawyer in private practice if:
  1. The trade name includes the name of at least one of the lawyers practicing under said name. A law firm name consisting solely of the name or names of deceased or retired members of the firm does not have to include the name of an active member of the firm; and
  2. The trade name does not imply a connection with a government entity, with a public or charitable legal services organization or any other organization, association or institution or entity, unless there is, in fact, a connection.

*What entity grants a  
'license' to a foreign  
law firm? If that  
entity is on the  
Internet, please  
provide the URL*

Not applicable

*Are there  
restrictions on the  
ownership share of  
foreign lawyers in a  
law firm?*

No

## United States (Georgia)

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes

*Other useful sources or comments or links*

*Verified by*

Georgia State Bar Association (November 2013)

## United States (Hawaii)

*Is there legislation governing the legal sector*

HAWAII REVISED STATUTES 2012, DIVISION 4. COURTS AND JUDICIAL PROCEEDINGS, TITLE 32. COURTS AND COURT OFFICERS, CHAPTER 605 -ATTORNEYS

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have an LLB or JD, complete and submit a Hawaii bar application, the National Conference of Bar Examiners-Hawaii, Character and Fitness application and pay required fees all by the requisite deadlines. For on-line information see [http://www.courts.state.hi.us/legal\\_references/bar\\_application.html](http://www.courts.state.hi.us/legal_references/bar_application.html)  
In addition, applicants must meet all requirements for admission to the Hawaii bar pursuant to the Rules of the Supreme Court of the State of Hawaii and the Hawaii Board of Bar Examiners Rules of Procedure. For further on-line information see [http://www.courts.state.hi.us/legal\\_references/rules/rulesOfCourt.html](http://www.courts.state.hi.us/legal_references/rules/rulesOfCourt.html)  
Upon taking and passing the bar examination an individual can be licensed to practice law in the State of Hawaii. As a unified jurisdiction, attorneys must also comply with requirements set forth by the Hawaii Bar Association. For on-line information see <http://www.hsba.org/>

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

Passing the Hawaii bar examination grants the attorney permission to practice only in the Hawaii state courts. The right to practice in other states is determined by that state's eligibility requirements. To be eligible to practice in the United States District Court, District of Hawaii, there is a separate registration and fee requirement.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

An individual cannot practice law in this jurisdiction in any form or field without a license to do so, granted by the Hawaii Supreme Court (see above).

*Do you need to hold local nationality to be eligible to practise law?*

No, local nationality is not required to practice law in Hawaii. Any Hawaii bar applicant must meet all requirements for admission pursuant to the Rules of the Supreme Court of the State of Hawaii and the Hawaii Board of Bar Examiners Rules of Procedure. For on-line information see [http://www.courts.state.hi.us/legal\\_references/rules/rulesOfCourt.html](http://www.courts.state.hi.us/legal_references/rules/rulesOfCourt.html)

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary*

Any attorney licensed to practice law in this jurisdiction may work in a form that is in compliance with the Rules of the Supreme Court which includes the Hawaii Rules of Professional Conduct and all applicable statutes and the requirements set forth by the Hawaii State Bar Association. For on-line information see

## United States (Hawaii)

<i>partnership, incorporation)</i>	<a href="http://www.courts.state.hi.us/legal_references/rules/rulesOfCourt.html">http://www.courts.state.hi.us/legal_references/rules/rulesOfCourt.html</a> and <a href="http://www.hsba.org/">http://www.hsba.org/</a>
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	An attorney licensed to practice in Hawaii has a continuing obligation to comply with the Rules of the Supreme Court of the State of Hawaii in its entirety, which includes the Hawaii Rules of Professional Conduct, which is modelled on the ABA model code. For on-line information see <a href="http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm">http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm</a>
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Law firms must comply with all relevant Rules of the Supreme Court of the State of Hawaii in its entirety, which includes the Hawaii Rules of Professional Conduct and any applicable statute(s). For on-line information see <a href="http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm">http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm</a> A law firm may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	A license to practice law is conferred on individual attorneys by the authority of the Supreme Court of Hawaii. The individual attorneys who practice law whether as a sole practitioner or as a "firm" have a continuing obligation to comply with the Rules of the Supreme Court in its entirety which includes the Hawaii Rules of Professional Conduct. For on-line information see <a href="http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm">http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm</a>
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995.
<i>Has it made any WTO commitments on legal services?</i>	The USA has scheduled commitments for Hawaii in mode 1 for the practice of home country law, international law (to the extent this is incorporated in home-country law) and host country law (provided advice is obtained from a locally admitted attorney).
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.
<i>Are foreign lawyers from different jurisdictions treated differently as a result</i>	NAFTA lawyers have access to the professional visa program.

## United States (Hawaii)

*of any such agreements?*

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no foreign or large national or international US firms established in Hawaii.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

There are no rules allowing temporary practice by foreign lawyers or attorneys from other U.S. jurisdictions except for U.S. attorneys through pro hac vice status, through association with an attorney licensed in Hawaii. See Rule 1.9 of the Rules of the Supreme Court of the State of Hawaii. For information on-line see

[http://www.courts.state.hi.us/docs/court\\_rules/rules/rsch.htm#Rule\\_1.9](http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm#Rule_1.9)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Foreign lawyers would not be able to obtain visas to practise law in Hawaii which may include discussing legal matters with a client or providing legal advice to the client within this jurisdiction. It is possible that they may qualify under the USA's WTO commitments as "service salespersons" if they are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes, a person who is admitted to practice in a foreign country as an attorney or its equivalent may render services as a foreign law consultant pursuant to Rule 14 of the Rules of the Supreme Court of the State of Hawaii. The Scope of Practice is also specified in this rule. For on-line information see

[http://www.courts.state.hi.us/docs/court\\_rules/rules/rsch.htm](http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm)

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)?*

Yes, each person licensed to practice as a foreign law consultant must comply with the Rules of the Supreme Court of the State of Hawaii in its entirety which includes the Hawaii Rules of Professional Conduct, and any applicable statutes. For on-line information see

[http://www.courts.state.hi.us/docs/court\\_rules/rules/rsch.htm](http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm)

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Yes, see Rule 1.3(b) (3) and Rule 14 of the Hawaii Rules of the Supreme Court. For on-line information see

[http://www.courts.state.hi.us/docs/court\\_rules/rules/rsch.htm](http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm)

*Are foreign lawyers permitted to*

Any person interested in undertaking arbitration or mediation must consult the rules and/or policies of the individual organizations within a jurisdiction.



## United States (Hawaii)

<i>undertake arbitration and mediation?</i>	Requirements can vary depending on the agency and the stakeholders involved.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No, a foreign lawyer must be an attorney licensed to practice in Hawaii as set forth above before being allowed to appear in court. For on-line information see <a href="http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm">http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm</a> and <a href="http://www.courts.state.hi.us/docs/court_rules/rules/hbbe.htm">http://www.courts.state.hi.us/docs/court_rules/rules/hbbe.htm</a>
<i>Can foreign lawyers requalify as local lawyers?</i>	Yes, any foreign attorney who meets the requirements and is subsequently admitted to the Hawaii bar pursuant to the Rules of the Supreme Court of the State of Hawaii, specifically Rule 1.3(b)(3), the Hawaii Board of Bar Examiners Rules of Procedure and is in compliance with the Hawaii State Bar Association will be allowed to practice law in Hawaii. <a href="http://www.courts.state.hi.us/legal_references/rules/rulesOfCourt.html">http://www.courts.state.hi.us/legal_references/rules/rulesOfCourt.html</a> and <a href="http://www.hsba.org/">http://www.hsba.org/</a>
<i>Can a foreign law firm obtain a licence to open an office?</i>	Law firms must comply with all relevant Rules of the Supreme Court of the State of Hawaii in its entirety, which includes the Hawaii Rules of Professional Conduct and any applicable statute(s). For on-line information see <a href="http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm">http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm</a> All attorneys belonging to a law firm must be licensed to practice in Hawaii as set forth above. A law firm may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Certain State, County or Federal business registration and other applicable requirements may apply.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	No
<i>Is there a quota on the number of licences available?</i>	No
<i>Are there geographical restrictions on foreign firm licences or on the</i>	No



## United States (Hawaii)

*number of branches a foreign firm can have?*

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

Yes, see Rule 6 of the Rules of the Supreme Court of the State of Hawaii. For on-line information see [http://www.courts.state.hi.us/docs/court\\_rules/rules/rsch.htm](http://www.courts.state.hi.us/docs/court_rules/rules/rsch.htm)

*Are there rules about the name a foreign law firm can take?*

The naming convention for any law firm is pursuant to Rule 7.1 through 7.5, of the Hawaii Rules of Profession Conduct, which governs duties concerning attorney advertisements and firm names. For on-line information see [http://www.courts.state.hi.us/docs/court\\_rules/rules/hrpcond.htm#Rule\\_7.1](http://www.courts.state.hi.us/docs/court_rules/rules/hrpcond.htm#Rule_7.1)

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL*

Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Not applicable

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Any lawyer, foreign or domestic, must be an attorney licensed to practice in Hawaii, as set forth above, before entering into any partnership.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Not as an attorney without duly obtaining permission, in compliance with the Rules of the Supreme Court of the State of Hawaii, the Hawaii Board of Bar Examiners Rules of Procedure and the Hawaii State Bar Association. For on-line information see [http://www.courts.state.hi.us/legal\\_references/rules/rulesOfCourt.html](http://www.courts.state.hi.us/legal_references/rules/rulesOfCourt.html) and <http://www.hsba.org/>

## United States (Hawaii)

*Other useful sources  
or comments or links*

For information on Hawaii Rules of Court see:  
[http://www.courts.state.hi.us/legal\\_references/rules/rulesOfCourt.html](http://www.courts.state.hi.us/legal_references/rules/rulesOfCourt.html)  
For information on Hawaii State Bar Association see <http://www.hsba.org/>

*Verified by*

Judiciary Office of the Chief Clerk, State of Hawaii (January 2014)

# United States (Idaho)

*Is there legislation governing the legal sector*

IDAHO STATUTES, TITLE 3 - ATTORNEYS

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have an LLB or JD from an ABA approved law school, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Idaho. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

The Idaho Supreme Court has defined the practice of law as: 'The doing or performing services in a court of justice, in any matter depending [sic] therein, throughout its various stages, and in conformity with adopted rules of procedure. But in a larger sense, it includes legal advice and counsel, and the preparation of instruments and contracts by which legal rights are secured, although such matter may or may not be depending [sic] in a court.' Idaho State Bar v. Meservy, 80 Idaho 504, 508, 335 P.2d 62, 65 (1959)

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Idaho code of professional conduct which is modelled on the ABA model code (see: <http://isb.idaho.gov/pdf/rules/irpc.pdf>)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Idaho State Bar: <http://www.isb.idaho.gov/>

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

## United States (Idaho)

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Idaho may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

"The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no foreign or large national or international US firms established in Idaho.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

There is no express rule allowing temporary practice by foreign lawyers. US lawyers from other jurisdictions are permitted to practise on a temporary basis when: (1) the lawyer is authorized by law or order, including pro hac vice admission pursuant to Idaho Bar Commission Rule 222, to appear before a tribunal or administrative agency in this jurisdiction or is preparing for a potential proceeding or hearing in which the lawyer reasonably expects to be so authorized; or (2) other than engaging in conduct governed by paragraph (1): (i) a lawyer who is an employee of a client acts on the client's behalf or, in connection with the client's matters, on behalf of the client's commonly owned organizational affiliates; (ii) the lawyer acts with respect to a matter that arises out of or is otherwise reasonably related to the lawyer's representation of a client in a jurisdiction in which the lawyer is admitted to practice; or (iii) the lawyer is associated in the matter with a lawyer admitted to practice in this jurisdiction who actively participates in the representation.

## United States (Idaho)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Idaho would need to be fully admitted to the Idaho Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes - a foreign lawyer can become a foreign legal consultant in Idaho (Idaho Bar Commission Rule 207, available online at <http://isb.idaho.gov/general/rules/ibcr.html>). This set out the scope of practice for an FLC: "A Foreign Legal Consultant under this rule may render legal services in Idaho 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: (1) appear for another person as an attorney in any court, or before any magistrate or other judicial officer, in Idaho, other than upon admission pro hac vice pursuant to Rule 227; (2) prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America; (3) prepare: (A) 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 (B) any instrument relating to the administration of a decedent's estate in the United States of America; (4) 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; (5) render professional legal advice on the law of Idaho 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 Idaho; (6) be, or in any way hold himself or herself out as, a member of the bar of Idaho; or (7) 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: (A) his or her own name; (B) the name of the law firm with which he or she is affiliated, in

## United States (Idaho)

each case only in conjunction with the title "Foreign Legal Consultant" as set forth below; (C) 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, in each case only in conjunction with the title "Foreign Legal Consultant" as set forth below; and (D) the title "Foreign Legal Consultant," which may be used in conjunction with the words "admitted to the practice of law in [the name of the foreign country of his or her admission to practice]".

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

An FLC must use the title of FLC and abide by the Idaho code of conduct.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Licensure is subject to meeting requirements of registration.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

The Idaho code of conduct exempts other US lawyers who are not admitted to practice in Idaho from unauthorised practice of law violation provided the legal services they are providing "are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission".

*Are foreign lawyers allowed to appear in court under any circumstances?*

Idaho permits pro hac vice admission of foreign lawyers.

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer can obtain a full licence to practise law in this jurisdiction.

The relevant legislation is IBCR 205A. This is available online at [www.idaho.gov/isb](http://www.idaho.gov/isb).

In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must comply with the rule set out in IBCR 205A.

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements on law firms. An FLC is permitted to open an office.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Not applicable

## United States (Idaho)

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)* Not applicable

*Is there a quota on the number of licences available?* Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?* No

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?* No

*Are there restrictions on the corporate form a foreign law firm can take?* Not applicable

*Are there rules about the name a foreign law firm can take?* Not applicable

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL* Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* Not applicable

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Not applicable

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Yes

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Yes

*Other useful sources or comments or links*

*Verified by*



## United States (Illinois)

*Is there legislation governing the legal sector*

Under the law of Illinois, the Supreme Court of Illinois has jurisdiction over the practice of law in Illinois. The Court has adopted rules to regulate the practice of law. Ill. S.Ct. R. 701, et seq. Nonetheless, the Illinois legislature has authority to enact related legislation, to the extent that it does not violate separation of powers principles. Such legislation includes Illinois Compiled statutes, Chapter 705 Courts, (705 ILCS 205/) Attorney Act. See also, Chapter 720, (720 ILCS 5/17-2) The False Personation Act; Chapter 708, (708 ILCS 205/1), The Legal Business Solicitation Act; Chapter 705, (705 ILCS 210/1), Corporation Practice of Law Prohibition Act; and Chapter 815, (815 ILCS 505/1), Consumer Fraud and Deceptive Practices Act.

*Under what title do lawyers practise?*

Attorney-at-Law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An application to obtain a license to practice law in Illinois is governed by Illinois Supreme Court Rules 701, et seq. An individual must have an LLB or JD, satisfy character and fitness to practice requirements, and have passed the bar exam. Attorneys must register annually and satisfy continuing legal education requirements to continue to be authorized to practice law pursuant to the Illinois law license.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Illinois. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

The Illinois Supreme Court has described the practice of law as “[W]hen {T}he giving of such advice or rendition of such service (by any person, firm or corporation) requires the use of any degree of legal knowledge or skill.” State Bar Ass’n v. Schafer, 404 Ill. 45, 51, 87 N.E.2d 773 (1949)

*Do you need to hold local nationality to be eligible to practise law?*

Illinois has no citizenship eligibility requirement for a law license.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general partnership or limited liability entity. Fee sharing with non-lawyers is prohibited.

Ill.S.Ct. R.7 21(a) provides that “Professional service corporations formed under the Professional Service Corporation Act (805 ILCS 10/1 et seq.), professional associations organized under the Professional Association Act (805 ILCS 305/0.01 et seq.), limited liability companies organized under the Limited Liability Company Act (805



## United States (Illinois)

ILCS 180/1–1 et seq.), or registered limited liability partnerships organized under the Uniform Partnership Act (1997)(805 ILCS 206/100 et seq.), or professional corporations, professional associations, limited liability companies, or registered limited liability partnerships formed under similar provisions of successor Acts to any of the foregoing legislation or under similar statutes of other states or jurisdictions of the United States may engage in the practice of law in Illinois," with certain limitations.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Illinois Rules of Professional Conduct, which are modelled on the ABA model code (see: [http://www.state.il.us/court/supremecourt/rules/art\\_viii/default\\_new.asp](http://www.state.il.us/court/supremecourt/rules/art_viii/default_new.asp))

Other requirements consist of compliance with other regulatory rules of the Supreme Court, including annual renewal of professional association registration (Ill. S. Ct. R. 721(e) and (f), annual attorney registration (Ill. S. Ct. R. 756) and minimum continuing legal education requirements (Ill. S.Ct. R. 790, et seq.)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code. A certificate of registration, to the extent required by Supreme Court Rule 721.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Individual licences are issued by the Illinois Supreme Court Supreme Court Rule 701(a) Registration of associations is pursuant to Supreme Court Rule 721, which is administered by the Clerk of the Supreme Court.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

The USA has scheduled commitments for Illinois in modes 1 and 3 for the practice of home country law and international law (to the extent this is incorporated in home-country law).

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

## United States (Illinois)

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program.

*Are there any 'foreign law' firms present in this jurisdiction?*

The only "foreign" firms present in Illinois are DLA Piper, Hogan Lovells and Dentons who are all established under the US arms of their Swiss vereins.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see rule 5.5 on Unauthorized Practice of Law). A foreign lawyer may be authorized to provide legal services in a proceeding pursuant to Illinois Supreme Court Rule 707. A foreign lawyer may also provide services in Illinois as authorized by federal law in federal matters. See *Sperry v. Florida*, 373 U.S. 379 (1963).

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Illinois would need to be fully admitted to the Illinois Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes - a foreign lawyer can become a foreign legal consultant (see Illinois Supreme Court Rules 712 and 713 (Adopted December 7, 1990)). This licence permits a foreign lawyer to offer services in international law to the extent they are incorporated in home-country law. It does not permit the practice of 3rd-country law or of Illinois law. Pursuant to Illinois Supreme Court Rule 712, "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."

## United States (Illinois)

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

An FLC licensed in Illinois must abide by the code of State conduct and meet the professional indemnity insurance requirements.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Licensure is subject to meeting requirements of registration, an experience requirement (5 of the 7 years preceding registration must have been spent practising law), meeting the professional liability insurance requirement, a written commitment to observe the Rules of Professional Conduct, and certification of registration and good standing with home-country bar.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Illinois has restricted the exemption to model rule 5.5. only to lawyers licensed to practise elsewhere in the US so limiting the right of foreign lawyers to conduct arbitration or mediation "(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

- (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
- (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;
- (3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission;"

*Are foreign lawyers allowed to appear in court under any circumstances?*

Illinois Supreme Court Rule 707 permits the appearance in court of eligible foreign attorneys in isolated cases upon submission of required papers.

*Can foreign lawyers requalify as local lawyers?*

Illinois Supreme Court Rule 705  
[http://www.state.il.us/court/SupremeCourt/Rules/Art\\_VII/artvii.htm#Rule%20705](http://www.state.il.us/court/SupremeCourt/Rules/Art_VII/artvii.htm#Rule%20705) Graduates of foreign law schools who are licensed and in good standing in country conferring law degree or in a U.S. jurisdiction, who have actively and continuously practiced under such license(s) for 5 of the 7 years immediately prior to making application in Illinois, having verifiably devoted an annual minimum of 1,000 hours of practice of law where licensed, and the quality of whose legal and other education has been

## United States (Illinois)

	<p>determined acceptable by the Board may apply to take bar exam.</p> <p>Rule 703(b) requires a first law degree in law from a school approved by the American Bar Association. Rule 703 may be found at:  <a href="http://www.state.il.us/court/SupremeCourt/Rules/Art_VII/artVII.htm#Rule703">http://www.state.il.us/court/SupremeCourt/Rules/Art_VII/artVII.htm#Rule703</a></p>
<i>Can a foreign law firm obtain a licence to open an office?</i>	<p>There are no separate requirements on law firms. Court Rule 721 for Certificate of Registration requirements.  <a href="http://www.state.il.us/court/SupremeCourt/Rules/Art_VII/artVII.htm#Rule721">http://www.state.il.us/court/SupremeCourt/Rules/Art_VII/artVII.htm#Rule721</a></p> <p>Paragraph (c) of the rule imposes requirements for specified professional service entity to practice law in Illinois and prohibits such entities from practicing law or opening a law office without a certificate of registration. Rule 5.5(b) of the Illinois Rules of Professional Conduct provides guidance as well: (b) A lawyer who is not admitted to practice in this jurisdiction shall not: (1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction. An FLC is permitted to open an office.</p>
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	<p>See Rule 721, discussed above, at:  <a href="http://www.state.il.us/court/SupremeCourt/Rules/Art_VII/artVII.htm#Rule721">http://www.state.il.us/court/SupremeCourt/Rules/Art_VII/artVII.htm#Rule721</a></p>
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No

## United States (Illinois)

*Are there restrictions on the corporate form a foreign law firm can take?*

See Rule 721 as discussed above

*Are there rules about the name a foreign law firm can take?*

Foreign names are permitted.

Rule 7.5 of the Illinois rules of Professional Conduct provides applies to US attorneys practicing in Illinois and would provide some guidance to foreign lawyers as well:

(a) A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1. A trade name may be used by a lawyer in private practice if it does not imply a connection with a government agency or with a public or charitable legal services organization and is not otherwise in violation of Rule 7.1.

(b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.

(c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL*

Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Rule 721(a)(2) requires that one or more members of a registered Rule 721 entity be a practicing Illinois lawyer and paragraph (e)(5) of the rule requires that the registration application state that each member of the entity is a member of a bar and that no disciplinary proceeding is pending as to any member.

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes

*Other useful sources or comments or links*

# United States (Illinois)

*Verified by*

Illinois Attorney Disciplinary Counsel (March 2014)

## United States (Indiana)

*Is there legislation governing the legal sector*

INDIANA CODE, TITLE 33, ARTICLE 43. PRACTICE OF LAW; the following rules, although not legislation, are promulgated by the Indiana Supreme Court, Indiana Admission and Discipline Rules; Indiana Rules of Professional Conduct

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have an LLB or JD from an ABA approved law school, satisfy character and fitness to practice requirements, and have passed the bar exam. Annual fees are assessed to the license for renewal.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Indiana. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

(On January 24, 2002, the Indiana State Bar House of Delegates approved a recommendation calling for a definition of the practice of law. The Bar's Unauthorized Practice of Law Committee is developing a definition. Should there be a House meeting in the spring of 2003, it's likely a recommendation would be ready for consideration by the delegates at that time.)

Fink v. Peden, 17 N.E.2d 95 (1938)

The practice of law is defined in 7 C.J.S., Attorney and Client, 703, Section 3(g), as follows: 'The general meaning of the term, 'practice law' or 'practice of law', is of common knowledge, although the boundaries of its definition may be indefinite as to some transactions. As generally understood, it is the doing or performing of services in a court of justice, in any matter depending therein, throughout its various stages, and in conformity with the adopted rules of procedure; but it is not confined to performing services in an action or proceeding pending in courts of justice, and, in a larger sense, it includes legal advice and counsel, and the preparation of legal instruments and contracts by which legal rights are secured, although such matter may or may not be pending in a court. To 'practice law' is to carry on the business of an attorney at law; to do or practice that which an attorney or counsellor at law is authorized to do and practice; to exercise the calling or profession of the law; usually for the purpose of gaining a livelihood, or at least for gain; to make it one's business to act for, and by the warrant of, others in legal formalities, negotiations, or proceedings.' (Court's italics.)



## United States (Indiana)

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership, limited liability company, professional corporation, professional association, or in-house counsel. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Indiana code of professional conduct which is modelled on the ABA model code (see: [http://www.state.in.us/judiciary/rules/prof\\_conduct/index.html](http://www.state.in.us/judiciary/rules/prof_conduct/index.html)).

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code. A limited liability partnership, limited liability company, or professional corporation must file their business model status with the Indiana Board of Law Examiners.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Indiana Supreme Court: <http://www.in.gov/judiciary/discipline/>

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Indiana may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no foreign or large national or international US firms established in Indiana.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice*

Indiana Rules of Court Rule 5.5. permits A lawyer who is not admitted to practice in this jurisdiction, but is admitted in another United States jurisdiction, or in a



## United States (Indiana)

*of law? I.e. Do you need to obtain a licence for temporary practice?*

foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction if:

- (1) the lawyer does not establish an office or other systematic and continuous presence in this jurisdiction for the practice of law and the legal services are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires temporary admission; or
- (2) the services are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual could practise law on a fly in fly out basis in Indiana provided they meet the requirements of the Indiana Bar for temporary practice (see Indiana Admission and Discipline Rule 3). In addition, 'service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes - a foreign lawyer can obtain a limited licence to offer advisory services in Indiana. The Indiana Supreme Court rules state that the court may license to practice in Indiana as a foreign legal consultant, without examination, an applicant who: (a) is a member in good standing of a recognized legal profession in a foreign country, the members of which are admitted to practice as attorneys or counsellors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority; (b) 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; (c) possesses the good moral character and general fitness requisite for a member of the bar of Indiana; and (d) intends to practice as a foreign legal consultant in

## United States (Indiana)

<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Indiana and to maintain an office in this State for that purpose. (Indiana Rules of Court, Rules for Admission to the Bar and the Discipline of Attorneys)  Services must be supplied by a natural person an in-state office must be maintained for licensure in Indiana (or an affiliate with an office and with other attorneys in the state)
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Licensure is subject to meeting requirements of registration.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Not known
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Indiana Rules for Admission and Discipline, Rule 3, Section 2 permit the limited admission on petition for foreign lawyers ( <a href="http://www.ai.org/judiciary/rules/ad_dis/index.html#r3">http://www.ai.org/judiciary/rules/ad_dis/index.html#r3</a> )
<i>Can foreign lawyers requalify as local lawyers?</i>	There is a rule on admission from foreign jurisdictions: Rule 6, Indiana Supreme Court Rules for Admission to the Bar However this defines 'foreign license' as one obtained in any other US state or the District of Columbia. <a href="http://www.in.gov/judiciary/rules/ad_dis/index.html#r6">http://www.in.gov/judiciary/rules/ad_dis/index.html#r6</a>
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate requirements on law firms. Lawyers are regulated, not law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No

## United States (Indiana)

<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Not applicable
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	Indiana Supreme Court Disciplinary Commission (January 2014)

## United States (Iowa)

*Is there legislation governing the legal sector*

IOWA CODE (2013), TITLE XV, Chapter 602.1206 Rules for judges and attorneys

*Under what title do lawyers practise?*

Attorney at Law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have an LLB or JD from an ABA approved law school, satisfy character and fitness to practice requirements, and have passed the bar exam. The applicant can also be admitted without examination after regularly engaging in the practice of law in another US jurisdiction for at least five of the last seven years. Iowa Ct. Rs. 31.12, 31.13. An applicant seeking admission on motion does not have to meet the educational requirement listed above.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Iowa. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Iowa Supreme Court Com'n on Unauthorized Practice of Law v. Sturgeon, 635 N.W.2d 679 (Iowa 2001)

The commission notes that this court has the inherent authority to define and regulate the practice of law, citing Baker (Committee on Professional Ethics & Conduct v. Baker, 492 N.W.2d 695, 700 (Iowa 1992). In Baker we approved the nonexclusive definition of the practice of law found in Ethical Consideration 3-5:

It is neither necessary nor desirable to attempt the formulation of a single, specific definition of what constitutes the practice of law. However, the practice of law includes, but is not limited to, representing another before the courts; giving of legal advice and counsel to others relating to their rights and obligations under the law; and preparation or approval of the use of legal instruments by which legal rights of others are either obtained, secured or transferred even if such matters never become the subject of a court proceeding. Functionally, the practice of law relates to the rendition of services for others that call for the professional judgment of a lawyer. The essence of professional judgment of the lawyer is the educated ability to relate the general body and philosophy of law to a specific legal problem of a client; and thus, the public interest will be better served if only lawyers are permitted to act in matters involving professional judgment. Where this professional judgment is not involved, non-lawyers, such as court clerks, police officers, abstracters, and many governmental employees, may engage in occupations that require a special knowledge of law in certain areas. But the services of a lawyer are essential in the public interest

## United States (Iowa)

	whenever the exercise of professional judgment is required. Iowa Rules of Professional Responsibility.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No.
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A lawyer may practise as a sole practitioner, in a general or limited liability partnership or as a professional corporation. Fee sharing with non-lawyers is prohibited.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Iowa rules of professional conduct which are modelled on the ABA model code.
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by Iowa Supreme Court only.
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995.
<i>Has it made any WTO commitments on legal services?</i>	Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Iowa may provide legal services in modes 1-3.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	NAFTA lawyers have access to the professional visa program.
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	There are no foreign or large national or international US firms established in Iowa.
<i>Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do</i>	Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see rule 5.5 on Unauthorized Practice of Law).

## United States (Iowa)

*you need to obtain a licence for temporary practice?*

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Iowa would need to be fully admitted to the Iowa Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant). The relevant legislation is the Iowa Court Rule No 31.8. This is available online at [www.iowacourts.gov/wfdata/frame8492-1671/file91.pdf](http://www.iowacourts.gov/wfdata/frame8492-1671/file91.pdf). In order to offer advisory services in foreign and international law, a foreign legal consultant is not required but may enter a commercial association with local lawyers. The supreme court may license to practice in the State of Iowa as a foreign legal consultant, without examination, an applicant who: a. Is, and for at least five years has been, a member in good standing of a recognized legal profession in a foreign country, the members of which are admitted to practice as lawyers or counsellors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority; b. For at least five years preceding his or her application has been a member in good standing of such legal profession and has been lawfully engaged in the practice of law in the foreign country or elsewhere substantially involving or relating to the rendering of advice or the provision of legal services concerning the law of the foreign country; c. Possesses the good moral character and general fitness requisite for a member of the bar of this state; and d. Intends to practice as a foreign legal consultant in this state and to maintain an office in this state for that purpose.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

An FLC must be resident in the United States to be an FLC and subject to the limitations listed in rule 31.18(3), a person licensed under this rule shall be considered a foreign legal consultant affiliated with the bar of this state and shall be entitled and subject to: a. The rights and obligations set forth in the Iowa Rules of Professional Conduct or arising from the

## United States (Iowa)

other conditions and requirements that apply to a member of the bar of this state under the Iowa Court Rules; and b. The rights and obligations of a member of the bar of this state with respect to: (1) Affiliation in the same law firm with one or more members of the bar of this state, including by: 1. Employing one or more members of the bar of this state; 2. Being employed by one or more members of the bar of this state or by any partnership [or professional corporation] that includes members of the bar of this state or that maintains an office in this state; and 3. Being a partner in any partnership [or shareholder in any professional corporation] that includes members of the bar of this state or that maintains an office in this state; and (2) Attorney-client privilege, work-product privilege, and similar professional privileges.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Licensure is subject to meeting the requirements of registration.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

The Iowa code of conduct exempts other US lawyers who are not admitted to practice in Iowa from unauthorized practice of law violation provided the legal services they are providing "are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission".

*Are foreign lawyers allowed to appear in court under any circumstances?*

Iowa Rule of Court 31.14. Admission pro hac vice before Iowa courts and administrative agencies.

*Can foreign lawyers requalify as local lawyers?*

"<http://www.legis.state.ia.us/Rules/Current/court/courtrules.pdf>  
Rule 31.12 Admission of attorneys from other jurisdictions—requirements and fees  
(Effective January 19, 2010, intent to practice requirement eliminated.)  
<http://www.legis.state.ia.us/Rules/Current/court/courtrules.pdf>  
<http://www.iowacourts.gov/wfdata/frame9885-1671/File111.pdf>"

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements on law firms. An FLC is permitted to open an office.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to*

Not applicable



## United States (Iowa)

*set up an office? (E.g. with a ministry of company affairs etc.)*

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

No

*Is there a quota on the number of licences available?*

No

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

Not applicable

*Are there rules about the name a foreign law firm can take?*

Foreign name is permitted

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL*

Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

No

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes - this is explicitly recognised in Iowa's FLC rule.

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes - this is explicitly recognised in Iowa's FLC rule.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes - this is explicitly recognised in Iowa's FLC rule.

*Other useful sources or comments or links*

*Verified by* Office of Professional Regulation, Iowa (January 2014)



# United States (Kansas)

*Is there legislation governing the legal sector*

KANSAS 2012 STATUTE, Chapter 7 - Attorneys

*Under what title do lawyers practise?*

Attorney

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a JD from an ABA approved law school, satisfy character and fitness to practice requirements, and have passed the bar exam. Residency in the US is not required, although legal status at the time of the exam is required.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Kansas. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

(The Kansas Bar has created a UPL Task Force that, among other things, is discussing the definition of the practice of law. The task force submitted a recommendation to the Supreme Court that the court establish a mechanism to investigate and prosecute the unauthorised practice of law. No action has been taken on that recommendation.)

State v. Schumacher, 519 P.2d 1116 (1974)

I. What is the practice of law?

Although it may sometimes be articulated more simply, one definition has gained widespread acceptance, and has been adopted by this Court:

A general definition of the term frequently quoted with approval is given in Eley v. Miller, 7 Ind.App. 529, 34 N.E. 836, as follows:

'As the term is generally understood, the 'practice' of law is the doing or performing of services in a court of justice, in any matter depending therein, throughout its various stages, and in conformity to the adopted rules of procedure. But in a larger sense it includes legal advice and counsel, and the preparation of legal instruments and contracts by which legal rights are secured, although such matter may or may not be depending in a court.' State ex rel. v. Perkins, 138 Kan. 899, 907, 908, 28 P.2d 765, 769 (1934).

The court, in Perkins, also pointed out that '(o)ne who confers with clients, advises them as to their legal rights, and then takes the business to an attorney and arranges with him to look after it in court is engaged in the practice of law.' 138 Kan. at 908, 28 P.2d at 770. The quotation from the Eley case has been adopted as the general rule in 7 C.J.S. Attorney and Client s 3 g (1937).

A more recent source defines the practice of law as 'the rendition of services requiring the knowledge and application

# United States (Kansas)

	of legal principles and technique to serve the interests of another with his consent.' R. J. Edwards, Inc. v. Hert, 504 P.2d 407, 416 (Okl. 1972).
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Kansas code of professional conduct which is modelled on the ABA model code (see: <a href="http://www.kscourts.org/rules/Rule-List.asp?r1=Rules+Relating+to+Discipline+of+Attorneys">http://www.kscourts.org/rules/Rule-List.asp?r1=Rules+Relating+to+Discipline+of+Attorneys</a> )
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by the Kansas courts: <a href="http://www.kscourts.org/">http://www.kscourts.org/</a>
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995
<i>Has it made any WTO commitments on legal services?</i>	Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Kansas may provide legal services in modes 1-3.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	NAFTA lawyers have access to the professional visa program

## United States (Kansas)

*Are there any 'foreign law' firms present in this jurisdiction?*

The only "foreign" firm present in Kansas is Dentons which is established under the US arm of its Swiss verein.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

There is no rule in Kansas allowing temporary practice either by lawyers from other US jurisdictions or by foreign lawyers.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Foreign lawyers would not be able to obtain visas to practise law in Kansas. It is possible that they may qualify under the USA's WTO commitments as "service salespersons" if they are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No - There is no FLC licensing regime in Kansas.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Not applicable

*Are foreign lawyers permitted to undertake arbitration and mediation?*

No

*Are foreign lawyers allowed to appear in court under any circumstances?*

On March 9, 2005, the Kansas Supreme Court entered an Order amending the pro hac vice admission rule, effective July 1, 2005. Fee: \$100  
Kansas Supreme Court Rule 1.10, Admission Pro Hac Vice of Out-of-State Attorney.  
Before the Kansas Appellate Courts.  
<http://www.kscourts.org/ctruls/2005SC25amended.pdf>

## United States (Kansas)

<i>Can foreign lawyers requalify as local lawyers?</i>	July 1, 2005 Admission by Motion. Reciprocity required. \$1250 fee. <a href="http://www.kscourts.org/ctruls/2005SC11.pdf">http://www.kscourts.org/ctruls/2005SC11.pdf</a>
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Not applicable
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Not applicable

## United States (Kansas)

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Not applicable

*Other useful sources or comments or links*

*Verified by*

Supreme Court – Kansas (February 2014)

# United States (Kentucky)

*Is there legislation governing the legal sector*

Rules of the Supreme Court of Kentucky (SCR) 3.010 et seq., Practice of Law

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have an LLB or JD from an ABA approved law school, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Kentucky. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Rules of the Supreme Court of Kentucky (SCR) 3.020, Practice of law defined.  
The practice of law is any service rendered involving legal knowledge or legal advice, whether of representation, counsel or advocacy in or out of court, rendered in respect to the rights, duties, obligations, liabilities, or business relations of one requiring the services. But nothing herein shall prevent any natural person not holding himself out as a practicing attorney from drawing any instrument to which he is a party without consideration unto himself therefor. An appearance in the small claims division of the district court by a person who is an officer of or who is regularly employed in a managerial capacity by a corporation or partnership which is a party to the litigation in which the appearance is made shall not be considered as unauthorized practice of law.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

See SCR 3.022, Forms of practice of law.  
A lawyer may engage in the practice of law as a sole practitioner, as an employee of a private corporation, with federal and/or state agencies or departments, with municipal agencies, in legal aid and public defender organizations, as instructors of law in a law school located in Kentucky, as a state or federal judge or as a state or federal administrative law judge, in a general partnership or with a limited liability entity.

## United States (Kentucky)

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Kentucky code of professional conduct which is modelled on the ABA model code (see: <http://www.kybar.org/237>)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Pursuant to SCR 2.085, the Supreme Court authorizes the issuance of certificates of admission.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Kentucky may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no foreign or large national or international US firms established in Kentucky.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see rule 3.130 (5.5) on Unauthorized Practice of Law)



## United States (Kentucky)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Kentucky would need to be fully admitted to the Kentucky Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No - There is no FLC licensing regime in Kentucky.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Not applicable

*Are foreign lawyers permitted to undertake arbitration and mediation?*

No

*Are foreign lawyers allowed to appear in court under any circumstances?*

If a foreign lawyer is licensed in another state within the United States, he/she may avail him/herself of the pro hac vice rule in SCR 3.030(2) by paying a per case fee, subjecting him/herself to the rules of the Supreme Court of Kentucky and the Kentucky Bar Association and engaging a Kentucky attorney as co-counsel. Additionally, the foreign lawyer may become licensed pursuant to SCR 2.014(3).

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer can obtain a full licence to practice law in this jurisdiction. An attorney who is a graduate of a foreign law school can apply to the Office of Bar Admissions for an education evaluation to determine if the applicant's legal education is substantially equivalent to an ABA-accredited Kentucky law school education. If approved, the applicant may sit for the bar exam if he/she has been actively and substantially engaged in the practice of law for 3 of the last 5 years.

The relevant rule is SCR 2.014(3). The responsible body is

## United States (Kentucky)

	the Supreme Court of Kentucky after receiving a recommendation from the Kentucky Board of Bar Examiners.
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Not applicable
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Not applicable

## United States (Kentucky)

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Not applicable

*Other useful sources or comments or links*

*Verified by*

Supreme Court of Kentucky (February 2014)

## United States (Louisiana)

*Is there legislation governing the legal sector*

LOUISIANA REVISED STATUTES TITLE 37. PROFESSIONS AND OCCUPATIONS CHAPTER 4. ATTORNEYS; Article V, Section V of the Louisiana Constitution grants authority to the Louisiana Supreme Court to regulate the practice of law. Generally, see Supreme Court Rule XVII, XVIII, and XIX.

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have an LLB or JD from an ABA approved law school, satisfy character and fitness to practice requirements, and have passed the bar exam. A Louisiana law license remains in effect for the life of the lawyer contingent upon annual registration requirements, and unless removed by disciplinary order of the Supreme Court, or resignation.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Louisiana. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

"LOUISIANA REVISED STATUTES TITLE 37. PROFESSIONS AND OCCUPATIONS CHAPTER 4. ATTORNEYS § 212.

37:212 Practice of Law defined.

A. The Practice of law means and includes:

(1) In a representative capacity, the appearance as an advocate, or the drawing of papers, pleadings or documents, or the performance of any act in connection with pending or prospective proceedings before any court of record in this state; or

(2) For a consideration, reward, or pecuniary benefit, present or anticipated, direct or indirect;

(a) The advising or counselling of another as to secular law;

(b) In behalf of another, the drawing or procuring, or the assisting in the drawing or procuring of a paper, document, or instrument affecting or relating to secular rights;

(c) The doing of any act, in behalf of another, tending to obtain or secure for the other the prevention or the redress of a wrong or the enforcement or establishment of a right; or

(d) Certifying or giving opinions as to title to immovable property or any interest therein or as to the rank or priority or validity of a lien, privilege or mortgage as well as the preparation of acts of sale, mortgages, credit sales or any acts or other documents passing titles to or encumbering immovable property.

B. Nothing in this Section prohibits any person from attending to and caring for his own business, claims, or demands; or from preparing abstracts of title; or from insuring titles to property, movable or immovable,

## United States (Louisiana)

or an interest therein, or a privilege and encumbrance thereon, but every title insurance contract relating to immovable property must be based upon the certification or opinion of a licensed Louisiana attorney authorized to engage in the practice of law. Nothing in this Section prohibits any person from performing, as a notary public, any act necessary or incidental to the exercise of the powers and functions of the office of notary public, as those powers are delineated in Louisiana Revised Statutes of 1950, Title 35, Section 1, et seq.

C. Nothing in this Section shall prohibit any partnership, corporation, or other legal entity from asserting any claim, not exceeding five thousand dollars, or defense pertaining to an open account or promissory note, or suit for eviction of tenants on its own behalf in the courts of limited jurisdiction on its own behalf through a duly authorized partner, shareholder, officer, employee, or duly authorized agent or representative. No partnership, corporation, or other entity may assert any claim on behalf of another entity, or any claim assigned to it.

D. Nothing in Article V, Section 24, of the Constitution of Louisiana or this Section shall prohibit justices or judges from performing all acts necessary or incumbent to the authorized exercise of duties as judge advocates or legal officers.

Louisiana Rule of Professional Conduct 5.5: Unauthorized Practice of Law  
For purposes of this Rule, the practice of law shall include the following activities:

- (i) Holding oneself out as an attorney or lawyer authorized to practice law;
- (ii) Rendering legal consultation or advice to a client;
- (iii) Appearing on behalf of a client in any hearing or proceeding, or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, hearing officer, or governmental body operating in an adjudicative capacity, including submission of pleadings, except as may otherwise be permitted by law;
- (iv) Appearing as a representative of the client at a deposition or other discovery matter;
- (v) Negotiating or transacting any matter for or on behalf of a client with third parties;
- (vi) Otherwise engaging in activities defined by law or Supreme Court decision as constituting the practice of law.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership, in a limited liability company; additionally, lawyers may practice in governmental agencies. Fee sharing with non-lawyers is prohibited.

## United States (Louisiana)

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Louisiana Rules of Professional Conduct which are modelled on the ABA Model Rules (see: <http://www.ladb.org/Publications/ropc.pdf>)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification and registration requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Louisiana Supreme Court <http://www.ladb.org/>; Law licenses are only issued to individuals.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Louisiana may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

The only "foreign" firm present in Louisiana is Dentons which is established under the US arm of its Swiss verein.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorized Practice of Law; see also Supreme Court Rule XVII, Section 17).

## United States (Louisiana)

*to obtain a licence for temporary practice?*

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Louisiana would need to be fully admitted to the Louisiana Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant). The relevant legislation is the Louisiana Revised Statutes Title 37: Professions and Occupations (REFS and ANNOS), Chapter 4 Appendix. See Article XIV, Section 11 et al, Articles of Incorporation, State Bar of Louisiana; general requirements include that the Supreme Court of Louisiana may license a person to practise as a consultant of foreign law, without examination, if the person is a member in good standing of the profession in a foreign country, has five years of continuous practice or has been a full-time professor for at least five years, and possesses other requirements. As to scope of practice, a person may render opinions on the law of the foreign jurisdiction or jurisdictions authorised by the Supreme Court, however, they may not appear in court, render advice on the law of a State of the United States, hold themselves out as a member of the Louisiana Bar, and must use the designation 'licensed consultant of the law of [name the foreign country]'. In order to offer advisory services in foreign and international law, a foreign legal consultant is not required but may enter a commercial association with local lawyers.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

An FLC must be in good standing with his/her home bar and use the title of FLC.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Licensure as a foreign legal consultant requires 5 years of practice and a certificate of good standing from the lawyer's home bar.



## United States (Louisiana)

<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Not known
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	La Sup. Ct. Rule XVII. Admission to the Bar of the State of Louisiana, Section 13. Pro Hac Vice Admission. <a href="http://www.lasc.org/rules/supreme/RuleXVII.asp">http://www.lasc.org/rules/supreme/RuleXVII.asp</a>
<i>Can foreign lawyers requalify as local lawyers?</i>	A foreign lawyer can obtain a full licence to practise law in this jurisdiction. The relevant legislation is Louisiana Supreme Court Rule XVII, which governs admission to practise in Louisiana. The relevant rule is available online at <a href="http://www.lasc.org/rules/supreme/rulexvii.asp">www.lasc.org/rules/supreme/rulexvii.asp</a> . In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers may seek admission by obtaining an equivalency determination that his or her foreign education is equivalent to that offered at an ABA accredited law school. The foreign trained lawyer must then meet all requirements placed on applicants educated in the United States and complete 14 hours of study at an ABA accredited law school.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate requirements on law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that</i>	No

## United States (Louisiana)

*apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?*

*Are there restrictions on the corporate form a foreign law firm can take?* Not applicable

*Are there rules about the name a foreign law firm can take?* Not applicable

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL* Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* Not applicable

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Not applicable

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Yes

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Yes

*Other useful sources or comments or links*

*Verified by* Louisiana Attorney Disciplinary Board (February 2014)

# United States (Maine)

*Is there legislation governing the legal sector*

Maine Revised Statutes, Title 4, Chapter 17: ATTORNEYS AT LAW

*Under what title do lawyers practise?*

Attorney at Law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a JD (generally from an ABA-accredited law school), satisfy character and fitness to practice requirements, and have passed the Maine bar exam. Individuals who have been in the active practise of law in other United States jurisdictions may be eligible for admission without having to pass the Maine bar exam. Once admitted in Maine, a lawyer must register annually with the Maine Board of Overseers of the Bar.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

Admission to practise is limited to the State of Maine. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the rules in effect in that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

With certain exceptions, a lawyer may not practise law in Maine unless admitted in Maine. Exceptions include court rules that permit visiting U.S. lawyers to practice in particular actions, and Rule 5.5(d) of the Maine Rules of Professional Conduct, which states:

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

- (1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or
- (2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

As for what constitutes the practice of law, in Board of Overseers of the Bar v. Mangan, 763 A.2d 1189, 1193 (Me. 2001), the Maine Supreme Judicial Court stated:

The Maine Bar Rules do not explicitly state what constitutes the "practice of law," nor have we ever defined what constitutes the "practice of law."

*Do you need to hold local nationality to be eligible to practise law?*

No. U.S. citizenship is not required for admission in Maine.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership,*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership, in a limited liability company, or in a professional corporation. Fee sharing with non-lawyers is prohibited.

## United States (Maine)

*multi-disciplinary  
partnership,  
incorporation)*

*What other ethical or  
regulatory  
requirements must a  
licensed lawyer  
comply with?*

The Maine Rules of Professional Conduct, which is modelled on the ABA model code (see:  
[http://www.mebaroverseers.org/attorney\\_regulation/professional\\_conduct/](http://www.mebaroverseers.org/attorney_regulation/professional_conduct/))

*Do law firms need to  
receive a "license" (or  
permission/approval)  
to practice law?*

Not from the Court, but the firm must comply with whatever requirements apply to the legal entity under which the firm operates.

*Which authority  
issues licences? Are  
there different  
authorities for  
individuals and firms?*

Lawyers are admitted to practise by the Maine Supreme Judicial Court upon certification by the Maine Board of Bar Examiners that the lawyer is qualified for admission.

*Is the jurisdiction a  
member of the WTO?*

The US joined the WTO on 1 January 1995.

*Has it made any WTO  
commitments on legal  
services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Maine may provide legal services in modes 1-3.

*Is the jurisdiction  
party to bilateral  
agreements which  
offer special treatment  
to businesses or  
individuals from  
particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently  
include legal services  
or are there plans to  
include them in  
future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

## United States (Maine)

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program.

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no "foreign law" firms present in Maine.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

With certain exceptions, a lawyer may not practise law in Maine unless admitted in Maine. Exceptions include court rules that permit visiting U.S. lawyers to practice in particular actions, and Rule 5.5(d) of the Maine Rules of Professional Conduct.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Maine would need to be fully admitted to the Maine Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No - There is no FLC licensing regime in Maine.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable.

*Are there any conditions that must be fulfilled for a foreign lawyer to*

Not applicable.

## United States (Maine)

*qualify for a limited licence? (e.g. prior practice)*

*Are foreign lawyers permitted to undertake arbitration and mediation?*

A foreign lawyer can serve as an arbitrator or mediator. A foreign lawyer may not represent a party in an arbitration or mediation in Maine unless an exception applies that would permit the foreign lawyer to practice law in Maine without being admitted in Maine.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Court rules permit visiting U.S. lawyers to practice in particular actions on certain conditions.

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer who is not otherwise qualified for admission on motion may take the Maine bar exam if the lawyer satisfies the educational (and, if applicable, the active practise) requirements of Maine Bar Admission Rule 10(c). For more information on the equivalency of foreign legal education, see <http://www.mainebarexaminers.org/pages/foreign.html>

*Can a foreign law firm obtain a licence to open an office?*

Not applicable.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Not applicable.

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

Not applicable.

*Is there a quota on the number of licences available?*

Not applicable.

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

Not applicable.

*Are there "scope of practice" rules that apply directly to*

Not applicable.

## United States (Maine)

*foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?*

*Are there restrictions on the corporate form a foreign law firm can take?* Not applicable.

*Are there rules about the name a foreign law firm can take?* Not applicable.

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL* Not applicable.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* Not applicable.

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Not applicable.

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Not applicable.

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Not applicable.

*Other useful sources or comments or links* Maine Board of Bar Examiners:  
<http://www.mainebarexaminers.org/>  
 Maine Board of Overseers of the Bar:  
<http://www.mebaroverseers.org/>

*Verified by* Maine Board of Bar Examiners (January 2014)



# United States (Maryland)

*Is there legislation governing the legal sector*

ANNOTATED CODE OF MARYLAND BUSINESS OCCUPATIONS AND PROFESSIONS, TITLE 10. LAWYERS

*Under what title do lawyers practise?*

Attorney at Law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a JD, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practice in Maryland. The right to practice on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

ANNOTATED CODE OF MARYLAND BUSINESS OCCUPATIONS AND PROFESSIONS, TITLE 10. LAWYERS SUBTITLE 1--DEFINITIONS; GENERAL PROVISIONS § 10-101. Definitions Sec. 10-101(h)

(1) "Practice law" means to engage in any of the following activities:

- (i) giving legal advice;
- (ii) representing another person before a unit of the State government or of a political subdivision; or
- (iii) performing any other service that the Court of Appeals defines as practicing law.

(2) "Practice law" includes:

- (i) advising in the administration of probate of estates of decedents in an orphans' court of the State;
- (ii) preparing an instrument that affects title to real estate;
- (iii) preparing or helping in the preparation of any form or document that is filed in a court or affects a case that is or may be filed in a court; or
- (iv) giving advice about a case that is or may be filed in a court.

§ 10-206. Bar admission requirement

(a) Except as otherwise provided by law, before an individual may practice law in the State, the individual shall:

- (1) be admitted to the Bar; and
- (2) meet any requirement that the Court of Appeals may set by rule.

(b) This section does not apply to:

- (1) a person while representing a landlord in a summary ejectment or a rent escrow proceeding in the District Court of Maryland;
- (2) A person while representing a tenant in a summary ejectment or a rent escrow proceeding in the District Court of Maryland if the person is:
  - (i) a law student practicing in a clinical law program at a law

## United States (Maryland)

school accredited by the American Bar Association with the in-court supervision of a faculty member; or

(ii) employed by a non-profit organization receiving grants from the Maryland Legal Services Corporation and:

1. The person has training and experience;
2. The person is supervised by a lawyer; and
3. The supervising lawyer's appearance is entered in the proceeding;

(3) An insurance company while defending an insured through staff counsel;

(4) an officer of a corporation, an employee designated by an officer of a corporation, a partner in a business operated as a partnership or an employee designated by a partner, a member of a limited liability company or an employee designated by a member of a limited liability company, or an employee designated by the owner of a business operated as a sole proprietorship while the officer, partner, member, or employee is appearing on behalf of the corporation, partnership, limited liability company, or business in a civil action in the District Court of Maryland if:

(i) the action:

1. is based on a claim that does not exceed the amount set under § 4-405 of the Courts Article for a small claim action; and

2. is not based on an assignment, to the corporation, partnership, or business, of the claim of another;

(ii) in the case of a designated employee, the employee:

1. is not be assigned on a full-time basis to appear in the District Court on behalf of the corporation, partnership, or business;

2. provides the court a power of attorney sworn to by the employer that certifies that the designated employee is an authorized agent of the corporation, partnership, limited liability company, or sole proprietorship and may bind the corporation, partnership, limited liability company, or sole proprietorship on matters pending before the court; and

3. is not be an individual who is disbarred or suspended as a lawyer in any state; and

(iii) the corporation, partnership, limited liability company, or business does not contract, hire, or employ another business entity to provide appearance services;

(5) an individual who is authorized by a county employee to represent the employee at any step of the county's grievance procedure; or

(6) a director or an officer of a common ownership community while representing the common ownership community in a dispute, hearing, or other matter before a board or commission established to oversee one or more of the following common ownership communities:

## United States (Maryland)

- (i) a development subject to a declaration enforced by a homeowners association as defined in § 11B-101 of the Real Property Article;
  - (ii) a residential condominium as defined in § 11-101 of the Real Property Article; or
  - (iii) a cooperative housing corporation as defined in § 5-6B-01 of the Corporations and Associations Article.
  - (c) (1) In this subsection, "practice patent law":
    - (i) means to perform professional services that the Patent and Trademark Office requires to be performed by an individual registered to practice before that Office; and
    - (ii) Includes preparing a copyright application or assignment and submitting it to the Copyright Office of the Library of Congress.
  - (2) While there is a Patent and Trademark Office in the State, an individual may practice patent law in the State if the individual is:
    - (i) authorized to practice law in any other state; and
    - (ii) registered to practice patent law before the Patent and Trademark Office.
  - (3) Unless otherwise authorized under this title, an individual who practices patent law under this subsection may not:
    - (i) appear as an attorney at law in a court; or
    - (ii) practice law generally in the State.
  - (d) (1) Subject to paragraph (2) of this subsection, this section does not apply to an individual while giving legal advice to a corporation in this State if the individual is:
    - (i) employed by the corporation; and
    - (ii) admitted to the bar of any other state.
  - (2) An individual who gives legal advice under this subsection:
    - (i) is subject to disciplinary proceedings as the Maryland Rules provide;
    - (ii) may not appear before a unit of the State government or of a political subdivision unless a court grants the individual a special admission in accordance with § 10-215 of this subtitle.
- It is prohibited to hold oneself out as authorized to practice law by the use of a title (i.e. "lawyer") or by description of services offered or otherwise, unless the person is authorized to practice law. § 10-602 of this subtitle.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability)*

A lawyer may practice as a sole practitioner, in a general or limited liability partnership, in a professional association, in

## United States (Maryland)

*partnership, multi-disciplinary partnership, incorporation)*

a limited liability company, or in a professional corporation. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Maryland Lawyers' Rules of Professional Conduct which is modelled on the ABA model code:  
<http://www.lexisnexis.com/hottopics/mdcode>

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other business-related requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the State court:  
<http://www.courts.state.md.us/attygrievance/index.html>

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practicing 'as or through' a lawyer qualified in Maryland may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

The only "foreign" firms present in Maryland are DLA Piper and Hogan Lovells which are established under the US arms of their Swiss vereins.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services. Temporary practice in Maryland is only permitted to a lawyer admitted in another United States jurisdiction (see Rule 5.5 of the Maryland Lawyers' Rules of Professional Conduct on Unauthorized Practice of Law).

## United States (Maryland)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practice law on a fly in fly out basis in Maryland would need to be fully admitted to the Maryland Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No - There is no FLC licensing regime in Maryland.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Not applicable

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Not known

*Are foreign lawyers allowed to appear in court under any circumstances?*

Foreign lawyers are permitted to appear in court where the foreign lawyer is a member in good standing of the Bar of another State per Rule 14 entitled "Rules Governing Admission to the Bar of Maryland"  
<http://www.lexisnexis.com/hottopics/mdcode>

## United States (Maryland)

*Can foreign lawyers requalify as local lawyers?*

A graduate of a foreign law school may qualify to apply for a waiver to take the Maryland Bar Examination if he or she has been admitted by exam in another U.S. jurisdiction or is admitted in a foreign jurisdiction and has completed a minimum of 26 credit hours of study at an ABA approved law school in Maryland in the subjects covered in the Maryland Bar Examination. A foreign lawyer cannot obtain a full licence to practice law in this jurisdiction. However, if there is no holding out by the foreign attorney indicating ability to practice law in Maryland, he or she can advise on foreign law.

*Can a foreign law firm obtain a licence to open an office?*

No

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Not applicable

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

Not applicable

*Is there a quota on the number of licences available?*

Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

Not applicable

*Are there rules about the name a foreign law firm can take?*

Not applicable

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL*

Not applicable

## United States (Maryland)

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* Not applicable

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Not applicable

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Not applicable

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Not applicable

*Other useful sources or comments or links*

*Verified by* Bar Counsel, Attorney Grievance Commission, Maryland (December 2013)



# United States (Massachusetts)

*Is there legislation governing the legal sector*

MASSACHUSETTS GENERAL LAWS - PART III - COURTS, JUDICIAL OFFICERS AND PROCEEDINGS IN CIVIL CASES, CHAPTER 221m - CLERKS, ATTORNEYS AND OTHER OFFICERS OF JUDICIAL COURTS

*Under what title do lawyers practise?*

Attorney-at-Law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a J.D. from a law school approved by the American Bar Association or authorized by Massachusetts statute to grant the degree of Juris Doctor, passed the Multistate Professional Responsibility Examination, satisfied character and fitness to practice requirements, and have passed the Massachusetts bar exam. A Massachusetts license to practice law must be renewed on an annual basis

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Massachusetts. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Massachusetts Conveyancers Ass'n, Inc. v. Colonial Title & Escrow, Inc., 2001 WL 669280 (Mass.Super. 2001) Whether a particular activity constitutes the practice of law is fact specific. Matter of Shoe Manufacturers Protective Association, 295 Mass. 369, 372 (1936). While a comprehensive definition would be impossible to frame what constitutes "the practice of law", in general, consists of:  
"[D]irecting and managing the enforcement of legal claims and the establishment of the legal rights of others, where it is necessary to form and to act upon opinions as to what those rights are and as to the legal methods which must be adopted to enforce them, the practice of giving or furnishing legal advice as to such rights and methods and the practice, as an occupation, of drafting documents by which such rights are created, modified, surrendered or secured ..."  
Id.

*Do you need to hold local nationality to be eligible to practise law?*

Local nationality is not required for Massachusetts licensure to practice law.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

## United States (Massachusetts)

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Massachusetts code of professional conduct which is modelled on the ABA model code (see: <http://www.mass.gov/obcbbo/rpcnet.htm>)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the State courts:  
<http://www.mass.gov/obcbbo/>

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Massachusetts may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

The only "foreign" firms present in Massachusetts are DLA Piper and Dentons which are established under the US arms of their Swiss vereins

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorized Practice of Law)

## United States (Massachusetts)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Massachusetts would need to be fully admitted to the Massachusetts Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant). Ethical Requirements and Rules Concerning the Practice of Law of the Supreme Judicial Court of Massachusetts, Rule 3:05. This is available online at <http://socialaw.gvpi.net/sll/lpext.dll/sll/rules?f=templates&fn=main-h.htm>. A limited licence allows a foreign lawyer to give advice on the law of his or her home jurisdiction subject to certain limitations. In order to offer advisory services in foreign and international law, a foreign legal consultant is not required to but may enter a commercial association with local lawyers.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

In-state or US residency is required for licensure as a US lawyer in: Hawaii, Iowa, Kansas, Massachusetts, Michigan, Minnesota (or maintain an office in Minnesota), Mississippi, Nebraska, New Jersey, New Hampshire, Oklahoma, Rhode Island, South Dakota, Vermont, Virginia, Wyoming.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Licensure is subject to the registration requirements: the applicant must be a member in good standing with a recognised legal profession in his or her home country with five years of experience, good moral character, and an intention to open an office in Massachusetts for purposes of rendering advice on law of his or her home country

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Not known

*Are foreign lawyers allowed to appear in court under any circumstances?*

Chapter 221 of the General Laws of Massachusetts, § 46A. Practice of law; persons authorized.  
<http://www.state.ma.us/legis/laws/mgl/221%2D46a.htm>

## United States (Massachusetts)

*Can foreign lawyers requalify as local lawyers?*

A graduate from a foreign law school (other than those Canadian law schools that are prequalified) may be permitted to sit for the bar exam after taking further legal studies designated by the Board at an ABA-approved law school or a Massachusetts-accredited law school. Foreign law school graduates must obtain a determination of their educational equivalency from the Board prior to making application. A foreign lawyer cannot obtain a full licence to practise law in this jurisdiction. The relevant impediment is that the lawyer requires full admission to the Bar like any other attorney. Foreign lawyers may be excused from sitting the examination providing they have met the following requirements: a) obtained prior Board approval of their educational sufficiency and work history, b) provided verification that they have been admitted and are in good standing in another state, district, or territory of the United States and have engaged in the practice of law for 5 out of the past 7 years before making application, c) passed the MPRE, and d) satisfied the Board as to their moral character and fitness.

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements on law firms. An FLC is permitted to open an office.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Not applicable

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

Not applicable

*Is there a quota on the number of licences available?*

Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (e.g. home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

Not applicable

## United States (Massachusetts)

<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Not applicable
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	Supreme Judicial Court (January 2014)

# United States (Michigan)

<i>Is there legislation governing the legal sector</i>	Act 236 of 1961 - REVISED JUDICATURE ACT OF 1961 (600.101 - 600.9948)
<i>Under what title do lawyers practise?</i>	Attorney at Law
<i>How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?</i>	An individual must have a bachelor's degree and a JD, satisfy character and fitness to practice requirements, and have passed the bar exam.
<i>Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits</i>	This only automatically entitles the holder to practise in Michigan. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.
<i>Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?</i>	<p>600.916 Unauthorized practice of law. Sec. 916.</p> <p>The State Judicature Act defines the unauthorized practice of law as ""(1) A person shall not practice law or engage in the law business, shall not in any manner whatsoever lead others to believe that he or she is authorized to practice law or to engage in the law business, and shall not in any manner whatsoever represent or designate himself or herself as an attorney and counsellor, attorney at law, or lawyer, unless the person is regularly licensed and authorized to practice law in this state. A person who violates this section is guilty of contempt of the supreme court and of the circuit court of the county in which the violation occurred, and upon conviction is punishable as provided by law. This section does not apply to a person who is duly licensed and authorized to practice law in another state while temporarily in this state and engaged in a particular matter"". The State Bar of Michigan defines the unauthorized practice of law as ""When a person or company says or does something on behalf of another person that involves legal discretion or making a decision about legal matters, that is the practice of law. It is the unauthorized practice of law for a person to exercise legal discretion on behalf of another person, or practice law for another person, when they are not legally authorized to do so"". The State Bar has asked the State Supreme Court to codify Michigan's case law on this subject Dressel v. Ameribank, 635 N.W.2d 328 (Mich.App. 2001)</p> <p>Michigan law prohibits the unauthorized practice of law by individuals. MCL 600.916. Moreover, M.C.L. § 450.681 specifically enjoins corporations from practicing law without a license. . . . However, these statutes fail to define precisely what constitutes the ""practice of law."" Rather, such determinations have been left to the discretion of the courts.</p> <p>This Court agrees with the majority opinion of the states that charging</p>

## United States (Michigan)

a fee can take an otherwise incidental act into the realm of the unauthorized practice of law.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Michigan code of professional conduct which is modelled on the ABA model code (see: <http://www.michbar.org/professional/>)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Michigan Supreme Court

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

The USA has scheduled commitments for Michigan in modes 1 and 3 for the practice of home country law and international law (to the extent this is incorporated in home-country law).

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program



## United States (Michigan)

*Are there any 'foreign law' firms present in this jurisdiction?*

Michigan is home to a number of large national US firms, some of whom also have offices outside the US.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorized Practice of Law)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Michigan would need to be fully admitted to the Michigan Bar or to the Bar of another US State. "Service salespersons" are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes - a foreign lawyer may become licensed as a foreign legal consultant (see Michigan Board of Bar Examiners, Rule 5E MI R BD LAW EXAM Rule 5(E) (Effective 1986)). The scope of an FLC licence is limited to home country law and international law to the extent it is incorporated in home-country law. The practice of 3rd-country and Michigan law is not permitted.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

In-state residency is required.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Licensure is subject to meeting requirements of registration, a minimum age of 18 years, an experience requirement (3 of the 5 years preceding registration must have been spent practising law) and providing certification of registration and good standing with home-country bar.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Not known

*Are foreign lawyers allowed to appear in court under any circumstances?*

Michigan Supreme Court Rules Concerning the State Bar of Michigan, Rule 15,



## United States (Michigan)

Section 2. Foreign Attorneys, Temporary Permission.  
<http://courtofappeals.mijud.net/rules/public/default.asp>

*Can foreign lawyers  
requalify as local lawyers?*

Michigan Compiled Law §600.946

*Can a foreign law firm  
obtain a licence to open an  
office?*

There are no separate requirements on law firms. An FLC is permitted to open an office.

*Even if a foreign law firm  
does not require a legal  
licence must they register  
in some form in order to set  
up an office? (E.g. with a  
ministry of company affairs  
etc.)*

Not applicable

*Are there different types of  
foreign law firm 'licence'  
(e.g. Joint Law Venture,  
stand alone foreign licence  
etc.?)*

Not applicable

*Is there a quota on the  
number of licences  
available?*

Not applicable

*Are there geographical  
restrictions on foreign firm  
licences or on the number  
of branches a foreign firm  
can have?*

No

*Are there "scope of  
practice" rules that apply  
directly to foreign law firms  
(as opposed to lawyers  
themselves)? (e.g. home,  
host, international law), if  
so, what are they?*

No

*Are there restrictions on  
the corporate form a  
foreign law firm can take?*

Not applicable

*Are there rules about the  
name a foreign law firm  
can take?*

Foreign name is permitted

## United States (Michigan)

<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	Michigan Board of Bar Examiners (December 2013)

## United States (Minnesota)

*Is there legislation governing the legal sector*

MINNESOTA STATUTE, Chapter 481 Attorneys-at-law

*Under what title do lawyers practise?*

Attorney at Law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must meet the requirements of the Rules for Admission to the Bar, have an LLB or JD, satisfy character and fitness to practice requirements, and have passed the bar exam in Minnesota or met the practice requirements for admission on motion. Licenses are renewed annually through the Lawyer Registration Office.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Minnesota. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Subdivision 1. Prohibitions.

It shall be unlawful for any person or association of persons, except members of the bar of Minnesota admitted and licensed to practice as attorneys at law, to appear as attorney or counsellor at law in any action or proceeding in any court in this state to maintain, conduct, or defend the same, except personally as a party thereto in other than a representative capacity, or, by word, sign, letter, or advertisement, to hold out as competent or qualified to give legal advice or counsel, or to prepare legal documents, or as being engaged in advising or counselling in law or acting as attorney or counsellor at law, or in furnishing to others the services of a lawyer or lawyers, or, for a fee or any consideration, to give legal advice or counsel, perform for or furnish to another legal services, or, for or without a fee or any consideration, to prepare, directly or through another, for another person, firm, or corporation, any will or testamentary disposition or instrument of trust serving purposes similar to those of a will, or, for a fee or any consideration, to prepare for another person, firm, or corporation, any other legal document, except in the specific cases provided for in the Minnesota Statutes (see <https://www.revisor.mn.gov/statutes/?id=481.02>).

*Do you need to hold local nationality to be eligible to practise law?*

There is no requirement for US citizenship to obtain a license to practice law in Minnesota

## United States (Minnesota)

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership, or in a professional firm or corporation. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Minnesota Rules of Professional Conduct, which are modelled on the ABA Model Rules of Professional Conduct (see: <http://lprb.mncourts.gov/rules/Documents/MN%20Rules%20of%20Professional%20Conduct.pdf>)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the State Supreme Court: <http://lprb.mncourts.gov/Pages/Default.aspx>

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Minnesota may provide legal services in modes 1-3. Instate residency is required.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

The international US law firm Dorsey and Whitney has an office in Minnesota but there are no foreign law firms present in this market.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorized Practice of Law).

## United States (Minnesota)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Minnesota would need to be fully admitted to the Minnesota Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes - A foreign lawyer can obtain a licence to become a foreign legal consultant (see the Minnesota Rules for Admission to the Bar, available online at [www.ble.state.mn.us/rules.html](http://www.ble.state.mn.us/rules.html)). This FLC licence entitles the holder to practise home country law and international law to the extent it is incorporated in home-country law, the practice of 3rd-country law and Minnesota law is not permitted, except that a foreign legal consultant who is employed by a single corporation or entity may practice law as a foreign legal consultant without the limitations that govern other foreign legal consultants. See Rule 11E (2) of the Rules for Admission to the Bar of Minnesota.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Ongoing adherence to the Minnesota Rules of Professional Conduct.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Licensure is subject to meeting requirements of registration, a minimum age of 26 years, an experience requirement (5 of the 7 years preceding registration must have been spent practising law), certification of registration and good standing with home-country bar.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Yes. A law license is not required to undertake arbitration and mediation in Minnesota.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Minnesota Statutes § 481.02, Sub. 6. Attorneys of other states.  
<http://www.revisor.leg.state.mn.us/stats/481/02.html>

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer cannot obtain a full licence to practise law in this jurisdiction, unless the foreign lawyer has a JD or LLB from a law school fully or provisionally approved by the American Bar Association and meets either the Bar exam or

## United States (Minnesota)

	admission on motion requirements for admission to practise in Minnesota, as set forth in Rules for Admission to the Bar. See provisions of Rules 4, 5, 6, 7, 8, 9 and 10. The relevant impediment is Rule 4A (3), which requires graduation from an ABA accredited law school with a JD or LLB degree. In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must have a JD or LLB degree from an ABA approved law school. In addition, admission may be based on a passing score and a Minnesota Bar exam or admission in another US jurisdiction and at least five years of a licensed practice. Further, the applicant must meet other requirements of the Minnesota Rules for Admission to the Bar.
<i>Can a foreign law firm obtain a licence to open an office?</i>	In order to offer advisory services in foreign and international law, a foreign legal consultant is not required to but may enter a commercial association with local lawyers.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Foreign name is permitted
<i>What entity grants a 'license' to foreign law firms? If that entity is</i>	Not applicable

## United States (Minnesota)

*on the Internet, please provide the URL*

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Not applicable

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Not applicable

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes

*Other useful sources or comments or links*

*Verified by*

Minnesota State Board of Law Examiners and the Minnesota Office of Lawyer Professional Responsibility (December 2013)



# United States (Mississippi)

*Is there legislation governing the legal sector*

MISSISSIPPI STATUTE, TITLE 73 -  
PROFESSIONS AND VOCATIONS > Chapter 3  
- Attorneys at Law

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a JD from an ABA approved law school, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Mississippi. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Mississippi Com'n on Judicial Performance v. Jenkins, 725 So.2d 162 (Miss. 1998)  
This Court defined the practice of law to include "... the drafting or selection of documents, the giving of advice in regard to them, and the using of an informed or trained discretion in the drafting of documents to meet the needs of the person being served. So, any exercise of intelligent choice in advising another of his legal rights and duties brings the activity within the practice of the legal profession. Oregon State Bar v. Security Escrows, Inc., 233 Or. 80, 377 P.2d 334 (1962)." Darby v. Mississippi State Bd. of Bar Admissions, 185 So.2d 684, 687 (Miss.1966).

Darby v. Mississippi State Board of Bar Admissions, 185 So.2d 684, 688 (1966).  
The acts designated in Section 8682 as constituting the practice of law are not all-exclusive nor all-inclusive. Manifestly there are many others which might be performed by an unlicensed person which may also constitute the practice of law. Section 8682 (Miss. Code Ann.) simply provides that the designated acts under the defined circumstances constitute the unlawful practice of law, but it does not encroach on the constitutional power of the judiciary to determine that other acts may also do so.

Mississippi Code Annotated §73-3-55. Unlawful to practice law without license; certain abstract companies may certify titles.

It shall be unlawful for any person to engage in

## United States (Mississippi)

the practice of law in this state who has not been licensed according to law. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished in accordance with the provisions of section 97-23-43. Any person who shall for fee or reward or promise directly or indirectly write or dictate any paper or instrument of writing to be filed in any cause or proceeding pending or to be instituted in any court in this state or give any counsel or advice therein or who shall write or dictate any bill of sale deed of conveyance deed of trust mortgage contract or last will and testament or shall make or certify to any abstract of title or real estate other than his own or in which he may own an interest shall be held to be engaged in the practice of law. This section shall not however prevent title or abstract of title guaranty companies incorporated under the laws of this state from making abstract or certifying titles to real estate where it acts through some person as agent authorized under the laws of the State of Mississippi to practice law; nor shall this section prevent any abstract company chartered under the laws of the State of Mississippi with a -16- paid up capital of fifty thousand dollars (\$50,000.00) or more from making or certifying to abstracts of title to real estate through the president secretary or other principal officer of such company.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Mississippi code of professional conduct which is modelled on the ABA model code (see: [http://courts.ms.gov/rules/msrulesofcourt/rules\\_of\\_professional\\_conduct.pdf](http://courts.ms.gov/rules/msrulesofcourt/rules_of_professional_conduct.pdf))

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

## United States (Mississippi)

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Mississippi State Supreme Court

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Mississippi may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

No - foreign lawyers are not permitted to establish in Mississippi and there are no foreign or large national or international US firms established there.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Temporary practice by both foreign lawyers and lawyers from other US states is not permitted under Mississippi rule 5.5.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Foreign lawyers would not be able to obtain visas to practise law in Mississippi. It is possible that they may qualify under the USA's WTO commitments as "service salespersons" if they are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

## United States (Mississippi)

<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	No - there is no FLC licensing regime in Mississippi.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Not known
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Mississippi Rule of Appellate Procedure 46(b) contains a rule on the Admission of Foreign Attorneys Pro Hac Vice, but this only covers lawyers admitted in other US states. <a href="http://www.mssc.state.ms.us/rules/RuleText.asp?RuleTitle=RULE+46.+ADMISSION,+WITHDRAWAL,+AND+DISCIPLINE+OF+ATTORNEYS&amp;IDNum=5">http://www.mssc.state.ms.us/rules/RuleText.asp?RuleTitle=RULE+46.+ADMISSION,+WITHDRAWAL,+AND+DISCIPLINE+OF+ATTORNEYS&amp;IDNum=5</a>
<i>Can foreign lawyers requalify as local lawyers?</i>	Rule VI of the Rules Governing Admission to the Mississippi Bar permit experienced attorneys from other US states with 5 or more years of active practice to requalify. This does not appear to apply to lawyers qualified outside the USA. <a href="http://www.mssc.state.ms.us/rules/msrulesofcourt/rules_admission_msbar.pdf">http://www.mssc.state.ms.us/rules/msrulesofcourt/rules_admission_msbar.pdf</a>
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to</i>	No

## United States (Mississippi)

*lawyers themselves)? (e.g. home, host, international law), if so, what are they?*

*Are there restrictions on the corporate form a foreign law firm can take?* Not applicable

*Are there rules about the name a foreign law firm can take?* Not applicable

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL* Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* Not applicable

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Not applicable

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Not applicable

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Not applicable

*Other useful sources or comments or links*

*Verified by*

# United States (Missouri)

*Is there legislation governing the legal sector*

Chapter 484, MISSOURI Revised STATUTES. The Supreme Court has inherent authority to regulate the practice of law.

*Under what title do lawyers practise?*

Attorney at Law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

The individual meets the requirements of Supreme Court Rule 8 including having first professional degree in law or JD, satisfying character and fitness to practice requirements, and passing an examination or being admitted without examination because licensed in another jurisdiction.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only entitles the holder to practise in all state courts in Missouri. Each jurisdiction establishes its own criteria for who can practice law in that jurisdiction.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

The practice of law as defined by the Supreme Court of Missouri is reserved to licensees. In addition, section 484.010 of the Revised Statutes of Missouri limits the practice of law for purposes of imposing sanctions on those violating its provisions. The section provides: Practice of the law and law business defined.

1. The "practice of the law" is hereby defined to be and is the appearance as an advocate in a representative capacity or the drawing of papers, pleadings or documents or the performance of any act in such capacity in connection with proceedings pending or prospective before any court of record, commissioner, referee or any body, board, committee or commission constituted by law or having authority to settle controversies.

2. The "law business" is hereby defined to be and is the advising or counselling for a valuable consideration of any person, firm, association, or corporation as to any secular law or the drawing or the procuring of or assisting in the drawing for a valuable consideration of any paper, document or instrument affecting or relating to secular rights or the doing of any act for a valuable consideration in a representative capacity, obtaining or tending to obtain or securing or tending to secure for any person, firm, association or corporation any property or property rights whatsoever.

*Do you need to hold local nationality to be eligible to practise law?*

Must be a citizen or national of the United States, an immigrant alien lawfully admitted for permanent residence in the United States, or an alien otherwise authorized to work lawfully in the United States.

## United States (Missouri)

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Missouri code of professional conduct, which is contained in Supreme Court Rule 4.

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Only individuals are licensed. Firms must meet whatever requirements are otherwise applicable to the particular form under which the firm wishes to operate, but those forms are not regulated as a part of the practice of law.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Supreme Court of Missouri. There is no authority to license firms.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Missouri may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

The only "foreign" firm present in Missouri is Dentons which is established under the US arm of its Swiss verein.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see Professional Conduct Rule 4-5.5 on Unauthorised Practice of Law).



## United States (Missouri)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Missouri would need to be fully admitted to the Missouri Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer can obtain a limited licence entitling them to offer advisory services in foreign and international law (i.e. become a foreign legal consultant). The relevant legislation is Supreme Court Rules 9.05 to 9.12. This is available online at [www.courts.mo.gov/page.asp?id=712](http://www.courts.mo.gov/page.asp?id=712).

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

In order to offer advisory services in foreign and international law, a foreign legal consultant must enter a commercial association with local lawyers.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Licensure is subject to meeting requirements of registration, a minimum age of 26 years, an experience requirement (5 of the 7 years preceding registration must have been spent practising law), passing the Multistate Professional Responsibility Examination, certification of registration and good standing with home-country bar. See Supreme Court Rules 9.05 to 9.12 relating to foreign legal consultants.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Arbitration and mediation do not require a law license.

*Are foreign lawyers allowed to appear in court under any circumstances?*

Missouri Supreme Court Rules Governing the Missouri Bar and the Judiciary. See Supreme Court Rule 9.

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer can obtain a full license to practice law in this jurisdiction. Graduates who have passed the bar exam in another state and hold an active law license are eligible to take the bar exam with either (1) full-time practice for 3 of the 5 years preceding application or (2) completion of 24 credit hours in residence at an ABA-approved law school within the 3 years prior to application. Graduates who are not licensed in another state must be admitted to practice law in the foreign country where the foreign law degree was

## United States (Missouri)

conferred and be in good standing with either (1) full-time practice for 3 of the 5 years preceding the application or (2) completion of 24 credit hours in residence at an ABA-approved law school within the 3 years prior to application. The relevant legislation is Supreme Court of Missouri Rule No 8. This is available online at [www.courts.mo.gov/pageasp?id=711](http://www.courts.mo.gov/pageasp?id=711).

In order to obtain a full license to practice law in this jurisdiction, foreign lawyers must:

- (i) file the prescribed application forms and pay the fee;
- (ii) pass the Missouri Bar examination and the Multistate Professional Responsibility exam;
- (iii) be a citizen or national of the US or a lawful permanent resident or an alien authorized to work in the United States;
- (iv) receive approval of Board of Legal Examiners;
- (v) graduate with a JD or first professional degree in law from an ABA approved law school or if the law degree is from a foreign or non-ABA approved law school, meet the following requirements:
  - (a) be admitted to practice law in the foreign country where the applicant's law degree was conferred or in another US jurisdiction; and either
  - (b) have practiced law where admitted for at least three years prior to application; or
  - (c) have completed 24 semester credit hours and residence at an ABA approved law school.

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements on law firms. An FLC is permitted to open an office if it meets the requirements applicable to any other business.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

There may be licensing requirements imposed on all businesses in the jurisdiction where the firm seeks to establish an office.

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

No

*Is there a quota on the number of licences available?*

No

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there "scope of practice" rules that apply directly to foreign law firms*

No

## United States (Missouri)

*(as opposed to lawyers themselves)?  
(E.g. home, host, international law), if  
so, what are they?*

*Are there restrictions on the  
corporate form a foreign law firm can  
take?*

Only those applicable to corporations generally.

*Are there rules about the name a  
foreign law firm can take?*

Supreme Court Rule 4-7.5 sets out the limitations.

*What entity grants a 'license' to  
foreign law firms? If that entity is  
on the Internet, please provide the  
URL*

Not applicable

*Are there restrictions on the  
ownership share of foreign lawyers in  
a law firm?*

Not applicable

*May a domestic lawyer be employed  
by a foreign lawyer or law firm?*

Not applicable

*Can a domestic lawyer enter into  
partnership with a foreign lawyer?*

Yes

*Can a domestic lawyer or domestic  
law firm employ a foreign lawyer?*

Yes

*Other useful sources or comments or  
links*

Rule 4 - <http://www.courts.mo.gov/page.jsp?id=707>  
Rule 8 - <http://www.courts.mo.gov/page.jsp?id=711>  
Rule 9 - <http://www.courts.mo.gov/page.jsp?id=712>

*Verified by*

Missouri Board of Bar Examiners (December 2013)

## United States (Montana)

*Is there legislation governing the legal sector*

MONTANA STATUTES, TITLE 37.  
PROFESSIONS AND OCCUPATIONS,  
CHAPTER 61. ATTORNEYS AT LAW

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have a JD from an ABA approved law school, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Montana. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

37-61-201. Who considered to be practicing law. Any person who holds out to the public or advertises as an attorney or who appears in any court of record or before a judicial body, referee, commissioner, or other officer appointed to determine any question of law or fact by a court or who engages in the business and duties and performs acts, matters, and things that are usually done or performed by an attorney at law in the practice of that profession for the purposes of parts 1 through 3 of this chapter is considered to be practicing law. *Pulse v. North American Land Title Co. of Montana*, 707 P.2d 1105 (Mont. 1985)

What constitutes the practice of law is not easily defined. In *Cowern v. Nelson* (1940), 207 Minn. 642, 290 N.W. 795, 797, the Minnesota Court stated: "The line between what is and what is not the practice of law cannot be drawn with precision. Lawyers should be the first to recognize that between the two there is a region wherein much of what lawyers do every day in their practice may also be done by others without wrongful invasion of the lawyer's field."

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Montana code of professional conduct which is modelled on the ABA model code (see:

## United States (Montana)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

[http://www.montanaodc.org/Portals/ODC/docs/rules\\_of\\_professional\\_conduct.pdf](http://www.montanaodc.org/Portals/ODC/docs/rules_of_professional_conduct.pdf)

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the State Bar of Montana: <http://www.montanabar.org/>

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Montana may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

The international US law firm Dorsey and Whitney has an office in Montana but there are no foreign law firms present in this market.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Temporary practice by both foreign lawyers and lawyers from other US states is not permitted under Montana rule 5.5. of professional conduct. Compliance with the Montana Supreme Court Rules on pro hac vice is required for lawyers from other US States.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Foreign lawyers would not be able to obtain visas to practise law in Montana. It is possible that they may qualify under the USA's WTO commitments as "service salespersons" if they are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to

## United States (Montana)

	representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	No - There is no FLC licensing regime in Montana
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Not known
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Not permitted
<i>Can foreign lawyers requalify as local lawyers?</i>	In July 7, 2004, the Supreme Court of Montana denied a petition filed by the State Bar to revise the rules for admission to: (1) allow admission of ten-year practitioners by motion under certain conditions; (2) allow admission of five-year practitioners from several neighboring states under the constraints of a reciprocity agreement
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate requirements on law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No

## United States (Montana)

<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Not applicable
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Not applicable
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Not applicable
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	Montana Bar Association (February 2014)



# United States (Nebraska)

*Is there legislation governing the legal sector*

NEBRASKA STATUTE, Chapter 7 ATTORNEYS AT LAW

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a JD from an ABA approved law school, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Nebraska. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Neb. Rev. Statute 7-101 states "'no person shall practice as an attorney or counsellor at law, or commence, conduct or defend any action or proceeding to which he is not a party, either by using or subscribing his own name, or the name of any other person, or by drawing pleadings or other papers to be signed and filed by a party, in any court of record of this state, unless he has been previously admitted to the bar by order of the Supreme Court of this state". See also the Neb. Ct. Rules on the Unauthorized Practice of Law, [www.supremecourt.ne.gov/supreme-court-rules/ch3/art10](http://www.supremecourt.ne.gov/supreme-court-rules/ch3/art10).

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Nebraska code of professional conduct which is modelled on the ABA model code (see:<http://www.supremecourt.ne.gov/supreme-court-rules/ch3/art5>)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the State Courts:  
<http://www.supremecourt.ne.gov/>

## United States (Nebraska)

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Nebraska may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

No - foreign lawyers are not permitted to establish in Mississippi and there are no foreign or large national or international US firms established there.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorized Practice of Law)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Nebraska would need to be fully admitted to the Nebraska Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign*

No - There is no FLC licensing regime in Nebraska

## United States (Nebraska)

*legal consultant and what is the scope of this limited licence?*

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)* Not applicable

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)* Not applicable

*Are foreign lawyers permitted to undertake arbitration and mediation?* Not known

*Are foreign lawyers allowed to appear in court under any circumstances?* Nebraska Supreme Court Rules. Admission of Attorneys. Rule 6. Admission, Pro Hac Vice, of Lawyers of Good Moral Character Who Are Admitted to Practice in Another State, the District of Columbia, or a Territory. [http://court.nol.org/rules/attyadm\\_02.htm](http://court.nol.org/rules/attyadm_02.htm)

*Can foreign lawyers requalify as local lawyers?* Rule 5, Nebraska Supreme Court Admission Rules for Attorneys [http://court.nol.org/rules/attyadm\\_02.htm](http://court.nol.org/rules/attyadm_02.htm)

*Can a foreign law firm obtain a licence to open an office?* No

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)* Not applicable

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)* Not applicable

*Is there a quota on the number of licences available?* Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?* No

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?* No

## United States (Nebraska)

*Are there restrictions on the corporate form a foreign law firm can take?* Not applicable

*Are there rules about the name a foreign law firm can take?* Not applicable

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL* Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* Not applicable

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Not applicable

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Not applicable

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Not applicable

*Other useful sources or comments or links*

*Verified by* Counsel for Discipline, Nebraska Supreme Court (December 2013).

# United States (Nevada)

*Is there legislation governing the legal sector*

NEVADA STATUTES, TITLE 1 - STATE JUDICIAL DEPARTMENT, Chapter 7 - Attorneys and Counsellors at Law

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have an LLB or JD, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Nevada. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Statute 7.285 - Unlawful practice of law; criminal penalties; initiation of civil action by State Bar of Nevada.

1. A person shall not practice law in this state if the person:

(a) Is not an active member of the State Bar of Nevada or otherwise authorized to practice law in this state pursuant to the rules of the Supreme Court; or

(b) Is suspended or has been disbarred from membership in the State Bar of Nevada pursuant to the rules of the Supreme Court. Pioneer Title Ins. & Trust Co. v. State Bar of Nev., 326 P.2d 408 (Nev. 1958) As stated in Lowell Bar Assn v. Loeb, supra [315 Mass. 176, 52 N.E.2d 34], 'The actual practices of the community have an important bearing on the scope of the practice of law.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Nevada code of professional conduct which is modelled on the ABA model code (see: <http://www.leg.state.nv.us/courtrules/RPC.html>)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Nevada bar: <http://www.nvbar.org/>

## United States (Nevada)

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Nevada may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

The only "foreign" firm present in Nevada is DLA Piper which is established under the US arm of its Swiss verein.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services under rule 5.5 of the code of professional conduct on unauthorised practice of law. This rule also states that "A lawyer who is not admitted to practice in this jurisdiction shall not: (i) Establish an office or other regular presence in this jurisdiction for the practice of law; (ii) Solicit clients in this jurisdiction; or (iii) Represent or hold out to the public that the lawyer is admitted to practice law in this jurisdiction". The provision of services by lawyers in Nevada on a temporary basis is permitted to lawyers from other US jurisdictions.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Nevada would need to be fully admitted to the Nevada Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying

## United States (Nevada)

the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No - There is no FLC licensing regime in Nevada.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Not applicable

*Are foreign lawyers permitted to undertake arbitration and mediation?*

*Are foreign lawyers allowed to appear in court under any circumstances?*

Pro Hac Vice Rule, SCR 42 has been amended. The Rule now covers all arbitration, mediation or alternative dispute resolution procedures that are court-annexed, or court ordered. Additionally, it is presumed, absent a showing of good cause, that more than five appearances in a three-year period is excessive.

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer cannot requalify as a Nevada lawyer but must complete the full State admission requirements in order to be admitted.

*Can a foreign law firm obtain a licence to open an office?*

No

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Not applicable

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

Not applicable

*Is there a quota on the number of licences available?*

Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No



## United States (Nevada)

Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?	No
Are there restrictions on the corporate form a foreign law firm can take?	Not applicable
Are there rules about the name a foreign law firm can take?	Not applicable
What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL	Not applicable
Are there restrictions on the ownership share of foreign lawyers in a law firm?	Not applicable
May a domestic lawyer be employed by a foreign lawyer or law firm?	Not applicable
Can a domestic lawyer enter into partnership with a foreign lawyer?	Not applicable
Can a domestic lawyer or domestic law firm employ a foreign lawyer?	Not applicable
Other useful sources or comments or links	
Verified by	

## United States (New Hampshire)

*Is there legislation governing the legal sector*

NEW HAMPSHIRE STATUTE, TITLE XXX —  
OCCUPATIONS AND PROFESSIONS, CHAPTER 311 —  
ATTORNEYS AND COUNSELORS

*Under what title do lawyers practise?*

Attorney at law; counsellor at law; esquire

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a JD, satisfy character and fitness to practice requirements, and have passed the bar exam. Registration occurs manually.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in New Hampshire. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

N.H. Sup. Ct. R. 35, Rule 1-9- There is no satisfactory, all-inclusive definition of what constitutes the practice of law. Ethical Consideration 3-5 (E.C. 3-5) of the former Code of Professional Responsibility provided:

""It is neither necessary nor desirable to attempt the formulation of a single, specific definition of what constitutes the practice of law. Functionally, the practice of law relates to the rendition of services for others that call for the professional judgment of a lawyer. The essence of the professional judgment of a lawyer is his educated ability to relate the general body and philosophy of law to a specific legal problem of a client; and thus, the public interest will be better served if only lawyers are permitted to act in matters involving professional judgment."

HB 1420 – CHAPTER 218:1, LAWS OF 2002 AN ACT establishing a task force to define the practice of law in New Hampshire.

The above-named Task Force appointed to define the practice of law in New Hampshire, having duly met offers the following final report:

"We are unable to reach a consensus of opinion in order to offer specific findings and recommendations on the practice of law in New Hampshire".

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general partnership, professional corporation or professional limited liability partnership. Fee sharing with non-lawyers is prohibited.

## United States (New Hampshire)

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The New Hampshire Rules of Professional Conduct which are modelled on the ABA model code (see: <http://www.courts.state.nh.us/rules/pcon/index.htm> )

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other [notification] requirements depending on the form taken (e.g. limited liability company) and the local State laws and requirements of the Secretary of State.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the State Supreme Court

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in New Hampshire may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

No.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Temporary practice by foreign lawyers is permitted under N.H. Sup. Ct. R. 42C, if the services (1) are undertaken in association with a lawyer who is admitted to practice in New Hampshire and who actively participates in the matter; (2) are in or reasonably related to a pending or potential proceeding before a tribunal held or to be held in a jurisdiction outside the United States if the lawyer, or a person the lawyer is assisting, is authorized by law or by order of the tribunal to appear in such proceeding or reasonably expects to be so authorized; (3) are in or reasonably related to a pending or potential arbitration, mediation or other alternative dispute resolution proceeding held or to be held in this or another jurisdiction, if the services arise out of or are reasonably related to the

## United States (New Hampshire)

lawyer's practice in a jurisdiction in which the lawyer is admitted to practice; (4) are not within paragraphs (2) or (3) and (i) are performed for a client who resides or has an office in a jurisdiction in which the lawyer is authorized to practice to the extent of that authorization; or (ii) arise out of or are reasonably related to a matter that has a substantial connection to a jurisdiction in which the lawyer is authorized to practice to the extent of that authorization; or (5) are governed primarily by international law or the law of a non-United States jurisdiction.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Foreign lawyers would not be able to obtain visas to practise law in New Hampshire. It is possible that they may qualify under the USA's WTO commitments as "service salespersons" if they are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes. N.H. Sup. Ct. R. 42D. A foreign lawyer may render legal services in this jurisdiction but shall not be considered admitted to practice law in this jurisdiction, or in any way hold himself or herself out as a member of the bar of this jurisdiction, or do any of the following: (a) appear as a lawyer on behalf of another person in court (b) prepare any instrument effecting transfer or registration of title to real estate; (c) prepare instruments related to decedent's estates; (d) prepare instruments related to marital or parental rights; (e) render advice on the law of N.H. or the United States.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Must comply with Rules of Professional Conduct; must comply with requirements of active membership in the N.H. bar; must provide N.H. Supreme Court with written document affirming his or her responsibilities (N.H. Sup. Ct. R. 42D (6)(a)).

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

The N.H. Supreme Court may license an applicant who (a) is and for at least five years has been a member in good standing in a foreign country, and is subject to effective regulation and discipline; (b) for at least five of the seven immediately preceding years has been a member in good standing and has been primarily engaged in the active practice of law; (c) possesses the good moral character and fitness required of a member of the N.H. bar; and (d)

## United States (New Hampshire)

intends to practice as a foreign legal consultant in N.H. and to maintain an office in N.H. for that purpose.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Not known

*Are foreign lawyers allowed to appear in court under any circumstances?*

There is a pro hac vice rule in New Hampshire but it does not explicitly recognise foreign lawyers as eligible under this rule. See <http://www.courts.state.nh.us/rules/scr/scr-33.htm>

*Can foreign lawyers requalify as local lawyers?*

N.H. Sup. Ct. R. 42(V)(c). A foreign lawyer may obtain a full licence to practise law in this jurisdiction if he or she meets the educational requirements of the rule and is otherwise eligible for admission through the bar exam or by motion. Graduate must be legally trained in common law, and a determination of educational equivalency is required. Graduate must be a member in good standing in home jurisdiction. In addition, one of the following requirements must also be met: additional education at an ABA-approved law school or admission in another U.S. jurisdiction. Foreign law graduates are only eligible for admission without examination if they meet other requirements for reciprocal admission for lawyers licensed in other states.

*Can a foreign law firm obtain a licence to open an office?*

Not applicable

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Not applicable

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

Not applicable

*Is there a quota on the number of licences available?*

Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

Not applicable

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?*

Not applicable

## United States (New Hampshire)

<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No Non-NH Lawyers cannot be owners of a NH law firm
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes - not for a NH law firm, but for something else.
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes - as long as follows rules for non-NH lawyer employees
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	N.H. Supreme Court Office of Bar Admissions (February 2014)

# United States (New Jersey)

*Is there legislation governing the legal sector*

NEW JERSEY PERMANENT STATUTE, TITLE 2A  
ADMINISTRATION OF CIVIL AND CRIMINAL JUSTICE,  
53A-26: Definition of "Licensed person"

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a JD from an ABA approved law school, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in New Jersey. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

The New Jersey Committee on the unauthorised practice of law has described UPL in pragmatic terms: Practically all of the cases in this area are relatively recent. They consistently reflect the conclusion that the determination of whether someone should be permitted to engage in conduct that is arguably the practice of law is governed not by attempting to apply some definition of what constitutes that practice, but rather by asking whether the public interest is disserved by permitting such conduct. The resolution of the question is determined by practical, not theoretical, considerations; the public interest is weighed by analysing the competing policies and interests that may be involved in the case; the conduct, if permitted, is often conditioned by requirements designed to assure that the public interest is indeed not disserved.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The New Jersey code of professional conduct which is modelled on the ABA model code (see: <http://www.judiciary.state.nj.us/rules/apprprc.htm>)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences to practise in New Jersey are issued through the Supreme Court which can be found at <https://www.njbarexams.org>



## United States (New Jersey)

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

The USA has scheduled commitments for New Jersey in modes 1 and 3 for the practice of home country law and international law (to the extent this is incorporated in home-country law) and 3rd country law and host law provided advice is taken from a suitably qualified person.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

The English law firm Clyde and Co has an office in New Jersey as does the US arm of the UK/US verein DLA Piper

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorized Practice of Law)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in New Jersey would need to be fully admitted to the New Jersey Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign*

Yes - A foreign lawyer can obtain a licence to become a foreign legal consultant in New Jersey. A person licensed

## United States (New Jersey)

*legal consultant and what is the scope of this limited licence?*

as a foreign legal consultant under this rule may render and be compensated for the performance of legal services within the State, but specifically shall not: (1) appear for another person as attorney in any court or before any other judicial officer or administrative agency in the State, or sign or file in the capacity of a lawyer or legal advisor any pleadings or any other papers in any action or proceeding brought in any such court or before any judicial officer or administrative agency; or

(2) prepare any deed, mortgage, assignment, discharge, lease, agreement or contract of sale or any other instrument for purposes of recordation which may affect title to real estate located in the United States of America, its territories, districts or possessions; or (3) prepare: (A) any will or trust instrument effecting the disposition of any property located in the United States of America, its territories, districts or possessions and owned by a resident thereof; or (B) any instrument relating directly to the primary administration of a decedent's estate in the United States of America, its territories, districts or possessions; or

(4) prepare any instrument in respect of the marital relations, rights or duties of a resident of the United States of America, its territories, districts or possessions or the custody or care of the children of such a resident; or (5) render professional legal advice on the laws of this State or the United States of America or any other state, territory, district or possession of the United States of America or any foreign country other than a country to the bar of which the foreign legal consultant is admitted as an attorney or counsellor 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 counsellor at law or the equivalent in such other foreign country, who has been consulted by the foreign legal consultant in the particular matter at hand and who has been identified to the client by name; or

(6) in any way represent that such person is licensed as an attorney at law of this State, or as an attorney at law or foreign legal consultant of another state territory or district, or as an attorney or counsellor at law or the equivalent of a foreign country, unless so licensed; or (7) use any title other than "foreign legal consultant"; provided that such person's authorized title and firm name in the foreign country in which such person is admitted to practice as an attorney or counsellor at law or the equivalent may be used, provided that the title, firm name, and the name of

## United States (New Jersey)

such foreign country are stated together with the title "foreign legal consultant" and further provided that such use does not create the impression that the foreign legal consultant holds a plenary license to practice law in this State. This entitles the FLC to practise home country law and international law to the extent this is incorporated in home-country law. The practice of 3rd-country law and New Jersey State law is permitted provided that the FLC obtains advice from an attorney licensed in the relevant jurisdiction and identifies that person to the client.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Under rule 1:21-9, A foreign legal consultant must "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".

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

In order to be eligible to become a foreign legal consultant, a foreign lawyer must: (1) for a period of not less than 5 of the 7 years immediately preceding the date of application have been admitted to practice and be in good standing as an attorney or the equivalent in a foreign country and have 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 the equivalent in such country; and (2) possess the good moral character customarily required for admission to the practice of law in this State.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Not known

*Are foreign lawyers allowed to appear in court under any circumstances?*

Foreign lawyers are not covered by the provisions for appearing pro hac vice contained in the Rules Governing the Courts of State of New Jersey (Rule 1.21-2)

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer cannot requalify as a New Jersey lawyer but must complete the full State admission requirements in order to be admitted.

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements on law firms. An FLC is permitted to open an office.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Not applicable

*Are there different types of foreign law firm 'licence' (e.g. Joint Law*

Not applicable

## United States (New Jersey)

*Venture, stand alone foreign licence etc.?)*

*Is there a quota on the number of licences available?* Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?* No

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?* No

*Are there restrictions on the corporate form a foreign law firm can take?* Not applicable

*Are there rules about the name a foreign law firm can take?* Foreign name is permitted

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL* Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* Not applicable

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Yes

*Other useful sources or comments or links*

*Verified by* New Jersey Board of Bar Examiners (February 2014)

# United States (New Mexico)

*Is there legislation governing the legal sector*

NEW MEXICO STATUTES

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a JD, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in New Mexico. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

There are no foreign or large national or international US firms established in New Mexico

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The New Mexico code of professional conduct which is modelled on the ABA model code (see: <http://public.nmcompcomm.us/nmpublic/gateway.dll/?f=templates&fn=default.htm>)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the State Supreme Court

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in New Mexico may provide legal services in modes 1-3.

## United States (New Mexico)

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no foreign or large national or international US firms established in New Mexico

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 16-505 on Unauthorized Practice of Law)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in New Mexico would need to be fully admitted to the New Mexico Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No - there is no FLC licensing regime in New Mexico

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable



## United States (New Mexico)

<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Not known
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	New Mexico Supreme Court has established a new pro hac vice admission rule for cases filed on or after January 20, 2005. NMRA 24-106. Practice by non-admitted lawyers before state courts. (Includes lawyers admitted in another country). Fee: \$250 <a href="http://www.nmbar.org/Template.cfm?Section=Rule_24-106_NMRA#">http://www.nmbar.org/Template.cfm?Section=Rule_24-106_NMRA#</a>
<i>Can foreign lawyers requalify as local lawyers?</i>	A foreign lawyer cannot requalify as a New Mexico lawyer but must complete the full State admission requirements in order to be admitted.
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable



## United States (New Mexico)

<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Not applicable
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Not applicable
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Not applicable
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	Disciplinary Board of the New Mexico Supreme Court (January 2014)

## United States (New York)

*Is there legislation governing the legal sector*

New York Consolidated Laws – Judiciary Law §§ 53 and 90 and Article 15 (§§ 460 through 499); Civil Practice Law and Rules Article 94

*Under what title do lawyers practise?*

Attorney-at-law, or Attorney and Counsellor-at-law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

See New York Codes, Rules and Regulations, Part 520 (22 NYCRR part 520). An individual seeking admission to practice law has three options: (1) Admission Upon Examination, (2) Admission Without Examination, or (3) Admission Pro Hac Vice.

Admission Upon Examination: the individual must take and pass the New York State bar examination after first completing a qualified course of study in law either (1) at an approved law school within the United States or its territories, or in a foreign country that meets specified substantive and durational criteria, or (2) by partial completion of law school study in combination with studying law in a law office within New York State.

Admission Without Examination: an individual may be eligible for admission without taking the bar exam when such individual has actually practiced law or served as a judge or similar official for five of the last seven years in another state or territory of the United States, or in a foreign country whose jurisprudence is based upon the principles of English Common Law, and where such individual has received a law degree from an approved law school in the United States.

Admission Pro Hac Vice: an attorney or the equivalent who is a member in good standing of the bar of another state, territory, district, or foreign country may be admitted pro hac vice (meaning "for this one occasion") in the discretion of any New York court of record to participate in any matter in which the attorney is employed, for the duration of that matter.

Every applicant for admission, regardless of method, is also required to establish proof of good moral character and general fitness to practice to the satisfaction of the Court through which the applicant has applied for admission. Once admitted to practice, the admission process need not be renewed.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in New York. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

## United States (New York)

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

The New York State Judiciary Law uses the term "unlawful practice of the law" to include (a) any act prohibited by various sections of the penal law (b) any other act forbidden by law to be done by any person not regularly licensed and admitted to practice law in this state, or (c) any act punishable by the supreme court as a criminal contempt of court.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership or in a professional corporation. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The New York rules of professional conduct which is modelled on the form of the ABA model code (see: [http://www.nysba.org/Content/NavigationMenu/ForAttorneys/ProfessionalStandardsforAttorneys/Professional\\_Standards.htm](http://www.nysba.org/Content/NavigationMenu/ForAttorneys/ProfessionalStandardsforAttorneys/Professional_Standards.htm))

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Registration/licensure is carried out by the New York State Court of Appeal (see <http://www.nycourts.gov/ctapps/index.htm>) Attorney registration is biennial.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

The USA has scheduled commitments for New York in modes 1 and 3 for the practice of home country law and international law (to the extent this is incorporated in home-country law) and 3rd country law and host law including federal law and that of other US states provided advice is taken from a suitably qualified person.

## United States (New York)

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

There are many foreign firms present in this market including law firms from the UK, Ireland, Germany, France, Spain, Italy, Australia/China, Canada

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Unless admitted pro hac vice, temporary practice by both foreign lawyers and lawyers from other US states is not permitted under New York rule 5.5.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Foreign lawyers would not be able to obtain visas to practise law in New York. It is possible that they may qualify under the USA's WTO commitments as "service salespersons" if they are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes. A foreign lawyer can obtain a licence to become a foreign legal consultant in New York. 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 or she shall not:

(a) 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 section 520.11 of this Title); (b) prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America; (c) prepare: (1) any will or trust instrument

## United States (New York)

effecting the disposition on death of any property located in the United States of America and owned by a resident thereof; or (2) any instrument relating to the administration of a decedent's estate in the United States of America; (d) 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; (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; (f) in any way hold himself or herself out as a member of the bar of this State; or (g) 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 the law firm with which he or she is affiliated; (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; and (iv) the title "legal consultant," which may be used in conjunction with the words "admitted to the practice of law in (name of the foreign country of his or her admission to practice)."

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

FLCs must be in good standing with their home bar and abide by the State code of conduct

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Licensure is subject to meeting the requirements of NYCRR § 521.1 which states:

(a) In its discretion the Appellate Division of the Supreme Court, pursuant to subdivision 6 of section 53 of the Judiciary Law, may license to practice as a legal consultant, without examination, an applicant who:

- (1) is a member in good standing of a recognized legal profession in a foreign country, the members of which are admitted to practice as attorneys or counsellors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority;
- (2) 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

## United States (New York)

rendering of advice or the provision of legal services concerning the law of such foreign country;

(3) possesses the good moral character and general fitness requisite for a member of the bar of this State;

(4) is over 26 years of age; and

(5) intends to practice as a legal consultant in this State and to maintain an office in this State for that purpose.

(b) In considering whether to license an applicant to practice as a legal consultant, the Appellate Division may in its discretion take into account whether a member of the bar of this State 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 Appellate Division may do so sua sponte.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Not known

*Are foreign lawyers allowed to appear in court under any circumstances?*

Yes - foreign lawyers may appear on a case by case basis at the discretion of the Court (NYCRR § 520.11 Admission Pro Hac Vice: (a) General. An attorney and counsellor-at-law or the equivalent, who is a member in good standing of the bar of another state, territory, district or foreign country may be admitted pro hac vice: (1) in the discretion of any court of record, to participate in any matter in which the attorney is employed. See <http://www.courts.state.ny.us/ctapps/520rules.htm#11>)

## United States (New York)

*Can foreign lawyers requalify as local lawyers?*

Foreign qualified lawyers may sit the New York Bar Examination if they satisfy the New York State Board of Law Examiners that they meet the legal education requirement for access to the examination both in terms of duration of study and in the substance of law studies (i.e. English common law based). If they do not meet these requirements, they may cure either deficiency (but not both) by obtaining an LLM at an ABA accredited university. The Board of Law Examiners has discretion under NYCRR § 520.10 to admit a foreign lawyer to practice in New York without examination if (i) he/she has been admitted to practice as an attorney and counselor-at-law or the equivalent in the highest court in another country whose jurisprudence is based upon the principles of the English Common Law; and (ii) is currently admitted to the bar in such other jurisdiction or jurisdictions, that at least one such jurisdiction in which the attorney is so admitted would similarly admit an attorney or counselor-at-law admitted to practice in New York State to its bar without examination. (see <http://www.courts.state.ny.us/ctapps/520rules10.htm#2>)

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements on law firms. An FLC is permitted to open an office.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Not applicable

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

Not applicable

*Is there a quota on the number of licences available?*

Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?*

No



## United States (New York)

<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Foreign name is permitted
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	New York Courts (March 2014)

# United States (North Carolina)

*Is there legislation governing the legal sector*

NORTH CAROLINA GENERAL STATUTES  
ANNOTATED. CHAPTER 84. ATTORNEYS-AT-LAW

*Under what title do lawyers practise?*

Attorney at law; lawyer

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must satisfy the Rules Governing Admission to the Practice of Law as adopted by the North Carolina Supreme Court.

See also, Rule .0105 of The North Carolina State Bar: Approval Of Law Schools

Every applicant for admission to the N.C. State Bar must meet the requirements set out in at least one of the numbered paragraphs below:

(1) The applicant holds an LL.B or J.D. degree from a law school that was approved by the American Bar Association at the time the degree was conferred; or

(2) Prior to August 1995, the applicant received an LL.B., J.D., LL.M., or S.J.D. degree from a law school that was approved by the council of the N.C. State Bar at the time the degree was conferred;

(3) Prior to August 2005, the applicant received an LL.M or S.J.D. degree from a law school that was approved by the American Bar Association at the time the degree was conferred.

An individual must also satisfy character and fitness to practice requirements (See Rule .0600 of the Rules Governing Admission to the Practice of Law adopted by the North Carolina Supreme Court) and have passed the bar exam.

It does not have to be renewed.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only entitles the holder to practice in North Carolina. The right to practice on a temporary basis in another state in the U.S or to appear pro hac vice in another state depends on the explicit permission of that state. If federal law allowed a foreign lawyer to practice in a particular court or practice area, federalism would require North Carolina to honour that.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Only licensed North Carolina lawyers may engage in the activities described in the following statute:

NORTH CAROLINA GENERAL STATUTES  
ANNOTATED. CHAPTER 84. ATTORNEYS-AT-LAW.  
ARTICLE 1. QUALIFICATIONS OF ATTORNEY;  
UNAUTHORIZED PRACTICE OF LAW  
§84-2.1. "Practice of law" defined.

The phrase "practice law" as used in this Chapter is defined to be performing any legal service for any other person, firm or corporation, with or without compensation,

## United States (North Carolina)

specifically including the preparation or aiding in the preparation of deeds, mortgages, wills, trust instruments, inventories, accounts or reports of guardians, trustees, administrators or executors, or preparing or aiding in the preparation of any petitions or orders in any probate or court proceeding; abstracting or passing upon titles, the preparation and filing of petitions for use in any court, including administrative tribunals and other judicial or quasi-judicial bodies, or assisting by advice, counsel, or otherwise in any legal work; and to advise or give opinion upon the legal rights of any person, firm or corporation: Provided, that the above reference to particular acts which are specifically included within the definition of the phrase "practice law" shall not be construed to limit the foregoing general definition of the term, but shall be construed to include the foregoing particular acts, as well as all other acts within the general definition.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A North Carolina lawyer may practice as a sole practitioner (self-employed), in a general or limited liability partnership, in a professional limited liability company, and in a professional corporation. Ownership in any of these legal forms by a non-lawyer is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The North Carolina Rules of Professional Conduct which are modelled on the ABA model code (see: <http://www.ncbar.com/rules/rpcsearch.asp>)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

No. However, professional limited liability companies and professional corporations are required, by N.C. statute, to register with the North Carolina State Bar, the regulatory agency for the legal profession in North Carolina.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the North Carolina Board of Law Examiners.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in North Carolina may provide legal services in modes 1-3.

## United States (North Carolina)

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

There are currently 155 International Law Firms registered with the North Carolina State Bar.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see North Carolina Rule of Professional Conduct 5.5, Unauthorized Practice of Law)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in North Carolina would need to be fully admitted to the North Carolina Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes, a foreign lawyer can apply for admission as a foreign legal consultant. Legal services are limited to advice about the law of the country where the foreign legal consultant is licensed. See N.C. Gen. Stat. Chapter 84A.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)?*

Yes, a foreign legal consultant must maintain malpractice insurance in an amount specified by the NC Supreme Court; file an oath with the NC Supreme Court; and maintain trust accounts according to NC State Bar rules. See N.C. Gen. Stat. Sect. 84A-5.

## United States (North Carolina)

<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Yes, see N.C. Gen. Stat. Sect. 84A-2. Per the requirements of the NC Supreme Court, the lawyer must also have a satisfactory character and fitness review by the N.C. Board of Law Examiners.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	No
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No
<i>Can foreign lawyers requalify as local lawyers?</i>	See Response above to question: "How does an individual lawyer obtain a license to practice law?"
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	If a foreign law firm has an office in North Carolina staffed by at least one North Carolina licensed lawyer, it must register with the North Carolina State Bar as a foreign law firm and must obtain a certificate of authority to transact business in North Carolina from the NC Secretary of State.
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable

## United States (North Carolina)

<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Not applicable
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Not applicable
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes, but not to provide legal services to third parties unless the foreign lawyer has qualified as a foreign legal consultant.
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	North Carolina Board of Law Examiners (February 2014)

## United States (North Dakota)

*Is there legislation governing the legal sector*

NORTH DAKOTA STATUTE, Chapter 27 Judicial Branch of Government

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have a Bachelor's degree and a JD from an ABA approved law school, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in North Dakota. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

State v. Niska, 380 N.W.2d 646 (N.D. 1986) – what constitutes the practice of law does not lend itself to an inclusive definition.

*Do you need to hold local nationality to be eligible to practise law?*

US citizenship is required for practice before the US Patent and Trademark Office

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The North Dakota code of professional conduct which is modelled on the ABA model code (see: <http://www.ndcourts.gov/Rules/Conduct/frameset.htm>)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the State Supreme Court

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in North Dakota may provide legal services in modes 1-3.



## United States (North Dakota)

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no foreign or large national or international US firms established in North Dakota

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorized Practice of Law)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in North Dakota would need to be fully admitted to the North Dakota Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer can obtain a licence to become a foreign legal consultant. The relevant rules may be found in the North Dakota Admission to Practise Rules, and Article VI, Section 3, North Dakota Constitution. A person licensed to practise as a foreign legal consultant under this law may render legal services in the State but shall not be considered admitted to practise law in the State or in any way hold himself or herself out as a member of the Bar of the State, or do any of the following:

1. Appear as an attorney on behalf of another person in

## United States (North Dakota)

any court or before any magistrate or other judicial officer in the State (except when admitted pro hac vice pursuant to Rule 3A of the Admission to Practise Rules);

2. Prepare any instrument effecting the transfer or registration of title to real estate located in the United States of America:

3. Prepare:

(a) any will or trust instrument effecting disposition on death of any property located in 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;

4. 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 parental rights and responsibilities or care of the children of the resident;

5. Render professional legal advice on the law of the 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 Rule) to render professional legal advice in this State; or;

6. Carry on a practice under or utilised in connection with such practice in any name, title or designation other than one or more of the following:

(a) the foreign legal consultant's own name;

(b) the name of the law firm to which the foreign legal consultant is affiliated;

(c) the foreign legal consultant's authorised title in the foreign country where they are admitted to practise which may be used in conjunction with the name of the country;

(d) the title "foreign legal consultant" which may be used in conjunction with the words 'admitted to the practice of law in [name of country]'.

In order to offer advisory services in foreign and international law, a foreign legal consultant is not required but may enter a commercial association with local lawyers.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

A foreign lawyer licensed as a foreign legal consultant in this state must maintain a practising office in North Dakota

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

In order to qualify for a limited licence:

1. For at least five years, the person must have been a member in good standing of a recognised legal profession in a foreign country, the members of which are admitted to practise as attorneys or counsellors-at-law or the equivalent and are subject to effective regulation and

## United States (North Dakota)

discipline by a duly constituted professional body or public authority;

2. For at least five of the seven years immediately preceding application, has been a member in good standing of such legal profession and has been lawfully engaged in such legal profession and has been lawfully engaged in the practice of law in the foreign country or elsewhere substantially involved in or relating to the rendering of advice or the provision of legal services concerning the law of the foreign country;
3. Possess the good moral character and general fitness requisite for a member of a Bar of the State;
4. Intend to practise as a foreign law consultant in the State and maintain an office in the State for that purpose.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Not known

*Are foreign lawyers allowed to appear in court under any circumstances?*

Admission to Practice Rule 3. Pro Hac Vice Admission and Registration of Non-resident Attorneys. Similar to ABA Model Rule on Pro Hac Vice Admission. Also provides for the registration of in-house counsel

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer can obtain a full licence to practise law in this jurisdiction. The relevant legislation is Article 6, Section 3 of the North Dakota Constitution; Chapter 27-11 of the North Dakota Century Code; North Dakota Admission to Practise Rules; North Dakota Rules of Professional Conduct. This is available online at [www.ndcourts.gov/rules/admission/frameset.htm](http://www.ndcourts.gov/rules/admission/frameset.htm); [www.legis.nd.gov/constitution](http://www.legis.nd.gov/constitution); [www.legis.nd.gov/cencode/t27c11.pdf](http://www.legis.nd.gov/cencode/t27c11.pdf). In order to obtain a full licence to practise law in this jurisdiction, foreign lawyers must be a graduate of an ABA approved law school. These requirements are the same as those applicable to a local applicant.

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements on law firms. An FLC is permitted to open an office.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Not applicable

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

Not applicable

## United States (North Dakota)

<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Not applicable
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	North Dakota Supreme Court (February 2014)

# United States (Ohio)

*Is there legislation governing the legal sector*

Article IV, Section 2, of the Ohio Constitution; Rule I of the Supreme Court Rules for the Government of the Bar of Ohio Pursuant to the Ohio Constitution, the Supreme Court of Ohio has exclusive jurisdiction over admission and regulation of the practice of law in Ohio. Gov. Bar R. I governs admission to the practice of law.

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

Gov. Bar R. I sets forth the requirements for admission to the practice of law in Ohio. An applicant must be 21 years of age, have earned a bachelor's degree from an accredited college or university, have earned a J.D. or LL.B. from a law school approved by the American Bar Association, satisfy character and fitness to practice requirements, and either (1) have passed the bar examination and the Multistate Professional Responsibility Examination or (2) been approved by the Supreme Court for admission on motion. Once admitted attorneys must comply with attorney registration and continuing legal education/new lawyers training requirements. Attorneys registered for active status are required to register and pay a registration fee on a biennial basis.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

An attorney admitted to the practice of law in Ohio and registered for active status may engage in the practice of law in Ohio. Attorneys seeking to practice on a temporary basis in another state must comply with that state's requirements for such practice.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Yes. The "unauthorized practice of law" is defined in Gov. Bar R. VII, Section 2, which also incorporates divisions (A)(1) and (2) and (B)(1) of section 4705.07 of the Ohio Revised Code. Supreme Court decisions related to the unauthorized practice of law from 1995 to the present may be found at [http://supremecourt.ohio.gov/Boards/UPL/SupCo\\_opinions.asp](http://supremecourt.ohio.gov/Boards/UPL/SupCo_opinions.asp)

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Ohio code of professional conduct which is modelled on the ABA model code (see:

# United States (Ohio)

<http://www.sconet.state.oh.us/LegalResources/Rules/ProfConduct/profConductRules.pdf>

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Attorneys are admitted to practice (licensed) by the Supreme Court of Ohio.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

The USA has scheduled commitments for Ohio in modes 1 and 3 for the practice of home country law and international law (to the extent this is incorporated in home-country law) and 3rd country law and host law provided advice is taken from a suitably qualified person. An in-state office is required.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

There are a number of national and international US firms established in Ohio

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorized Practice of Law)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Ohio would need to be fully admitted to the Ohio Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no



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remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

A foreign lawyer can obtain a licence to become a foreign legal consultant. See Rule XI of the Supreme Court Rules for the Government of the Bar of Ohio (Effective January 1, 1989), available online at:

<http://www.supremecourt.ohio.gov/LegalResources/Rules/govbar/govbar.pdf>

The scope of practice permitted to an FLC includes: Practice of home country and international law; practice of 3rd-country or US/state law provided the FLC obtains advice from an attorney licensed in that jurisdiction and identifies that person to the client.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

FLCs must be in good standing with their home bar and abide by the State code of conduct

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Licensure is subject to meeting requirements of registration: a minimum age of 21 years, has been in good standing or the equivalent in the foreign country of admission for 4 of the 6 years immediately preceding application as a FLC, certification of admission to practice and good standing with home-country bar, satisfy character and fitness requirements, has intent to practice as a FLC in Ohio and to maintain an office for such practice, meeting the professional liability insurance requirement, and being subject to the Ohio Code of Professional Responsibility and the disciplinary procedural rules applicable in Ohio.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Not known

*Are foreign lawyers allowed to appear in court under any circumstances?*

See, Gov. Bar R. XI, Section 5, for scope of practice for a FLC. Also see Gov. Bar R. XII, Pro Hac Vice Admission. <http://www.supremecourt.ohio.gov/RuleAmendments/Archive.aspx>

Effective Jan. 1, 2011, out-of-state attorneys seeking permission to appear pro hac vice in an Ohio proceeding must first register with the Supreme Court Office of Attorney Services. Pro hac vice registration is also available to attorneys admitted to practice in the courts of a



## United States (Ohio)

foreign state and are in good standing. After an out-of-state or foreign attorney completes the registration requirements and receives a Certificate of Pro Hac Vice Registration, the attorney must file a Motion for Permission to Appear Pro Hac Vice with the tribunal. If the out-of-state or foreign attorney receives permission to appear pro hac vice in an Ohio proceeding, the attorney must file a Notice of Permission to Appear Pro Hac Vice with the Office of Attorney Services.

## United States (Ohio)

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer can obtain a full license to practice law in this jurisdiction.

The relevant Supreme Court rule is Gov. Bar R. I. The governing body is the Supreme Court of Ohio. The relevant rules are available at pages 3-26 of the document available online at

[www.sconet.state.oh.us/legalresources/rules/govbar/govbar.pdf](http://www.sconet.state.oh.us/legalresources/rules/govbar/govbar.pdf)

In order to obtain a full license to practice law in this jurisdiction, foreign lawyers must be admitted by examination, must have undergraduate and legal education approved by the Supreme Court of Ohio and must meet all requirements of the Bar exam applicants, including receiving final character and fitness approval. If seeking admission without examination, education again must be approved by the Court if obtained outside the United States and the applicant must have sat for and passed a Bar exam in another state in the United States and have practiced law full time in another US jurisdiction in which they were licensed for at least five full years out of the past ten at the time the application is submitted.

These requirements are different from the rules applicable to a local applicant in that if either undergraduate or legal education were obtained outside of the United States, pursuant to the rules for the government of the Bar, the applicant's education must be evaluated and approved by the Court. All other requirements between foreign lawyers and local lawyers seeking a full license are the same. If an applicant's legal education was not received in the United States, the education must be evaluated and approved by the Supreme Court as equivalent to ABA-approved law school education. For equivalency, an applicant must show successful completion of 30 credit hours at an ABA approved law school in addition to a foreign law degree showing at least 3 years of full-time study. The registration application may not be processed until the education is approved by the Supreme Court. At least 3 additional years of full-time post-secondary education are required.

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements on law firms. An FLC is permitted to open an office.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Not applicable

*Are there different types of foreign law firm 'licence' (e.g. Joint Law*

Not applicable

# United States (Ohio)

*Venture, stand alone foreign licence etc.?)*

*Is there a quota on the number of licences available?* Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?* No

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?* No

*Are there restrictions on the corporate form a foreign law firm can take?* Not applicable

*Are there rules about the name a foreign law firm can take?* Foreign name is permitted

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL* Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* No

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Yes

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Yes

*Other useful sources or comments or links*

*Verified by* Supreme Court of Ohio (February 2014)

# United States (Oklahoma)

*Is there legislation governing the legal sector*

Yes - the Oklahoma statute requires US citizenship for the practice of law

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a JD from an ABA approved law school, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Oklahoma. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Oklahoma

R.J. Edwards, Inc. v. Hert, 504 P.2d 407 (1972)

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Our decisions definitely spell out the concept of the practice of law: the rendition of services requiring the knowledge and the application of legal principles and technique to serve the interests of another with his consent.

State Bar of Arizona v. Arizona Land Title & Trust Co., 90 Ariz. 76, 366 P.2d 1 (1961); Beach Abstract & Guaranty Co. v. Bar Assoc. of Arkansas, 230 Ark. 494, 326 S.W.2d 910 (1930); Arkansas Bar Assoc. v. Union Nat. Bank, 224 Ark. 48, 273 S.W.2d 408 (1954); Biakanja v. Irving, 49 Cal.2d 647, 320 P.2d 16, 65 A.L.R.2d 1358 (1958); Title Guar. & Trust Co. v. Denver Bar Assoc., 135 Colo. 423, 312 P.2d 1011 (1937); People ex rel. Illinois State Bar Assoc. v. People's Stock Yards State Bank, 344 Ill. 462, 176 N.E. 901 (1931); People ex rel. Chicago Bar Assoc. v. Tinkoff, 399 Ill. 282, 77 N.E.2d 693 (1948); State ex rel. Boynton v. Perkins, 138 Kan. 899, 28 P.2d 765 (1934); Depew v. Wichita Assoc. of Credit Men, Inc., 142 Kan. 403, 49 P.2d 1041 (1935); Frazee v. Citizens Fidelity Bank & Trust Co., 393 S.W.2d 788 (Ky.1965); Fritchette v. Taylor, 191 Minn. 582, 254 N.W. 510, 94 A.L.R. 356; Liberty Mut. Ins. Co. v. Jones, 344 Mo. 932, 130 S.W.2d 945 (1919); Hulse v. Criger, 363 Mo. 26, 247 S.W.2d 855 (Mo.1952); Hoffmeister v. Tod, 349 S.W.2d 5 (Mo.1961); State ex rel. Johnson v. Childe, 147 Neb. 527, 23 N.W.2d 720 (1940); People v. Alfani, 227 N.Y. 234, 125 N.E. 671 (1919); People v. Lawyers Title Corp., 282 N.Y. 513, 27 N.E.2d 30 (1940); Judd v. City Trust & Savings Bank, 133 Ohio St. 81, 12 N.E.2d 288 (1937); Oregon State Bar v. John H. Miller & Co., 235 Ore. 341, 385 P.2d 181 (1965); In re Morse, 98 Vt. 85, 126 A. 550 (1924); Washington State Bar Assoc. v. Washington Assoc. of Realtors, 41 Wash.2d 697, 251 P.2d 619 (1953); State ex rel. Reynolds

## United States (Oklahoma)

	<p>v. Dinger, 14 Wis.2d 193, 109 N.W.2d 685.</p> <p>In view of our own prior statements, and of this long line of like statements elsewhere, it was unnecessary that we should otherwise have defined 'practice of law' to include specific acts as a prerequisite to the exercise of the proper jurisdiction of the judicial department.</p>
<i>Do you need to hold local nationality to be eligible to practise law?</i>	Yes - the Oklahoma statute requires US citizenship for the practice of law
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Oklahoma code of professional conduct which is modelled on the ABA model code (see: <a href="http://www.oscn.net/applications/oscn/Index.asp?ftdb=STOKRUPR&amp;level=1">http://www.oscn.net/applications/oscn/Index.asp?ftdb=STOKRUPR&amp;level=1</a> )
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by the State Supreme Court
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995
<i>Has it made any WTO commitments on legal services?</i>	Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Oklahoma may provide legal services in modes 1-3.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	NAFTA lawyers have access to the professional visa program

## United States (Oklahoma)

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no foreign or large national or international US firms established in Oklahoma

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorized Practice of Law)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Oklahoma would need to be fully admitted to the Oklahoma Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No - There is no FLC licensing regime in Oklahoma

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Not applicable

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Not known

*Are foreign lawyers allowed to appear in court under any circumstances?*

The Oklahoma pro hac vice admission rule was amended to require registration and the payment of a \$350 fee. Oklahoma Supreme Court Rules Creating and Controlling the Oklahoma Bar, Article II, Section 5. Out-of-State Attorneys. [http://www.okbar.org/out\\_of\\_state/Rules.htm](http://www.okbar.org/out_of_state/Rules.htm)

## United States (Oklahoma)

<i>Can foreign lawyers requalify as local lawyers?</i>	The Oklahoma pro hac vice admission rule was amended to require registration and the payment of a \$350 fee. Oklahoma Supreme Court Rules Creating and Controlling the Oklahoma Bar, Article II, Section 5. Out-of-State Attorneys. <a href="http://www.okbar.org/out_of_state/Rules.htm">http://www.okbar.org/out_of_state/Rules.htm</a>
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Not applicable
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Not applicable



## United States (Oklahoma)

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Not applicable

*Other useful sources or comments or links*

*Verified by*

# United States (Oregon)

*Is there legislation governing the legal sector*

Oregon Revised Statutes, Chapter 9 — Attorneys; Law Libraries

*Under what title do lawyers practise?*

Attorney at Law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have an LLB or JD, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Oregon. The right to practise in another state depends on the laws and rules of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Except as otherwise provided by law, a person may not practice law in this state, or represent that the person is eligible to practice law in this state, unless the person is an active member of the Oregon State Bar. ORS 9.160. In *Oregon State Bar v. Security Escrows, Inc.*, 377 P.2d 334 (Or. 1962), the Oregon Supreme Court held:

"The present statutes contain no definition of the practice of law. From 1919 to 1937 there was a statutory definition. See § 32-505, Oregon Code 1930, repealed by Oregon Laws 1937, ch. 343.

Even so, we have found no authority for the proposition that legislative silence in this instance is the equivalent of a legislative definition of the practice of law. We must hold that the legislature has not attempted to define the practice of law, and, accordingly, there is no need to inquire whether it has the power to do so.

Before we may proceed with the case at bar, however, it is necessary to have before us enough of a definition so that we can decide whether the court below should have issued the injunction. We must mark out at least enough of the boundaries of the practice of law so that we can decide whether or not the activities complained of fall within them, leaving to future cases such other definitional problems as may remain unresolved.

There have been numerous attempts elsewhere to define the practice of law. [FN1] None has been universally accepted. [FN2] The Arizona Supreme Court has said that an exhaustive definition is impossible. Perhaps it is. See *State Bar of Arizona v. Arizona Land Title & Trust Co.*, 90 Ariz. 76, 366 P.2d 1, 9 (1961), on petition for rehearing, 91 Ariz. 293, 371 P.2d 1020 (1962).

For the purposes of this case, we hold that the practice of law includes the drafting or selection of documents and the giving of advice in regard thereto any time an informed or trained discretion must be exercised in the selection or drafting of a document to meet the needs of the persons

## United States (Oregon)

being served. The knowledge of the customer's needs obviously cannot be had by one who has no knowledge of the relevant law. One must know what questions to ask. Accordingly, any exercise of an intelligent choice, or an informed discretion in advising another of his legal rights and duties, will bring the activity within the practice of the profession. We reject such artificial or haphazard tests as custom, payment, [FN5] or the quality of being 'incidental.' [FN6]"

*Do you need to hold local nationality to be eligible to practise law?*

No, not to be eligible for admission to the Oregon State Bar.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited. See RPC 5.4(a).

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Oregon Rules of Professional Conduct which are modelled on the ABA model rules (see: [http://www.osbar.org/\\_docs/rulesregs/orpc.pdf](http://www.osbar.org/_docs/rulesregs/orpc.pdf)) and Oregon Revised Statutes, Chapter 9. Oregon requires all active members of the state bar who are engaged in the private practice of law and whose principle offices are in Oregon to carry professional liability insurance through the Oregon State Bar Professional Liability Fund. ORS 9.080(2).

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court or the Oregon State Bar but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Oregon Supreme Court

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

The USA has scheduled commitments for Oregon in modes 1, 2 and 3 for the practice of home country law and international law (to the extent this is incorporated in home-country law) and 3rd country law and host law provided advice is taken from a suitably qualified person.

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*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

There are a number of national and international US firms established in Oregon

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see Oregon RPC 5.5(c))

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Oregon would need to be fully admitted to the Oregon Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes - A foreign lawyer can obtain a licence to become a foreign law consultant pursuant to ORS 9.242 and Oregon Supreme Court Admission Rule 12.05. The scope of practice permitted to an FLC includes: Practice of home country law and international law to the extent it is incorporated in home-country law; the practice of 3rd-country law if the FLC obtains advice from an attorney licensed in that jurisdiction and identifies that person to the client; the practice of US/State law is permitted if the FLC

## United States (Oregon)

	obtains advice from an attorney licensed in the relevant jurisdiction and identifies that person to the client.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	FLCs must be in good standing with their home bar and abide by the provisions of ORS Chapter 9 (including the requirement to maintain professional liability insurance), the Oregon Rules of Professional Conduct and the Oregon State Bar Rules of Procedure
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	FLC licensure is subject to meeting requirements of registration, a minimum age of 18 years, an experience requirement (5 of the 7 years preceding registration must have been spent practising law), and certification of registration and good standing with home-country bar, possession of good moral character and fitness to practice law, intention to practice as a foreign law consultant in Oregon, meeting the professional liability insurance requirement, and agreement to comply with ORS Chapter 9, the Oregon Rules of Professional Conduct and the Oregon State Bar Rules of Procedure
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Not known
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	An FLC may not appear in Oregon courts. However, a foreign lawyer may appear in Oregon courts if the foreign lawyer is fully licensed in Oregon (see Oregon Supreme Court Admission Rule 12.05 and 15.05) or pursuant to the Attorney Exchange Program (see Oregon Supreme Court Admission Rule 14.05—14.25).
<i>Can foreign lawyers requalify as local lawyers?</i>	Not known
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate requirements on law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the</i>	No

# United States (Oregon)

*number of branches a foreign firm can have?*

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

Not applicable

*Are there rules about the name a foreign law firm can take?*

Foreign name is permitted

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL*

A foreign law firm may need to register with the Oregon Secretary of State in order to do business in the state of Oregon.  
<http://sos.oregon.gov/business/Pages/default.aspx>.

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

No

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes

*Other useful sources or comments or links*

The rules and regulations relating to the practice of law in Oregon may all be found here:  
<http://www.osbar.org/rulesregs/>.

*Verified by*

General Counsel, Oregon State Bar (December 2013)

# United States (Pennsylvania)

*Is there legislation governing the legal sector*

PENNSYLVANIA CONSOLIDATED STATUTES, TITLE 42- JUDICIARY AND JUDICIAL PROCEDURE, Chapter 25 - Representation of Litigants, Subchapter B. Attorneys and Counsellors

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a JD, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Pennsylvania. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

The Pennsylvania Consolidated Statute states that "any person, including, but not limited to, a paralegal or legal assistant, who within this Commonwealth shall practice law, or who shall hold himself out to the public as being entitled to practice law, or use or advertise the title of lawyer, attorney at law, attorney and counsellor at law, counsellor, or the equivalent in any language, in such a manner as to convey the impression that he is a practitioner of the law of any jurisdiction, without being an attorney at law or a corporation complying with 15 Pa.C.S. Ch. 29 (relating to professional corporations), commits a misdemeanour of the third degree upon a first violation."

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Pennsylvania code of professional conduct which is modelled on the ABA model code (see: <http://www.pacode.com/secure/data/204/chapter81/s81.4.html>)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the State Supreme Court



## United States (Pennsylvania)

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Pennsylvania may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

The only "foreign" firms present in Pennsylvania are DLA Piper and Hogan Lovells which are established under the US arms of their Swiss verein

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Rule 5.5 of the Pennsylvania Rules of Professional Conduct allow lawyers admitted in foreign jurisdictions to practice on a temporary basis in the state. Rule 5.5 states ""A lawyer admitted in another United States jurisdiction or in a foreign jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

- (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;
- (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual could practise law on a fly in fly out basis in Pennsylvania provided they meet the requirements of the Pennsylvania Bar for temporary practice. In addition, 'service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to

## United States (Pennsylvania)

representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes, a foreign lawyer can obtain a licence to become a foreign legal consultant (see: Chapter 71. Pennsylvania Bar Admission Rules, Subchapter C. Restricted Practice of Law, FOREIGN LEGAL CONSULTANTS)

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

FLCs must be in good standing with their home bar and abide by the State code of conduct

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Licensure is subject to meeting requirements of registration, a minimum age and experience requirement and certification of registration and good standing with home-country bar.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Not known

*Are foreign lawyers allowed to appear in court under any circumstances?*

Pennsylvania Rules of Court, Rule 301 of the Pennsylvania Bar Admission Rules.  
<http://www.aopc.org/OpPosting/Supreme/out/418spct.1attach.pdf>. Effective September 2007.

"An attorney who is not admitted to the bar of the Commonwealth of Pennsylvania, but is admitted to the bar of and authorized to practice law in the highest court of another state or foreign jurisdiction."

*Can foreign lawyers requalify as local lawyers?*

Pa.B.A.R., Rule 204, 42 Pa.C.S.A., Pennsylvania Bar Admission Rule 204.  
[http://www.pabarexam.org/Admission\\_Rules/rules\\_and\\_regulations/204.htm](http://www.pabarexam.org/Admission_Rules/rules_and_regulations/204.htm) Applicant must have completed law study in a foreign law school, have been admitted and in good standing at the bar of a foreign jurisdiction, and have practiced in the jurisdiction for 5 out of the last 8 years. Applicant must also complete 30 credit hours taken in specified subjects at an ABA-approved law school.

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements on law firms. An FLC is permitted to open an office.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set*

Not applicable

## United States (Pennsylvania)

*up an office? (E.g. with a ministry of company affairs etc.)*

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)* Not applicable

*Is there a quota on the number of licences available?* Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?* No

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?* No

*Are there restrictions on the corporate form a foreign law firm can take?* Not applicable

*Are there rules about the name a foreign law firm can take?* Not applicable

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL* Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* Not applicable

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Not applicable

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Yes

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Yes

*Other useful sources or comments or links*

*Verified by*

## United States (Rhode Island)

*Is there legislation governing the legal sector*

No, the Rhode Island Supreme Court has the exclusive jurisdiction to regulate the practice of law. Accordingly, the Supreme Court rules govern the legal sector.

*Under what title do lawyers practise?*

Attorney at law, counsellor, and other similar titles.

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must meet the requirements in the Supreme Court Rules. The general requirements are a Juris Doctor degree from an ABA accredited law school, satisfying the character and fitness requirements, and having passed the Rhode Island Bar Examination. The Rhode Island Supreme Court Rules allow attorneys licensed in another United States jurisdiction to take our bar examination without a Juris doctorate degree from an ABA accredited law school with five years of active, full-time practice of law within the 10 years of applying to take the Rhode Island Bar Examination. Once issued, the license to practice law issued by the Rhode Island Supreme Court remains in effect unless an attorney resigns from the Rhode Island Bar or action is taken against the license – either administratively for failure to register or pay mandatory bar dues or because of disciplinary action.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

Whether attorneys licensed to practice law in Rhode Island can practice law in other US jurisdictions depends on the rules of those other jurisdictions.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

GENERAL LAWS OF RHODE ISLAND, 1956 TITLE 11. CRIMINAL OFFENSES CHAPTER 27. LAW PRACTICE §11-27-2. Practice of law defined. The term "practice law" as used in this chapter shall be deemed to mean the doing of any act for another person usually done by attorneys at law in the course of their profession, and, without limiting the generality of the foregoing, shall be deemed to include the following:

- (1) The appearance or acting as the attorney, solicitor, or representative of another person before any court, referee, master, auditor, division, department, commission, board, judicial person, or body authorized or constituted by law to determine any question of law or fact or to exercise any judicial power, or the preparation of pleadings or other legal papers incident to any action or other proceeding of any kind before or to be brought before the court or other body;
- (2) The giving or tendering to another person for a consideration, direct or indirect, of any advice or counsel pertaining to a law question or a court action or judicial proceeding brought or to be brought;
- (3) The undertaking or acting as a representative or on

## United States (Rhode Island)

behalf of another person to commence, settle, compromise, adjust, or dispose of any civil or criminal case or cause of action;

(4) The preparation or drafting for another person of a will, codicil, corporation organization, amendment, or qualification papers, or any instrument which requires legal knowledge and capacity and is usually prepared by attorneys at law.

*Do you need to hold local nationality to be eligible to practise law?*

The Rhode Island Supreme Court Rules require that applicants be a United States citizen or legal resident of good character.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practice as a sole practitioner, a general partnership, and as a limited liability entity. In order to practice as a limited liability entity (LLC, LLP or PC), attorneys must first obtain a license from the Rhode Island Supreme Court.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Rhode Island code of professional conduct which is modelled on the ABA model code (see: <http://www.courts.ri.gov/PublicResources/disciplinaryboard/PDF/Article5.pdf>)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Yes, attorneys must obtain a license from the Rhode Island Supreme Court if they practice law as a limited liability entity (LLC, LLP or PC).

*Which authority issues licences? Are there different authorities for individuals and firms?*

The Rhode Island Supreme Court licenses attorneys and limited liability entities.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Rhode Island may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

## United States (Rhode Island)

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no foreign or large national or international US firms established in Rhode Island

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorized Practice of Law)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Rhode Island would need to be fully admitted to the Rhode Island Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No - there is no FLC licensing regime in Rhode Island. Attorneys admitted in other US jurisdictions may provide limited legal services.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Not applicable

*Are foreign lawyers permitted to undertake arbitration and mediation?*

In Rhode Island arbitrators and mediators need not be licensed to practice law. Any person authorized or licensed by the appropriate authority to arbitrate and/or mediate cases can perform those services in Rhode Island.

*Are foreign lawyers allowed to appear in court under any circumstances?*

No. The Rhode Island Supreme Court Rules only provide for pro hac vice admission of attorneys licensed in another



## United States (Rhode Island)

US jurisdiction and for out-of-state attorneys to provide limited legal services in Rhode Island.

*Can foreign lawyers requalify as local lawyers?*

Only by full admission to practice law in Rhode Island.  
<http://www.courts.state.ri.us/supreme/bar/rules.pdf>

*Can a foreign law firm obtain a licence to open an office?*

No

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Not applicable

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

Not applicable

*Is there a quota on the number of licences available?*

Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

Not applicable

*Are there rules about the name a foreign law firm can take?*

Not applicable

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL*

Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Not applicable

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Not applicable

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Not applicable



## United States (Rhode Island)

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Not applicable

*Other useful sources or comments or links*

*Verified by*

Clerk to the Rhode Island Supreme Court (January 2014)

## United States (South Carolina)

*Is there legislation governing the legal sector*

SOUTH CAROLINA STATUTES, Title 40 - Professions and Occupations, CHAPTER 5 - ATTORNEYS-AT-LAW

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have an LLB or JD from an ABA approved law school, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in South Carolina. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

In re Duncan, 65 S.E. 210 (1909)

According to the generally understood definition of the practice of law in this country, it embraces the preparation of pleadings, and other papers incident to actions and special proceedings, and the management of such actions and proceedings on behalf of clients before judges and courts, and, in addition, conveyancing, the preparation of legal instruments of all kinds, and, in general, all advice to clients, and all action taken for them in matters connected with the law.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The South Carolina code of professional conduct which is modelled on the ABA model code (see: <http://www.sccourts.org/courtReg/>)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the State Supreme Court

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in South Carolina may provide legal services in modes 1-3.

## United States (South Carolina)

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no foreign or large national or international US firms established in South Carolina

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorized Practice of Law)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in South Carolina would need to be fully admitted to the South Carolina Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

The Supreme Court of South Carolina has adopted a foreign legal consultant rule, effective November 2, 2006. Appellate Court Rules. Section IV. Rules Governing the Practice of Law Rule 424, Licensing of Foreign Legal Consultants.  
<http://www.sccourts.org/courtReg/displayRule.cfm?ruleID=424.0&subRuleID=&ruleType=APP>

*Are there any conditions that must be fulfilled once a foreign lawyer has*

FLCs must be in good standing with their home bar and abide by the State code of conduct

## United States (South Carolina)

*been granted a limited licence (e.g. residency requirement)*

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Licensure is subject to meeting requirements of registration, a minimum age and experience requirement and certification of registration and good standing with home-country bar

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Not known

*Are foreign lawyers allowed to appear in court under any circumstances?*

South Carolina Appellate Court Rules, Rule 404, Admission Pro Hac Vice. Requires application and \$250 fee and applies to arbitration, mediation and other alternative dispute resolution proceedings.  
<http://www.judicial.state.sc.us/courtReg/newrules/Rule404.htm>

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer cannot requalify as a South Carolina lawyer but must complete the full State admission requirements in order to be admitted.

*Can a foreign law firm obtain a licence to open an office?*

There are no separate requirements on law firms. An FLC is permitted to open an office.

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Not applicable

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

Not applicable

*Is there a quota on the number of licences available?*

Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

Not applicable

## United States (South Carolina)

*Are there rules about the name a foreign law firm can take?* Not applicable

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL* Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* Not applicable

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Not applicable

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Yes

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Yes

*Other useful sources or comments or links*

*Verified by*

## United States (South Dakota)

*Is there legislation governing the legal sector*

SOUTH DAKOTA STATUTES, Title 16 - COURTS AND JUDICIARY, Chapter 16 - Admission Of Attorneys To Practice

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have an LLB or JD from an ABA approved law school, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in South Dakota. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

(In 2001, a Bar Association Task Force proposed the following definition, which has now been withdrawn and is being reworked.)

""Practice of law"" means the performance for another person or entity, of any of the following services:

(a) Representation before a judicial, legislative, or executive, administrative, or other governmental official or body, or before a government-owned body, or before an arbitrator or similar body;

(b) Preparation or review of documents involving liberty, property, or other rights or interests; or

(c) Any other service including, but not limited to, advice or negotiation, which in view of the facts and circumstances requires the knowledge, skill and judgment of a person trained in law.

(d) Whether or not they constitute the ""Practice of law"", the following are permitted:

(1) Practicing law in accordance with §16-16-7.1, 16-16-7.6, 16-16-17.1, 16-18-2, 16-18-2.1 to 16-18-2.10, and 16-18-34 to 16-18-34.6.

(2) Acting as a lay representative before administrative agencies or tribunals, if statutorily authorized.

(3) Serving in a neutral capacity as a mediator, arbitrator, conciliator, or facilitator.

(4) ""Participating in labor negotiations, arbitrations or conciliations arising under collective bargaining rights or agreements.""

(5) Providing assistance to another to complete a form provided by a court for protection under Chapters 29-19(a) and 25-10 when no fee is charged to do so.

(6) Acting as a registered legislative lobbyist under Chapter 2-12.

(7) Preparing a federal, state or local tax return or an appearance before a federal, state or local taxing authority in connection with an audit or administrative appeal of an

## United States (South Dakota)

audit or return by a person with respect to (i) their own tax returns, or (ii) tax returns of entities of which they are a substantial (ten percent or more) owner. The preparation of federal, state or local tax returns for third parties or the appearance before agents of taxing authorities in connection with audits on behalf of third parties or appearances before non-evidentiary administrative appeal bodies are also permitted.

(8) Other activities that the South Dakota Supreme Court has determined do not constitute the unauthorized practice of law.

For reference:

§16-16-7.1 refers to non-resident attorneys employed by legal aid bureaus or public defender agencies;

§16-16-7.6 refers to attorneys who are state court administrators or full-time law school faculty and administrators;

§16-16-17.1 refers to conditionally admitted bar applicants;

§16-18-2 refers to non-resident attorneys admitted for a trial or hearing of a particular cause;

§16-18-2.1 refers to law students serving as legal interns; and to 16-18-2.10

§16-18-34 refers to legal assistants. to 16-18-34.6

""Unauthorized practice of law"" means the practice of law by a person or entity who is not legally authorized to do so.

As to EXCEPTION 5, SDCL 29-19(a) pertains to stalking and SDCL 25-10 pertains to domestic abuse.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The South Dakota code of professional conduct which is modelled on the ABA model code (see: [http://www.sdbar.org/Rules/Rules/PC\\_Rules.htm](http://www.sdbar.org/Rules/Rules/PC_Rules.htm))

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the State Supreme Court



## United States (South Dakota)

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in South Dakota may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no foreign or large national or international US firms established in South Dakota

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorized Practice of Law).

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in South Dakota would need to be fully admitted to the South Dakota Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No - there is no FLC licensing regime in South Dakota

## United States (South Dakota)

<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Not known
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	South Dakota Code, Section 16-18-2. Appearance by non-resident attorneys permitted: <a href="http://legis.state.sd.us/statutes/Index.cfm?FuseAction=DisplayStatute&amp;FindType=Statute&amp;txtStatute=16-18-2">http://legis.state.sd.us/statutes/Index.cfm?FuseAction=DisplayStatute&amp;FindType=Statute&amp;txtStatute=16-18-2</a>
<i>Can foreign lawyers requalify as local lawyers?</i>	On September 29, 2003 the Court adopted an Admission by Motion Rule, effective January 1, 2004. SDCL 16-16-12.1 and 2
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable

## United States (South Dakota)

<i>Are there rules about the name a foreign law firm can take?</i>	Not applicable
<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	Not applicable
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Not applicable
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Not applicable
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Not applicable
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	State Bar of South Dakota (February 2014)

# United States (Tennessee)

*Is there legislation governing the legal sector*

TENNESSEE CODE ANNOTATED, TITLE 23.  
ATTORNEYS-AT-LAW

*Under what title do lawyers practise?*

Attorney at Law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a JD, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Tennessee. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

TENNESSEE CODE ANNOTATED, TITLE 23.  
ATTORNEYS-AT-LAW

CHAPTER 3. UNAUTHORIZED PRACTICE AND IMPROPER CONDUCT  
PART 1--GENERAL PROVISIONS

§23-3-101. Definitions.

As used in this chapter, unless the context otherwise requires: (1) "Law business" means the advising or counselling for a valuable consideration of any person, firm, association, or corporation, as to any secular law, or the drawing or the procuring of or assisting in the drawing for a valuable consideration of any paper, document or instrument affecting or relating to secular rights, or the doing of any act for a valuable consideration in a representative capacity, obtaining or tending to secure for any person, firm, association or corporation any property or property rights whatsoever, or the soliciting of clients directly or indirectly to provide such services; and (2) "Practice of law" means the appearance as an advocate in a representative capacity or the drawing of papers, pleadings or documents or the performance of any act in such capacity in connection with proceedings pending or prospective before any court, commissioner, referee or any body, board, committee or commission constituted by law or having authority to settle controversies, or the soliciting of clients directly or indirectly to provide such services.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

## United States (Tennessee)

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Tennessee code of professional conduct which is modelled on the ABA model code (see: <http://www.tsc.state.tn.us/rules/supreme-court/8>)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the State Supreme Court

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Tennessee may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no foreign or large national or international US firms established in Tennessee

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorized Practice of Law)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Tennessee would need to be fully admitted to the Tennessee Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to

## United States (Tennessee)

representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No - there is no FLC licensing regime in Tennessee

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Not applicable

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Not known

*Are foreign lawyers allowed to appear in court under any circumstances?*

Tennessee Supreme Court revised its pro hac vice rule, but not closely following the ABA model. Amended pro hac vice admission rule, effective October 1, 2004.

## United States (Tennessee)

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer can obtain a full license to practice law in this jurisdiction.

The relevant legislation is Rule 7 of the Tennessee Supreme Court Rules. This is available online at [tsc.state.tn.us/opinions/tsc/rules/tnrulesofcourt/scindex.htm](http://tsc.state.tn.us/opinions/tsc/rules/tnrulesofcourt/scindex.htm).

In order to obtain a full license to practice law in this jurisdiction, foreign lawyers must meet educational requirements of the Tennessee Supreme Court Rule No 7, sections 7.01 and 2.01 and pass the Tennessee Bar examination.

These rules are different from the rules applicable to a local applicant. They differ in that local lawyers must meet the educational requirements of Rule 7, section 2.01 and pass the Tennessee Bar examination. The foreign applicant's total education must be found to be substantially equivalent and applicant must complete 24 hours at an ABA-approved law school or 1/3 credits needed at a Tennessee-approved law school.

*Can a foreign law firm obtain a licence to open an office?*

No

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Not applicable

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

Not applicable

*Is there a quota on the number of licences available?*

Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

Not applicable



## United States (Tennessee)

*Are there rules about the name a foreign law firm can take?* Not applicable

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL* Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* Not applicable

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Not applicable

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Not applicable

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Not applicable

*Other useful sources or comments or links*

*Verified by* Board of Professional Responsibility, Supreme Court of Tennessee (January 2014)

# United States (Texas)

*Is there legislation governing the legal sector*

TEXAS STATUTES AND CODES. GOVERNMENT CODE. TITLE 2. JUDICIAL BRANCH. SUBTITLE G. ATTORNEYS.

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have a bachelor's degree and a JD, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Texas. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

TEXAS STATUTES AND CODES. GOVERNMENT CODE. TITLE 2. JUDICIAL BRANCH. SUBTITLE G. ATTORNEYS. CHAPTER 81. STATE BAR. SUBCHAPTER G. UNAUTHORIZED PRACTICE OF LAW -24-

§81.101. Definition.

(a) In this chapter the "practice of law" means the preparation of a pleading or other document incident to an action or special proceeding or the management of the action or proceeding on behalf of a client before a judge in court as well as service rendered out of court, including the giving of advice or the rendering of any service requiring the use of legal skill or knowledge, such as preparing a will, contract, or other instrument, the legal effect of which under the facts and conclusions involved must be carefully determined.

(b) The definition in this section is not exclusive and does not deprive the judicial branch of the power and authority under both this chapter and the adjudicated cases to determine whether other services and acts not enumerated may constitute the practice of law.

(c) In this chapter, the ""practice of law"" does not include the design, creation, publication, distribution, display, or sale, including publication, distribution, display, or sale by means of an Internet web site, of written materials, books, forms, computer software, or similar products if the products clearly and conspicuously state that the products are not a substitute for the advice of an attorney. This subsection does not authorize the use of the products or similar media in violation of Chapter 83 and does not affect the applicability or enforceability of that chapter.

In April 2001, the Texas UPL Task Force recommended changing 81.101 to the following:

§ 81.101 Definitions

A. The "practice of law," as used in this chapter, includes

## United States (Texas)

1. Providing legal representation;
2. Providing legal advice;
3. Preparing or negotiating, in whole or in part, a will, trust, contract, conveyance, pleading, or other instrument to the extent such preparation or negotiation is performed or offered explicitly or implicitly to provide legal advice or legal representation; or

4. Those activities described in section 81.102.B.

B. "Legal representation" means acting as an advocate in governmental adjudicative proceedings in a court or administrative agency to determine the specific rights or obligations of one or more persons.

C. "Legal advice" means acting in a professional capacity as a personal advisor to another person as to the specific rights or obligations of one or more persons through the interpretation and application of laws, regulations, and other legal standards;

D. "In a professional capacity" means acting i) with the expectation that compensation for such advice will be provided by or on behalf of the person receiving the advice or that such compensation, although ordinarily expected by the provider, will be waived for charitable or civic reasons, ii) with the express or implied representation that the provider is an attorney or lawyer, or iii) as part of a pattern of recurring conduct in which the provider holds himself or herself out as an advisor having special competence in the interpretation and application of laws, regulations, and other legal standards.

E. "Individual" means a human being.

F. "Person" means an individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any legal entity.

G. "Attorney" or "lawyer" means an individual who is a member of the state bar or is otherwise licensed and in good standing to practice law in another state of the United States.

H. The definition of the practice of law in this section is not exclusive and does not deprive the judicial branch of the power and authority to determine whether other services and acts not enumerated may constitute the practice of law.

§83.001. Prohibited Acts. (Current) -25-

(a) A person, other than a person described in Subsection (b), may not charge or receive, either directly or indirectly, any compensation for all or any part of the preparation of a legal instrument affecting title to real property, including a deed, deed of trust, note, mortgage, and transfer or release of lien.

## United States (Texas)

	<p>(b) This section does not apply to:</p> <p>(1) an attorney licensed in this state;</p> <p>(2) a licensed real estate broker or salesman performing the acts of a real estate broker pursuant to The Real Estate License Act (Article 6573a, Vernon's Texas Civil Statutes); or</p> <p>(3) a person performing acts relating to a transaction for the lease, sale, or transfer of any mineral or mining interest in real property.</p>
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Texas code of professional conduct which is modelled on the ABA model code (see: <a href="http://www.supreme.courts.state.tx.us/rules/rules.asp">http://www.supreme.courts.state.tx.us/rules/rules.asp</a> )
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by the State Bar of Texas ( <a href="http://www.texasbar.com/am/template.cfm?section=home">http://www.texasbar.com/am/template.cfm?section=home</a> )
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995
<i>Has it made any WTO commitments on legal services?</i>	The USA has scheduled commitments for Texas in modes 1, 2 and 3 for the practice of home country law and international law to the extent it is incorporated in home country law. In state residency is required.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

## United States (Texas)

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

The only "foreign" firms present in Texas are DLA Piper, Dentons, Norton Rose Fulbright and Hogan Lovells which are established under the US arms of their Swiss vereins

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers may not practice on a temporary basis but must maintain an office in Texas in order to practice law in the State (Texas Board of Legal Examiners Rule XIV - Foreign Legal Consultants)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Foreign lawyers would not be able to obtain visas to practise law in Texas. It is possible that they may qualify under the USA's WTO commitments as "service salespersons" if they are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes - A foreign lawyer can obtain a licence to become a foreign legal consultant (see Texas Supreme Court Rules available online at [http://www.ble.state.tx.us/one/flc\\_main2.htm](http://www.ble.state.tx.us/one/flc_main2.htm)). The scope of practice permitted to Foreign Legal Consultants includes: The practice of home country law; the practice of international law, to the extent it is incorporated in home-country law, the practice of 3rd-country law and US law are not permitted. The Supreme Court may register anyone who: (a) is a member in good standing of a recognized legal profession in a foreign country, the members of which are admitted to practice as attorneys or counsellors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority; (b) 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 actively and substantially been engaged in the lawful practice of law of the said foreign country in that country or elsewhere; (c) possesses the good moral character and general fitness requisite for a member of the Texas Bar; (d) is at least twenty-six (26) years of age; and (e) intends to

## United States (Texas)

	practice as a Foreign Legal Consultant in Texas and to maintain an office in Texas for that purpose.
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	FLCs must be in good standing with their home bar and abide by the State code of conduct
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Licensure is subject to meeting the requirements of registration, a minimum age of 26 years, an experience requirement (5 of the 7 years preceding registration must have been spent practising law), meeting the professional liability insurance requirement, providing a certification of registration and good standing with home-country bar, and taking an oath to abide by the State Bar Act, the State Bar Rules, and the Texas Disciplinary Rules of Professional Conduct.
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Not known
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Effective September 1, 2003, §82.0361 of subchapter B of chapter 82 of the Texas Government Code, was amended to establish a pro hac vice fee of \$250 for out-of-state lawyers who petition a Texas court to appear in a specific Texas case. These fees are to be deposited into the Basic Civil Legal Services Fund for low-income Texans.
<i>Can foreign lawyers requalify as local lawyers?</i>	A graduate of a foreign non-correspondence law school accredited by its jurisdiction can take the exam if he/she holds a valid law license issued by that jurisdiction provided: he/she has 5 out of last 7 years of lawful practice in the foreign nation or elsewhere and either demonstrates that the law of the foreign nation or elsewhere is comparable to that of Texas or holds an LL.M. from an ABA-approved law school (not by correspondence or distance learning); or he/she has 3 out of last 5 years of lawful practice in the foreign nation or elsewhere, demonstrates that the law of the foreign nation is comparable to that of Texas, and holds an LL.M. from an ABA-approved law school (not by correspondence or distance learning). In all events, the applicant must demonstrate that he/she holds the equivalent of a J.D. I
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate requirements on law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they</i>	Not applicable

## United States (Texas)

*register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)* Not applicable

*Is there a quota on the number of licences available?* Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?* No

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?* No

*Are there restrictions on the corporate form a foreign law firm can take?* Not applicable

*Are there rules about the name a foreign law firm can take?* Foreign name is permitted

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL* Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Yes - this is explicitly mentioned in the USA's schedule of specific commitments on legal services

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Yes

*Other useful sources or comments or links*

*Verified by* Office of Chief Disciplinary Counsel, State Bar of Texas (January 2014)



## United States (Utah)

*Is there legislation governing the legal sector*

UTAH STATUTES, Title 78A - Judiciary and Judicial Administration, Chapter 09 - Attorneys

*Under what title do lawyers practise?*

Attorney at Law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have an LLB or JD, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Utah. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Rule 14-802. Authorization to practice law.  
 (a) Except as set forth in subsection (c) of this rule, only persons who are active, licensed members of the Bar in good standing may engage in the practice of law in Utah.  
 (b) For purposes of this rule:  
 (b)(1) The "practice of law" is the representation of the interests of another person by informing, counselling, advising, assisting, advocating for or drafting documents for that person through application of the law and associated legal principles to that person's facts and circumstances.  
 (b)(2) The "law" is the collective body of declarations by governmental authorities that establish a person's rights, duties, constraints and freedoms and consists primarily of:  
 (b)(2)(A) constitutional provisions, treaties, statutes, ordinances, rules, regulations and similarly enacted declarations; and  
 (b)(2)(B) decisions, orders and deliberations of adjudicative, legislative and executive bodies of government that have authority to interpret, prescribe and determine a person's rights, duties, constraints and freedoms.  
 (b)(3) "Person" includes the plural as well as the singular and legal entities as well as natural persons.  
 (c) Whether or not it constitutes the practice of law, the following activity by a non-lawyer, who is not otherwise claiming to be a lawyer or to be able to practice law, is permitted:  
 (c)(1) Making legal forms available to the general public, whether by sale or otherwise, or publishing legal self-help information by print or electronic media.  
 (c)(2) Providing general legal information, opinions or recommendations about possible legal rights, remedies, defenses, procedures, options or strategies, but not specific advice related to another person's facts or circumstances.

## United States (Utah)

- (c)(3) Providing clerical assistance to another to complete a form provided by a municipal, state, or federal court located in the State of Utah when no fee is charged to do so.
- (c)(4) When expressly permitted by the court after having found it clearly to be in the best interests of the child or ward, assisting one's minor child or ward in a juvenile court proceeding.
- (c)(5) Representing a party in small claims court as permitted by Rule of Small Claims Procedure 13.
- (c)(6) Representing without compensation a natural person or representing a legal entity as an employee representative of that entity in an arbitration proceeding, where the amount in controversy does not exceed the jurisdictional limit of the small claims court set by the Utah Legislature.
- (c)(7) Representing a party in any mediation proceeding.
- (c)(8) Acting as a representative before administrative tribunals or agencies as authorized by tribunal or agency rule or practice.
- (c)(9) Serving in a neutral capacity as a mediator, arbitrator or conciliator.
- (c)(10) Participating in labor negotiations, arbitrations or conciliations arising under collective bargaining rights or agreements or as otherwise allowed by law.
- (c)(11) Lobbying governmental bodies as an agent or representative of others.
- (c)(12) Advising or preparing documents for others in the following described circumstances and by the following described persons:
  - (c)(12)(A) a real estate agent or broker licensed by the state of Utah may complete State-approved forms including sales and associated contracts directly related to the sale of real estate and personal property for their customers.
  - (c)(12)(B) an abstractor or title insurance agent licensed by the state of Utah may issue real estate title opinions and title reports and prepare deeds for customers.
  - (c)(12)(C) financial institutions and securities brokers and dealers licensed by Utah may inform customers with respect to their options for titles of securities, bank accounts, annuities and other investments.
  - (c)(12)(D) insurance companies and agents licensed by the state of Utah may recommend coverage, inform customers with respect to their options for titling of ownership of insurance and annuity contracts, the naming of beneficiaries, and the adjustment of claims under the company's insurance coverage outside of litigation.
  - (c)(12)(E) health care providers may provide clerical

## United States (Utah)

assistance to patients in completing and executing durable powers of attorney for health care and natural death declarations when no fee is charged to do so.

(c)(12)(F) Certified Public Accountants, enrolled IRS agents, public accountants, public bookkeepers, and tax preparers may prepare tax returns.

And

Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law.

(a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(b)(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(b)(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(c)(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(c)(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(c)(3) are in or reasonably related to a pending or potential arbitration, mediation or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or

(c)(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction and not disbarred or suspended from practice in any jurisdiction may provide legal services in this jurisdiction that:

(d)(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires pro hac vice admission; or

## United States (Utah)

	(d)(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.
<i>Do you need to hold local nationality to be eligible to practise law?</i>	No
<i>What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)</i>	A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.
<i>What other ethical or regulatory requirements must a licensed lawyer comply with?</i>	The Utah code of professional conduct which is modelled on the ABA model code (see: <a href="http://www.utcourts.gov/resources/rules/ucja/index.htm#Chapter 13">http://www.utcourts.gov/resources/rules/ucja/index.htm#Chapter 13</a> )
<i>Do law firms need to receive a "license" (or permission/approval) to practice law?</i>	Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.
<i>Which authority issues licences? Are there different authorities for individuals and firms?</i>	Licences are issued by the Bar: <a href="http://www.utahbar.org/opc/Welcome.html">http://www.utahbar.org/opc/Welcome.html</a>
<i>Is the jurisdiction a member of the WTO?</i>	The US joined the WTO on 1 January 1995
<i>Has it made any WTO commitments on legal services?</i>	Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Utah may provide legal services in modes 1-3.
<i>Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?</i>	The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.
<i>Do these currently include legal services or are there plans to include them in future?</i>	The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.
<i>Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?</i>	NAFTA lawyers have access to the professional visa program
<i>Are there any 'foreign law' firms present in this jurisdiction?</i>	There are a number of US national and international law firms established in Utah
<i>Are there any explicit rules or restrictions other than visas on fly in</i>	Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US

## United States (Utah)

*fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

states (see Professional Conduct rule 5.5 on Unauthorized Practice of Law)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Utah would need to be fully admitted to the Utah Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes, if he or she meets the qualifications listed in Rule 14-718:

"(d) Scope of practice. 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 county in which such person is admitted to practice law subject, however, to the limitations that she or he shall not violate any provision of the Rule 14-802 and further specifically, shall not:

(d)(1) appear for a person other than herself or himself as attorney in any court, or before any magistrate or other judicial officer, in Utah other than upon qualified admission pro hac vice pursuant to Rule 14-806; or

(d)(2) prepare any instrument effecting the transfer or registration of title to real estate located in the United States; or

(d)(3) prepare any will or trust instrument effecting the disposition on death of any property located in the United States and owned by a resident of the United States or any instrument relating to the administration of a decedent's estate in the United States; or

(d)(4) 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; or

(d)(5) render professional legal advice on the law of this state or of the United States (whether rendered incident to the preparation of legal instruments or otherwise) except on the basis of advice from a person duly qualified and entitled to render professional legal advice in this state;

## United States (Utah)

(d)(6) be, or in any way hold herself or himself out as a member of the Bar; or  
 (d)(7) carry on her or his practice under, or utilize in connection with such practice, any name, title or designation other than the following:  
 (d)(7)(A) her or his own name;  
 (d)(7)(B) the name of the law firm or other entity with which she or he is affiliated, in each case only in conjunction with the title "Foreign Legal Consultant" as set forth below;  
 (d)(7)(C) her or his authorized title in the foreign county of her or his admission to practice, in each case only in conjunction with the title "Foreign Legal Consultant" as set forth below; and  
 (d)(7)(D) the title "Foreign Legal Consultant", which shall be used in conjunction with the words "admitted to the practice of law only in [name of the foreign country or her or his admission to practice]."

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

An office must be maintained in the state and annual licensing fees must be paid.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Rule 14-718:

"The burden of proof is on the Applicant to establish by clear and convincing evidence that she or he:

(a)(1) is a member in good standing of a recognized legal profession in a foreign country, the members of which are admitted to practice as attorneys or counselors at law or the equivalent and are subject to effective regulation and discipline by a duly constituted professional body or a public authority; and

(a)(2) has paid the prescribed fee and filed a Complete Application as a Foreign Legal Consultant Applicant;

(a)(3) is of the good moral character and satisfies the requirements of Rule 14-708;

(a)(4) intends to practice as a legal consultant in this state and to maintain an office in this state for that purpose; and

(a)(5) has passed the MPRE.

(b) Proof required. An Applicant shall file with the Bar's Admissions Office:

(b)(1) a certificate from the professional body or public authority in such foreign county having final jurisdiction over professional discipline, certifying as to the Applicant's admission to practice and the date, and as to her or his good standing as such attorney or counselor at law or the equivalent;

(b)(2) a duly authenticated English translation of such certificate, if it is not in English; and

(b)(3) such other evidence as to the Applicant's

## United States (Utah)

educational and professional qualifications, good moral character and general fitness, and compliance with the requirements of this rule as the Bar may require.

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Not known

*Are foreign lawyers allowed to appear in court under any circumstances?*

Utah Supreme Court Rules of Professional Practice, Rule 11-302. Admission Pro Hac Vice.  
[http://www.utcourts.gov/resources/rules/ucja/11\\_gen/11-302.htm](http://www.utcourts.gov/resources/rules/ucja/11_gen/11-302.htm)

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer with a law degree from an English common-law jurisdiction may sit for the bar exam after practicing law for 2 years in a common law jurisdiction and completing 24 semester hours at an ABA-approved law school. See Rule 14-703(b).

*Can a foreign law firm obtain a licence to open an office?*

No

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Not applicable

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)*

Not applicable

*Is there a quota on the number of licences available?*

Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?*

No

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

Not applicable

*Are there rules about the name a foreign law firm can take?*

Not applicable



## United States (Utah)

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL*

Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Not applicable

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Not applicable

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Not applicable

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Not applicable

*Other useful sources or comments or links*

*Verified by* Utah State Bar (February 2014)

# United States (Vermont)

*Is there legislation governing the legal sector*

VERMONT STATUTES, Title 04 - Judiciary, Chapter 23 - ATTORNEYS

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have an LLB or JD, satisfy character and fitness to practice requirements, and have passed the bar exam.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Vermont. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

In re Welch, 185 A.2d 458 (1962)  
In general, one is deemed to be practicing law whenever he furnishes to another advice or service under circumstances which imply the possession and use of legal knowledge and skill. The practice of law includes all advice to clients, and all actions taken for them in matters connected with the law.  
Practice of law includes the giving of legal advice and counsel, and the preparation of legal instruments and contracts of which legal rights are secured.  
Where the rendering of services for another involves the use of legal knowledge or skill on his behalf--where legal advice is required and is availed of or rendered in connection with such services--these services necessarily constitute or include the practice of law.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Vermont code of professional conduct which is modelled on the ABA model code (see: [http://www.law.cornell.edu/ethics/vt/code/VT\\_CODE.HTM](http://www.law.cornell.edu/ethics/vt/code/VT_CODE.HTM))

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the State Supreme Court

## United States (Vermont)

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Vermont may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

There are no foreign or large national or international US firms established in Vermont

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see Professional Conduct rule 5.5 on Unauthorized Practice of Law)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Vermont would need to be fully admitted to the Vermont Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No - there is no FLC licensing regime in Vermont

## United States (Vermont)

<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Not known
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	Not known
<i>Can foreign lawyers requalify as local lawyers?</i>	Foreign law school graduates can be admitted on motion if admitted in another US jurisdiction. Otherwise, if applicant has been admitted to practice before highest court of a foreign country which is a common-law jurisdiction, the Board may allow credit for such study as it deems proper, and the applicant must pursue the study of law in Vermont for at least 2 years immediately preceding examination under the supervision of an attorney who has practiced at least 3 years in Vermont."
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No

## United States (Vermont)

*Are there restrictions on the corporate form a foreign law firm can take?* Not applicable

*Are there rules about the name a foreign law firm can take?* Not applicable

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL* Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* Not applicable

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Not applicable

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Not applicable

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Not applicable

*Other useful sources or comments or links*

*Verified by*

# United States (Virginia)

*Is there legislation governing the legal sector*

ANNOTATED CODE OF VIRGINIA RULES OF THE SUPREME COURT OF VIRGINIA

*Under what title do lawyers practise?*

Attorney at law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have a JD from a law school approved by the American Bar Association, satisfy character and fitness to practice requirements, have passed the bar exam or meet the qualifications for admission on motion, and be an active member of the Virginia State Bar.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This entitles the holder to practise in Virginia. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the authority granted by that state or federal law if the lawyer's practice is limited exclusively to an area of federal law.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Subject to some limited exceptions, only licensed attorneys may give legal advice to, prepare legal instruments for or represent a client before a tribunal. ANNOTATED CODE OF VIRGINIA RULES OF THE SUPREME COURT OF VIRGINIA PART SIX. INTEGRATION OF THE STATE BAR SECTION I. UNAUTHORIZED PRACTICE RULES AND CONSIDERATIONS PRACTICE OF LAW IN THE COMMONWEALTH OF VIRGINIA

Part 6, §1. Practice of Law in the Commonwealth of Virginia.

(A) No non-lawyer shall engage in the practice of law in the Commonwealth of Virginia or in any manner hold himself out as authorized or qualified to practice law in the Commonwealth of Virginia except as may be authorized by rule or statute. (B) Definition of the Practice of Law. The principles underlying a definition of the practice of law have been developed through the years in social needs and have received recognition by the courts. It has been found necessary to protect the relation of attorney and client against abuses. Therefore, it is from the relation of attorney and client that any practice of law must be derived. The relation of attorney and client is direct and personal, and a person, natural or artificial, who undertakes the duties and responsibilities of an attorney is nonetheless practicing law though such person may employ others to whom may be committed the actual performance of such duties. The gravity of the consequences to society resulting from abuses of this relation demands that those assuming to advise or to represent others shall be properly trained and educated and be subject to a peculiar discipline. That fact, and the necessity for protection of society in its affairs and in the ordered proceedings of its tribunals, have developed the principles which serve to define the practice of law.

## United States (Virginia)

Generally, the relation of attorney and client exists, and one is deemed to be practicing law whenever he furnishes to another advice or service under circumstances which imply his possession and use of legal knowledge or skill.

Specifically, the relation of attorney and client exists, and one is deemed to be practicing law whenever

(1) One undertakes for compensation, direct or indirect, to advise another, not his regular employer, in any matter involving the application of legal principles to facts or purposes or desires.(2) One, other than as a regular employee acting for his employer, undertakes, with or without compensation, to prepare for another legal instruments of any character, other than notices or contracts incident to the regular course of conducting a licensed business.(3) One

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undertakes, with or without compensation, to represent the interest of another before any tribunal--judicial, administrative, or executive--otherwise than in the presentation of facts, figures, or factual conclusions, as distinguished from legal conclusions, by an employee regularly and bona fide employed on a salary basis, or by one specially employed as an expert in respect to such facts and figures when such representation by such employee or expert does not involve the examination of witnesses or preparation of pleadings.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership, professional limited liability company or a professional corporation. Fee sharing with non- lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Virginia Rules of Professional Conduct which is modelled on the ABA model code. <http://www.vsb.org/pro-guidelines/index.php>



## United States (Virginia)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code. Law firms that are formed as limited liability entities must register biannually with the Virginia State Bar. Part 6.Sec. IV, Para. 14 of the Rules of the Supreme Court of Virginia. <http://www.vsb.org/pro-guidelines/index.php/bar-govt/ppc-llc-llp/>

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Supreme Court of Virginia through the Board of Bar Examiners.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Virginia may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

The only "foreign" firms present in Virginia are DLA Piper and Hogan Lovells, under the US arms of their Swiss vereins

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are permitted to practise temporarily in Virginia. A "Foreign Lawyer" is defined as "a person authorized to practice law by the duly constituted and authorized governmental body of any State or Territory of the United States or the District of Columbia, or a foreign nation, but is neither licensed by the Supreme Court of Virginia or authorized under its rules to practice law generally in the Commonwealth of Virginia, nor disbarred or suspended from practice in any jurisdiction". The Virginia Rules of Professional Conduct 5.5(d) (2) state that "A Foreign Lawyer shall not, except as authorized by these Rules or other law: (i) establish an office or other

## United States (Virginia)

systematic and continuous presence in Virginia for the practice of law, which may occur even if the Foreign Lawyer is not physically present in Virginia; or (ii) hold out to the public or otherwise represent that the Foreign Lawyer is admitted to practice law in Virginia. (3) A Foreign Lawyer shall inform the client and interested third parties in writing: (i) that the lawyer is not admitted to practice law in Virginia; (ii) the jurisdiction(s) in which the lawyer is licensed to practice; and (iii) the lawyer's office address in the foreign jurisdiction. (4) A Foreign Lawyer may, after informing the client as required in 3(i)-(iii) above, provide legal services on a temporary and occasional basis in Virginia that:

(i) are undertaken in association with a lawyer who is admitted to practice without limitation in Virginia or admitted under Part I of Rule 1A:5 of this Court and who actively participates in the matter;

(ii) are in or reasonably related to a pending or potential proceeding before a tribunal in Virginia or another jurisdiction, if the Foreign Lawyer, or a person the Foreign Lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized; (iii) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in Virginia or another jurisdiction, if the services arise out of or are reasonably related to the Foreign Lawyer's practice in a jurisdiction in which the Foreign Lawyer is admitted to practice and are not services for which the forum requires pro hac vice admission; or (iv) are not within paragraphs (4)(ii) or (4)(iii) and arise out of or are reasonably related to the representation of a client by the Foreign Lawyer in a jurisdiction in which the Foreign Lawyer is admitted to practice or, subject to the foregoing limitations, are governed primarily by international law. (5) A foreign legal consultant practicing under Rule 1A:7 of this Court and a corporate counsel registrant practicing under Part II of Rule 1A:5 of this Court are not authorized to practice under this rule.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual could practise law on a fly in fly out basis in Virginia provided they meet the requirements of the Virginia Bar for temporary practice. In addition, 'service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier

## United States (Virginia)

	where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.
<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	Effective January 1, 2009, Virginia Supreme Court adopted a rule that allows a non-U. S attorney to practice in Virginia as a Foreign Legal Consultant. <a href="http://www.vsb.org/pro-guidelines/index.php/foreign-legal-consultant/">http://www.vsb.org/pro-guidelines/index.php/foreign-legal-consultant/</a>
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	FLCs must be in good standing with their home bar and abide by the State code of conduct
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Not known
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No. Admission pro hac vice is limited to US admitted lawyers. Have a Rule: Virginia Supreme Court. Rule 1A:4. Foreign Attorneys - When Allowed by Comity to Participate in the Trial of a Case. <a href="http://www.vsb.org/pro-guidelines/index.php/pro-hac-vice/">http://www.vsb.org/pro-guidelines/index.php/pro-hac-vice/</a>
<i>Can foreign lawyers requalify as local lawyers?</i>	No. Virginia Supreme Court Rule 1A:1. <a href="http://barexam.virginia.gov/motion/motion.html">http://barexam.virginia.gov/motion/motion.html</a>
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate requirements on law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the</i>	No

## United States (Virginia)

*number of branches a foreign firm can have?*

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?*

No

*Are there restrictions on the corporate form a foreign law firm can take?*

Not applicable

*Are there rules about the name a foreign law firm can take?*

Not applicable

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL*

Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Not applicable

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Not applicable

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Yes

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Yes

*Other useful sources or comments or links*

*Verified by*

Virginia State Bar, Ethics Council (January 2014).

# United States (Washington)

*Is there legislation governing the legal sector*

WASHINGTON COURT RULES PART I. Rules of General Application. General Rules, and, Admission and Practice Rules. (See, [http://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.state&group=ga](http://www.courts.wa.gov/court_rules/?fa=court_rules.state&group=ga))

*Under what title do lawyers practise?*

Lawyer; Attorney; Attorney at Law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must satisfy character and fitness to practice requirements and pass the bar exam. An individual qualifies for the bar exam by:

- (i) having a JD from an ABA approved law school;
- (ii) having a JD from non-ABA approved law school and an LLM "for the practice of law" from an ABA approved law school; or
- (iii) completing the APR 6 Law Clerk Program (apprenticeship)

There is no formal renewal, however, to maintain good standing, a lawyer must, among other things, pay an annual license fee and keep current on mandatory continuing legal education.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in Washington. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

WASHINGTON COURT RULES PART I. RULES OF GENERAL APPLICATION GENERAL RULES, GR 24  
Definition of the Practice of Law

(a) General Definition: The practice of law is the application of legal principles and judgment with regard to the circumstances or objectives of another entity or person(s) which require the knowledge and skill of a person trained in the law. This includes but is not limited to:

- (1) Giving advice or counsel to others as to their legal rights or the legal rights or responsibilities of others for fees or other consideration.
- (2) Selection, drafting, or completion of legal documents or agreements which affect the legal rights of an entity or person(s).
- (3) Representation of another entity or person(s) in a court, or in a formal administrative adjudicative proceeding or other formal dispute resolution process or in an administrative adjudicative proceeding in which legal pleadings are filed or a record is established as the basis for judicial review.
- (4) Negotiation of legal rights or responsibilities on behalf of another entity or person(s).

(b) Exceptions and Exclusions: Whether or not they

## United States (Washington)

constitute the practice of law, the following are permitted:

(1) Practicing law authorized by a limited license to practice pursuant to Admission to Practice Rules 8 (special admission for: a particular purpose or action; indigent representation; educational purposes; emeritus membership; house counsel), 9 (legal interns), 12 (limited practice for closing officers), or 14 (limited practice for foreign law consultants).

(2) Serving as a court house facilitator pursuant to court rule.

(3) Acting as a lay representative authorized by administrative agencies or tribunals.

(4) Serving in a neutral capacity as a mediator, arbitrator, conciliator, or facilitator.

(5) Participation in labor negotiations, arbitrations or conciliations arising under collective bargaining rights or agreements.

(6) Providing assistance to another to complete a form provided by a court for protection under RCW chapters 10.14 (harassment) or 26.50 (domestic violence prevention) when no fee is charged to do so.

(7) Acting as a legislative lobbyist.

(8) Sale of legal forms in any format.

(9) Activities which are pre-empted by Federal law.

(10) Such other activities that the Supreme Court has determined by published opinion do not constitute the unlicensed or unauthorized practice of law or that have been permitted under a regulatory system established by the Supreme Court.

(c) Non-lawyer Assistants: Nothing in this rule shall affect the ability of non-lawyer assistants to act under the supervision of a lawyer in compliance with Rule 5.3 of the Rules of Professional Conduct.

(d) General Information: Nothing in this rule shall affect the ability of a person or entity to provide information of a general nature about the law and legal procedures to members of the public.

(e) Governmental agencies: Nothing in this rule shall affect the ability of a governmental agency to carry out responsibilities provided by law.

(f) Professional Standards: Nothing in this rule shall be taken to define or affect standards for civil liability or professional responsibility.

*Do you need to hold local nationality to be eligible to practise law?*

No.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability)*

A lawyer may practise as a sole practitioner, or as a partner, shareholders of a professional corporation, or member of a professional limited liability company or

# United States (Washington)

*partnership, multi-disciplinary  
partnership, incorporation)*

partnership, or an employee of any of those entities or as in-house counsel (Washington RPC 7.5, Additional Washington Comment 3). Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Washington state Rules of Professional Conduct (RPC), modelled on the ABA model code (see, [http://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.list&group=ga&set=RPC](http://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=ga&set=RPC)); Rules for the Enforcement of Lawyer Conduct (ELC) (see, [http://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.list&group=ga&set=ELC](http://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=ga&set=ELC)); and the Admission and Practice Rules (APR) (see [http://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.list&group=ga&set=APR](http://www.courts.wa.gov/court_rules/?fa=court_rules.list&group=ga&set=APR)).

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court (Washington licenses individuals only, not law firms) but may be subject to other notification requirements depending on the form taken (e.g. limited liability company) and the local State code.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the Washington Supreme Court through the Washington State Bar Association (WSBA), see, <http://www.wsba.org/Licensing-and-Lawyer-Conduct>

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

The USA has scheduled commitments for Washington in modes 1, 2 and 3 for the practice of home country law and international law to the extent it is incorporated in home country law.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

The only "foreign" firm present in Washington State is DLA Piper which is established under the US arm of its Swiss verein. Note: The Washington Supreme Court and the



## United States (Washington)

WSBA do not license law firms or track the status of law firms as to whether they are foreign or U.S. Washington does license foreign law consultants who are permitted to advise only regarding the law of the foreign country in which they are licensed.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to provide fly-in fly-out services, this is only permitted to lawyers from other US states (see RPC 5.5 on Multijurisdictional Practice)

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Washington would need to be fully admitted to the Washington Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

Yes - A foreign lawyer can obtain a licence to become a foreign law consultant (see [http://www.courts.wa.gov/court\\_rules/?fa=court\\_rules.display&group=ga&set=APR&ruleid=gaapr14](http://www.courts.wa.gov/court_rules/?fa=court_rules.display&group=ga&set=APR&ruleid=gaapr14)). The scope of practice permitted to Foreign Law Consultants is: Practice of home country law and international law to the extent that it is incorporated in home-country law. The practice of 3rd-country law and US/State law is not permitted.

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

FLCs must be in good standing with their home bar, abide by the State code of conduct and comply with annual licensing requirements in APR 14.

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Licensure is subject to meeting the requirements of registration, an experience requirement (5 of the 7 years preceding registration must have been spent practising law), providing certification of registration and good standing with home-country bar, and agreeing to be bound by the discipline rules for lawyers and the Rules of Professional Conduct.

## United States (Washington)

<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Yes, see General Rule 24, Definition of the Practice of Law.
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	No.
<i>Can foreign lawyers requalify as local lawyers?</i>	Foreign lawyers must satisfy character and fitness requirements and pass the bar exam. Foreign lawyers from English Common Law jurisdictions qualify for the bar exam if they have active legal experience for at least three of the last five years prior to the application. All foreign lawyers qualify for the bar exam if they earn an "LLM degree for the practice of law" from an ABA approved law school.
<i>Can a foreign law firm obtain a licence to open an office?</i>	There are no separate requirements on law firms. An FLC is permitted to open an office.
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?</i>	No
<i>Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?</i>	No
<i>Are there restrictions on the corporate form a foreign law firm can take?</i>	Not applicable
<i>Are there rules about the name a foreign law firm can take?</i>	Foreign name is permitted

## United States (Washington)

<i>What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL</i>	Not applicable
<i>Are there restrictions on the ownership share of foreign lawyers in a law firm?</i>	No
<i>May a domestic lawyer be employed by a foreign lawyer or law firm?</i>	Yes; but the employing foreign lawyer or law firm may not engage in the practice of law in Washington unless the employing foreign lawyer is also licensed to practice in Washington
<i>Can a domestic lawyer enter into partnership with a foreign lawyer?</i>	Yes; see answer above
<i>Can a domestic lawyer or domestic law firm employ a foreign lawyer?</i>	Yes; see answer above
<i>Other useful sources or comments or links</i>	
<i>Verified by</i>	Washington State Bar Association, Regulatory Services (December 2013)

# United States (West Virginia)

*Is there legislation governing the legal sector*

ANNOTATED CODE OF WEST VIRGINIA, CHAPTER 51. COURTS AND THEIR OFFICERS

*Under what title do lawyers practise?*

Attorney at Law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must be at least 18 years old; have an A.B., B.S., or its equivalent; have an LLB or JD from an approved law school; satisfy character and fitness to practice requirements; have passed the Multistate Professional Responsibility Examination; and either have passed the bar exam or qualified for admission without examination.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only automatically entitles the holder to practise in West Virginia. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

ANNOTATED CODE OF WEST VIRGINIA, CHAPTER 51. COURTS AND THEIR OFFICERS, ARTICLE 1. SUPREME COURT OF APPEALS

WV ST § 51-1-4a

§ 51-1-4a Rules governing practice of law; creation of West Virginia State bar; providing its powers, and fees for administration.

The supreme court of appeals of West Virginia shall, from time to time, prescribe, adopt, promulgate, and amend rules:

(a) Defining the practice of law.

Brammer v. Taylor, 338 S.E.2d 207 (W.Va. 1985)

This Court has promulgated a definition of the practice of law, pursuant to our ""power to promulgate rules ... for all of the courts of the State relating to ... practice ..., "" W.Va. Const. art. VIII, § 3, and pursuant to the express provision of W.Va.Code, 51-1-4a(a) [1945] to promulgate rules defining the practice of law. This definition, [FN7] emphasizing the need for protection of the public from legal advice and representation from and by persons who are ""unqualified and undisciplined, "" is to be read in pari materia with W.Va.Code, 30-2-4 [1931] and W.Va.Code, 30-2-5 [1972], which impose misdemeanor criminal penalties for the unauthorized practice of law by a natural person or by a corporation or association.

FN7. Adopted in 1947 and last amended in 1961, our ""Definition of the Practice of Law"" is as follows (after a preamble reciting the importance of licensing and regulation of persons performing legal services):

"In general, one is deemed to be practicing law whenever he or it furnishes to another advice or service under circumstances which imply the possession of [or] use of

## United States (West Virginia)

legal knowledge and skill. More specifically but without purporting to formulate a precise and completely comprehensive definition of the practice of law or to prescribe limits to the scope of that activity, one is deemed to be practicing law whenever (1) one undertakes, with or without compensation and whether or not in connection with another activity, to advise another in any matter involving the application of legal principles to facts, purposes or desires; (2) one undertakes, with or without compensation and whether or not in connection with another activity, to prepare for another legal instruments of any character; or (3) one undertakes, with or without compensation and whether or not in connection with another activity, to represent the interest of another before any judicial tribunal or officer, or to represent the interest of another before any executive or administrative tribunal, agency or officer otherwise than in the presentation of facts, figures or factual conclusions as distinguished from legal conclusions in respect to such facts and figures".

Vol. 1A, W.Va.Code, at 267-68 (1982 Repl.Vol.).

WV ST § 30-2-4 - Practice without license or oath; penalty; qualification after institution of suits.

It shall be unlawful for any natural person to practice or appear as an attorney-at-law for another in a court of record in this state, or to make it a business to solicit employment for an attorney, or to furnish an attorney or counsel to render legal services, or to hold himself out to the public as being entitled to practice law, or in any other manner to assume, use, or advertise the title of lawyer, or attorney and counsellor-at-law, or counsellor, or attorney and counsellor, or equivalent terms in any language, in such manner as to convey the impression that he is a legal practitioner of law, or in any manner to advertise that he, either alone or together with other persons, has, owns, conducts or maintains a law office, without first having been duly and regularly licensed and admitted to practice law in a court of record of this state, and without having subscribed and taken the oath required by the next preceding section [§30-2-3]. Any person violating the provisions of this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one thousand dollars; but this penalty shall not be incurred by any attorney who institutes suits in the circuit courts after obtaining a license, if he shall qualify at the first term thereafter of a circuit court of any county of the circuit in which he resides.

WV ST § 30-2-5 - Practice by corporations or voluntary associations; penalties; limitations of section.

Except as provided by section five-a [§ 30-2-5a] of this

## United States (West Virginia)

article, it shall be unlawful for any corporation or voluntary association to practice or appear as an attorney-at-law for any person in any court of this state or before any judicial body, or to hold itself out to the public as being entitled to practice law, or to render or furnish legal services or advice, or to furnish an attorney or counsel to render legal services of any kind in actions or proceedings of any nature, or in any other manner to assume to be entitled to practice law, or assume, use or advertise the title of lawyer in such manner as to convey the impression that it is entitled to practice law or to furnish legal advice, services or counsel, or to advertise that, either alone or together with or by or through any person, whether a duly and regularly admitted attorney-at-law or not, it has, owns, conducts or maintains a law office for the practice of law, or for furnishing legal advice, services or counsel. It shall be unlawful further for any corporation or voluntary association to solicit, itself or by or through its officers, agents or employees, any claim or demand for the purpose of bringing an action thereon, or of settling the estate of any insolvent debtor, or of representing as attorney-at-law, or of furnishing legal advice, services or counsel to, a person sued or about to be sued in any action or proceeding, or against whom an action or proceeding has been or is about to be brought, or who may be affected by any action or proceeding which has or may be instituted in any court or before any judicial body, or for the purpose of so representing any person in the pursuit of any civil or criminal remedy. Any corporation or voluntary association violating the provisions of this section, or any officer, trustee, director, agent or employee of such corporation or voluntary association who directly or indirectly engages in any of the acts herein prohibited, or assists such corporation or voluntary association to do such prohibited acts, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than one thousand dollars. The fact that any such officer, trustee, director, agent or employee shall be a duly and regularly admitted attorney-at-law shall not be held to permit or allow any such corporation or voluntary association to do the acts prohibited herein, nor shall such fact be a defense upon the trial of any of the persons mentioned herein for a violation of the provisions of this section. This section shall not apply to a partnership composed of licensed attorneys, or to a corporation or voluntary association lawfully engaged in examining and insuring the titles to real property, nor shall it prohibit a corporation or voluntary association from employing an attorney or attorneys in and about its own immediate affairs or in any

## United States (West Virginia)

litigation to which it is or may be a party, nor shall it apply to organizations organized for benevolent or charitable purposes, or for the purpose of assisting persons without means in the pursuit of any civil remedy.

*Do you need to hold local nationality to be eligible to practise law?*

No. There is no requirement of U.S. citizenship for licensure in West Virginia, but additional requirements apply to those who receive their legal education in a foreign country.

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general partnership or as a member of a law firm that is organized as a limited liability company or registered limited liability partnership (collectively, "limited liability organizations") solely to render professional legal services under the laws of West Virginia, including, but not limited to, the Uniform Limited Liability Act, W. Va. Code §§ 31B-1-101, et seq., and the Uniform Partnership Act, W. Va. Code §§ 47B-1-1, et seq., and may practice in or as such a limited liability organization, provided that such lawyer is otherwise licensed to practice in West Virginia and such law firm is registered pursuant to rules promulgated by The West Virginia State Bar. A law firm organized as a limited liability organization under the laws of any other state or jurisdiction of the United States solely for the purpose of rendering professional legal services and authorized to do business in West Virginia and which has at least one lawyer licensed to practice law in West Virginia may register in West Virginia as a limited liability organization under this rule by registering pursuant to rules promulgated by The West Virginia State Bar. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The West Virginia code of professional conduct which is modelled on the ABA model code (see: <http://www.wvdc.org/rope.htm>)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Not from the Court but depending on its form, will need to comply with obligations under the Uniform Limited Liability Act, W. Va. Code §§ 31B-1-101, et seq., and the Uniform Partnership Act, W. Va. Code §§ 47B-1-1.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences to practise law are issued by the State Supreme Court



## United States (West Virginia)

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in West Virginia may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

There are a couple of US national firms established in West Virginia

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Temporary practice by both foreign lawyers and lawyers from other US states is not permitted under West Virginia rule 5.5.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Foreign lawyers would not be able to obtain visas to practise law in West Virginia. It is possible that they may qualify under the USA's WTO commitments as "service salespersons" if they are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No - there is no FLC licensing regime in West Virginia

*Are there any conditions that must be fulfilled once a foreign lawyer has*

Not applicable

## United States (West Virginia)

*been granted a limited licence (e.g. residency requirement)*

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Not applicable

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Not known

*Are foreign lawyers allowed to appear in court under any circumstances?*

West Virginia Rules for Admission to the Practice of Law, Rule 8.0. Admission pro hac vice.

<http://www.state.wv.us/wvsca/rules/rule8.htm>

(a) General rule. Whenever it shall appear that a person, who has not been lawfully licensed and admitted to the practice of the law in the State of West Virginia, has been duly licensed to be admitted to practice before a court of record of general jurisdiction in any other state or country or in the District of Columbia, and is in good standing as a member of the bar of such jurisdiction, he or she may appear in a particular action, suit, proceeding or other matter in any court of this State or before any judge, tribunal or body of this State upon full compliance with the requirements of this rule, if like courtesy or privilege is extended to members of the West Virginia State Bar in such other jurisdiction.

NB. Reciprocity and involvement of local counsel are required.

*Can foreign lawyers requalify as local lawyers?*

Rule 3.0(b)(4), West Virginia Supreme Court of Appeals Rules for Admission to the Practice of Law in West Virginia  
<http://www.state.wv.us/wvsca/Bd%20of%20Law/lawprac.htm>

Applicant may sit for examination if a law school graduate from a foreign country where the common law of England forms basis of jurisprudence, if educational requirements for admission in said country are substantially the same as in West Virginia and applicant is admitted in good standing there, and if applicant successfully completes 30 credit hours of basic courses at an ABA-approved law school.

*Can a foreign law firm obtain a licence to open an office?*

No

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Not applicable

## United States (West Virginia)

*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)* Not applicable

*Is there a quota on the number of licences available?* Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?* No

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?* No

*Are there restrictions on the corporate form a foreign law firm can take?* Not applicable

*Are there rules about the name a foreign law firm can take?* Not applicable

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL* Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* Not applicable

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Not applicable

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Not applicable

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Not applicable

*Other useful sources or comments or links*

*Verified by* West Virginia Board of Law Examiners (February 2014)

## United States (Wisconsin)

*Is there legislation governing the legal sector*

WISCONSIN STATUTES, Chapter 751. Supreme court, 751.12 Rules of pleading and practice.

*Under what title do lawyers practise?*

Attorney at Law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

An individual must have an LLB or JD, satisfy character and fitness to practice requirements, and have passed the bar exam. Admission requirements are found in Wisconsin Supreme Court Rules, Chapter 40.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

This only entitles the holder to practise in Wisconsin. The right to practise on a temporary basis in another state or to appear pro hac vice in another state depends on the explicit permission of that state.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Wisconsin Supreme Court Rules, Chapter 23, define the practice of law and activities reserved to those licenses in Wisconsin.

WISCONSIN STATUTES ANNOTATED COURTS  
CHAPTER 757. GENERAL PROVISIONS CONCERNING  
COURTS OF RECORD, JUDGES, ATTORNEYS AND  
CLERKS

WI ST 757.30 Penalty for practicing without license  
(2) Every person who appears as agent, representative or attorney, for or on behalf of any other person, or any firm, partnership, association or corporation in any action or proceeding in or before any court of record, court commissioner, or judicial tribunal of the United States, or of any state, or who otherwise, in or out of court, for compensation or pecuniary reward gives professional legal advice not incidental to his or her usual or ordinary business, or renders any legal service for any other person, or any firm, partnership, association or corporation, shall be deemed to be practicing law within the meaning of this section.

*Do you need to hold local nationality to be eligible to practise law?*

No

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, in a general or limited liability partnership. Fee sharing with non-lawyers is prohibited.

*What other ethical or regulatory requirements must a licensed lawyer comply with?*

The Wisconsin code of professional conduct which is modelled on the ABA model code (see: <http://legis.wisconsin.gov/rsb/scr/5200.pdf>; or [http://www.wicourts.gov/supreme/sc\\_rules](http://www.wicourts.gov/supreme/sc_rules))

## United States (Wisconsin)

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

Under SCR 20.5.5 of the Professional Code of Conduct: "A lawyer or law firm that is organized as a limited liability organization shall file an annual registration with the state bar of Wisconsin in a form and with a filing fee that shall be determined by the state bar. The annual registration shall be signed by a lawyer who is licensed to practice law in this state and who holds an ownership interest in the organization seeking to register under this rule."

*Which authority issues licences? Are there different authorities for individuals and firms?*

Licences are issued by the State Supreme Court (<http://www.wicourts.gov/services/public/lawyerreg/file.htm>)

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in West Virginia may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program.

*Are there any 'foreign law' firms present in this jurisdiction?*

No but there are around 7 firms which have a presence in other US States and one (Foley and Lardner) with an international presence.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Wisconsin Supreme Court Rules, Rule 20:5.5 generally restricts practice, but provides authorization in limited circumstances. See also Wisconsin Supreme Court Rule 10.03(4)(f).

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Foreign lawyers would not be able to obtain visas to practise law in Wisconsin. It is possible that they may qualify under the USA's WTO commitments as "service salespersons" if they are "persons not based in the territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for

## United States (Wisconsin)

the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service". Entry for persons named in this section is limited to a ninety-day period.

<i>Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?</i>	No - there is no FLC licensing regime in Wisconsin
<i>Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)</i>	Not applicable
<i>Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)</i>	Not applicable
<i>Are foreign lawyers permitted to undertake arbitration and mediation?</i>	Not known
<i>Are foreign lawyers allowed to appear in court under any circumstances?</i>	SCR 10.03(4)(a)-(e). On July 30, 2008, the Court entered an order amending the pro hac vice rule. Amended rule similar to ABA Model Rule. \$50 fee required. Administrative proceedings would be covered. No language on limitation of appearances
<i>Can foreign lawyers requalify as local lawyers?</i>	SCR 40.05 Legal competence requirement; proof of practice elsewhere. Admission requires proof of admission to practice in a U.S. jurisdiction, and proof of substantial practice in a U.S. jurisdiction for 3 of the last 5 years.
<i>Can a foreign law firm obtain a licence to open an office?</i>	No
<i>Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)</i>	Not applicable
<i>Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)</i>	Not applicable
<i>Is there a quota on the number of licences available?</i>	Not applicable
<i>Are there geographical restrictions on foreign firm licences or on the</i>	Not Applicable

## United States (Wisconsin)

*number of branches a foreign firm can have?*

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?*

Not Applicable

*Are there restrictions on the corporate form a foreign law firm can take?*

Not applicable

*Are there rules about the name a foreign law firm can take?*

Not applicable

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL*

Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?*

Not applicable

*May a domestic lawyer be employed by a foreign lawyer or law firm?*

Not applicable

*Can a domestic lawyer enter into partnership with a foreign lawyer?*

Not applicable

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?*

Not applicable

*Other useful sources or comments or links*

*Verified by*

Office of Lawyer Regulation, Wisconsin Supreme Court  
(December 2013)



# United States (Wyoming)

*Is there legislation governing the legal sector*

Wyoming Statute, Title 33 - Professions And Occupations, Chapter 5 - Attorneys-at-law

*Under what title do lawyers practise?*

Lawyer, Attorney, Attorney at Law

*How does an individual lawyer obtain a "licence" to practise law? How often must this be renewed?*

Only active members of the Wyoming State Bar are authorized to practice law in the state. Admission to the bar is gained by compliance with Wyoming Supreme Court's rules for admission to the practice of law (see [http://www.courts.state.wy.us/CourtRules\\_Entities.aspx?RulesPage=PracticeOfLawAdmission.xml](http://www.courts.state.wy.us/CourtRules_Entities.aspx?RulesPage=PracticeOfLawAdmission.xml)). Once admitted by the Wyoming Supreme Court, lawyers must pay an annual license fee and comply with Continuing Legal Education requirements in order to maintain their licenses.

*Does this entitle the holder to practise throughout the country? If the law license only permits one to practice on a sub-national level, please explain the jurisdictional limits*

No.

*Are there certain activities that are "reserved" to those who are licensed to practise law in the jurisdiction?*

Rules of the Supreme Court of Wyoming Providing for the Organization and Government of the Bar Association and Attorneys at Law of the State of Wyoming (see [http://www.courts.state.wy.us/CourtRules\\_Entities.aspx?RulesPage=OrganizationAndGovernmentOfWyoBarAssociation.xml](http://www.courts.state.wy.us/CourtRules_Entities.aspx?RulesPage=OrganizationAndGovernmentOfWyoBarAssociation.xml)):

Rule 11 defines the practice of law as "providing any legal service for any other person, firm or corporation, with or without compensation, or providing professional legal advice or services where there is a client relationship of trust or reliance, including appearing as an advocate in a representative capacity; drafting pleadings or other documents; or performing any act in such capacity in connection with a prospective or pending proceeding before any court." Only active members of the Wyoming State Bar may practice law in this state.

Rule 11.1 prohibits the unauthorized practice of law by non-lawyers and provides limited exceptions to that prohibition.

*Do you need to hold local nationality to be eligible to practise law?*

Wyoming Statute § 33-5-105 states, "No one shall be admitted to the bar of this state who shall not be an adult citizen of the United States and a person of good moral character."

*What legal forms can lawyers work in? (e.g. self-employment, partnership, limited liability partnership, multi-disciplinary partnership, incorporation)*

A lawyer may practise as a sole practitioner, general partnership, limited liability company or professional corporation. Business association including fee sharing with non-lawyers is not permitted.

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*What other ethical or regulatory requirements must a licensed lawyer comply with?*

In addition to paying annual license fees and fulfilling annual requirements for Continuing Legal Education, Wyoming lawyers must comply with the Wyoming Rules of Professional Conduct, which are similar but not identical to the ABA model rules (see [http://courts.state.wy.us/CourtRules\\_Entities.aspx?RulesPage=AttorneysConduct.xml](http://courts.state.wy.us/CourtRules_Entities.aspx?RulesPage=AttorneysConduct.xml))

*Do law firms need to receive a "license" (or permission/approval) to practice law?*

No, but the individual lawyers in the firm must be active members of the Wyoming State Bar.

*Which authority issues licences? Are there different authorities for individuals and firms?*

Membership in the Wyoming State Bar can only be granted by order of the Wyoming Supreme Court.

*Is the jurisdiction a member of the WTO?*

The US joined the WTO on 1 January 1995

*Has it made any WTO commitments on legal services?*

Under the WTO commitments of the USA, an individual practising 'as or through' a lawyer qualified in Wyoming may provide legal services in modes 1-3.

*Is the jurisdiction party to bilateral agreements which offer special treatment to businesses or individuals from particular countries?*

The US has bilateral agreements with: the Dominican Republic - Central America (CAFTA), Korea, North American Free Trade Agreement (NAFTA), Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Panama, Peru and Singapore. It is currently negotiating new agreements with the EU (TTIP) and the Trans-Pacific Partnership.

*Do these currently include legal services or are there plans to include them in future?*

The NAFTA agreement calls for future negotiations on MRAs amongst the legal professions and lawyers are included in the professional visa programme.

*Are foreign lawyers from different jurisdictions treated differently as a result of any such agreements?*

NAFTA lawyers have access to the professional visa program

*Are there any 'foreign law' firms present in this jurisdiction?*

No.

*Are there any explicit rules or restrictions other than visas on fly in fly out practice of law? I.e. Do you need to obtain a licence for temporary practice?*

Foreign lawyers are not permitted to engage in the active, authorized practice of law in Wyoming.

*Can a foreign lawyer obtain a visa to visit clients or to market, even if they are not permitted to practise law?*

Under the WTO commitments of the USA, an individual wishing to practise law on a fly in fly out basis in Wyoming would need to be fully admitted to the Wyoming Bar or to the Bar of another US State. 'Service salespersons' are permitted to enter the USA for periods of up to 90 days. "Service salespersons" are "persons not based in the

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territory of the United States and receiving no remuneration from a source located within the United States, who are engaged in activities related to representing a services supplier for the purpose of negotiating for the sale of the services of that supplier where: a) such sales are not directly made to the general public and b) the salesperson is not engaged in supplying the service" Entry for persons named in this section is limited to a ninety-day period.

*Can a foreign lawyer obtain a licence to establish and practise as a foreign legal consultant and what is the scope of this limited licence?*

No - there is no FLC licensing regime in Wyoming

*Are there any conditions that must be fulfilled once a foreign lawyer has been granted a limited licence (e.g. residency requirement)*

Not applicable

*Are there any conditions that must be fulfilled for a foreign lawyer to qualify for a limited licence? (e.g. prior practice)*

Not applicable

*Are foreign lawyers permitted to undertake arbitration and mediation?*

Not known

*Are foreign lawyers allowed to appear in court under any circumstances?*

An out of state lawyer may qualify for limited admission in a particular litigation matter if he is a member of the bar of another state, district or territory of the United States and complies with the requirements of Rule 11(c) of the Rules of the Supreme Court of Wyoming Providing for the Organization and Government of the Bar Association and Attorneys at Law of the State of Wyoming (see [http://www.courts.state.wy.us/CourtRules\\_Entities.aspx?RulesPage=OrganizationAndGovernmentOfWyoBarAssociation.xml](http://www.courts.state.wy.us/CourtRules_Entities.aspx?RulesPage=OrganizationAndGovernmentOfWyoBarAssociation.xml)).

*Can foreign lawyers requalify as local lawyers?*

A foreign lawyer cannot qualify for admission to the Wyoming State Bar unless he is a U.S. citizen (see [http://www.courts.state.wy.us/CourtRules\\_Entities.aspx?RulesPage=PracticeOfLawAdmission.xml](http://www.courts.state.wy.us/CourtRules_Entities.aspx?RulesPage=PracticeOfLawAdmission.xml)).

*Can a foreign law firm obtain a licence to open an office?*

No

*Even if a foreign law firm does not require a legal licence must they register in some form in order to set up an office? (E.g. with a ministry of company affairs etc.)*

Not applicable

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*Are there different types of foreign law firm 'licence' (e.g. Joint Law Venture, stand alone foreign licence etc.?)* Not applicable

*Is there a quota on the number of licences available?* Not applicable

*Are there geographical restrictions on foreign firm licences or on the number of branches a foreign firm can have?* No

*Are there "scope of practice" rules that apply directly to foreign law firms (as opposed to lawyers themselves)? (E.g. home, host, international law), if so, what are they?* No

*Are there restrictions on the corporate form a foreign law firm can take?* Not applicable

*Are there rules about the name a foreign law firm can take?* Not applicable

*What entity grants a 'license' to foreign law firms? If that entity is on the Internet, please provide the URL* Not applicable

*Are there restrictions on the ownership share of foreign lawyers in a law firm?* Not applicable

*May a domestic lawyer be employed by a foreign lawyer or law firm?* Not applicable

*Can a domestic lawyer enter into partnership with a foreign lawyer?* Not applicable

*Can a domestic lawyer or domestic law firm employ a foreign lawyer?* Not applicable

*Other useful sources or comments or links*

*Verified by* Wyoming Office of Bar Counsel (December 2013)