

## FOREIGN LAWYER IN-HOUSE COUNSEL PRACTICE AND PRO BONO

Multijurisdictional practice rules present an obstacle not only for in-house attorneys licensed out-of-state, but also for foreign attorneys authorized to practice in another country who seek to work in-house in the United States. In today’s global economy, foreign attorneys may have unique opportunities to move between corporate offices within their company. These non-U.S. attorneys should be aware of the rules that affect their ability to practice for their employer and to provide pro bono legal services.

As of September 2018, twenty-six (26) United States jurisdictions permit foreign lawyers to work in state for their employer without becoming fully licensed to practice law in that jurisdiction. Of these, nineteen (19) jurisdictions require foreign lawyers to register with the state bar association in order to work in-house, while seven (7) jurisdictions permit foreign lawyers to practice in-house pursuant to an authorization exception in the rules of professional conduct.

There are few exemptions permitting pro bono practice by foreign in-house lawyers. Only five (5) states have rules that permit foreign lawyers to provide pro bono legal services. Under these rules, foreign lawyers, permitted to work for their employer, may also provide pro bono legal services. The chart below summarizes the foreign lawyer registration requirements and indicates which states permit foreign lawyers to provide pro bono services.

### Summary of Multijurisdictional Practice and Pro Bono Rules for Non-U.S. Lawyers<sup>1</sup>

State	Foreign In-House Registration/Certification Requirement	Rule on Foreign In-House Registration/Certification	Rule on Foreign In-House Registered Counsel Pro Bono Practice
Alabama	No	No rule	N/A
Alaska	No*	A lawyer from a foreign jurisdiction may provide legal services to the lawyer’s employer or its organizational affiliates. <a href="#">Alaska R. Prof. Conduct 5.5(d)(1)</a>	No
Arizona	Yes	A lawyer employed as in-house counsel who is admitted to practice in a foreign jurisdiction may apply for an Arizona Registration Certificate of In-House Counsel. <a href="#">Ariz. Sup. Ct. R. 38(a)(2)</a>	No
Arkansas	No	No rule	N/A
California	No	No rule	N/A
Colorado	No	No rule	N/A

<sup>1</sup> Jurisdictions generally require that the attorney must be qualified and in good standing; therefore, we have not repeated this requirement for each. Some rules include additional restrictions. See the text of the actual rules for complete information. Some rules include additional restrictions. See the text of the actual rules for complete information.

\* These states allow foreign lawyers to practice as in-house counsel for their employer without registering, pursuant to an authorization exception in the rule of professional conduct governing the practice of law.

State	Foreign In-House Registration/Certification Requirement	Rule on Foreign In-House Registration/Certification	Rule on Foreign In-House Registered Counsel Pro Bono Practice
Connecticut	Yes	A lawyer admitted in a foreign jurisdiction may provide legal services that are provided to the lawyer's employer or its organizational affiliates if the lawyer is registered with the bar as an authorized house counsel. <a href="#">Conn. Prac. Book § 2-15A</a>	Registered in-house counsel may provide pro bono legal services offered under the auspices of organized legal aid societies or state/local bar association projects, or under the supervision of a member of the Connecticut Bar. <a href="#">Conn. Prac. Book § 2-15A(c)(5)</a>
Delaware	Yes	Lawyers admitted to practice in a jurisdiction outside of the United States may apply individually to the Supreme Court for a Delaware Certificate of Limited Practice, which will allow the lawyer to practice law as in-house counsel. <a href="#">Del. Sup. Ct. R. 55.1(a)(1)</a>	Registered in-house counsel may provide pro bono legal services in Delaware offered under the auspices of organized legal aid societies, or state/local bar association projects, or provided under the supervision of a member of the Delaware Bar. <a href="#">Del. Sup. Ct. R. 55.1(g)</a>
District of Columbia	No*	Providing legal advice only to one's regular employer, where the employer does not reasonably expect that it is receiving advice from a person authorized to practice law in the District of Columbia, is an exception to the unauthorized practice of law. <a href="#">D.C. App. R. 49(c)(6)</a>	No
Florida	Yes	A lawyer authorized to practice law in a foreign jurisdiction who is exclusively employed by a business organization located in Florida, resides in Florida, and has been certified as an authorized house counsel by the Florida Supreme Court may provide legal services in Florida to the business organization. <a href="#">Fla. B. Reg. R. 17-1.2(a)</a>	No
Georgia	No*	A foreign lawyer in lawful immigration status in the United States may provide legal services in Georgia to the lawyer's employer or its organizational affiliates. <a href="#">Ga. R. Prof. Conduct 5.5(f)</a>	No
Hawaii	No	No rule	N/A
Idaho	No	No rule	N/A
Illinois	Yes	A person authorized to practice law in a foreign jurisdiction may receive a limited license to practice law in Illinois when the lawyer is employed in Illinois as house counsel exclusively for a single corporation, partnership, association or other legal entity. <a href="#">Ill. Sup. Ct. R. 716</a>	No

State	Foreign In-House Registration/Certification Requirement	Rule on Foreign In-House Registration/Certification	Rule on Foreign In-House Registered Counsel Pro Bono Practice
Indiana	Yes	A person admitted to practice law in a foreign country who establishes an office or other systematic and continuous presence in Indiana in order to accept or continue employment by a person or entity engaged in business in Indiana other than the practice of law may be granted a business counsel license to practice law in Indiana so long as granting the license is in the public interest. <a href="#">Ind. R. Admission B. &amp; Discipline Att’y 6 § 2(a)(ii)</a>	No
Iowa	Yes	A foreign lawyer who has a continuous presence in Iowa and is employed as a lawyer by an organization as permitted pursuant to <a href="#">Rule 32:5.5(d)(1)</a> of the Iowa Rules of Professional Conduct, the business of which is lawful and consists of activities other than the practice of law or the provision of legal services, must register as house counsel. <a href="#">Iowa Ct. R. 31.16(1)</a>	No
Kansas	Yes	A lawyer admitted in a foreign jurisdiction may provide legal services through an office or other systematic and continuous presence in Kansas to the lawyer’s employer, if the lawyer otherwise complies with <a href="#">Kansas Supreme Court Rule 712</a> . <a href="#">Kan. R. Prof. Conduct 5.5(d)(1)</a>	No
Kentucky	No	No rule	N/A
Louisiana	No	No rule	N/A
Maine	No	No rule	N/A
Maryland	No	No rule	N/A
Massachusetts	Yes	An attorney admitted in a foreign jurisdiction who wishes to practice law as in-house counsel in Massachusetts shall file an appropriate annual registration statement that he or she will limit legal practice in Massachusetts to engaging in the practice of law as in-house counsel, and identify the organization on whose behalf the legal services are provided. <a href="#">Mass. Sup. Ct. R. 4.02(9)(a)</a>	No
Michigan	No	No rule	N/A

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Minnesota	Yes	An attorney admitted in a foreign country may apply for, and, at the discretion of the Board, may obtain a license to render services as a foreign legal consultant in Minnesota and if employed as house counsel, must file an affidavit from an officer, director, or general counsel of the applicant's employer attesting to the fact that the applicant is employed as house counsel solely for that employer. <a href="#">Minn. R. Admission B. 11(A)-(D)</a>	No
Mississippi	No	No rule	N/A
Missouri	Yes	A foreign lawyer may receive a limited license to practice law if the lawyer is employed in Missouri exclusively for a corporation, its subsidiaries or affiliates; an association; a business; or a governmental entity and the employer's lawful business consists of activities other than the practice of law or the provision of legal services. <a href="#">Mo. Sup. Ct. R. 8.105(a)(2)(B)</a>	Limited licensed in-house counsel, in addition to working for their employer, may engage in pro bono work with an organization approved for this purpose by the Missouri Bar, including four regional not-for-profit Legal Services programs. <a href="#">Mo. Sup. Ct. R. 8.105(c)</a>
Montana	No*	A foreign lawyer may provide legal services in Montana to the lawyers' employer or its organizational affiliates. <a href="#">Mt. R. Prof. Conduct 5.5(b)</a>	No
Nebraska	No	No rule	N/A
Nevada	No	No rule	N/A
New Hampshire	No*	A foreign lawyer may provide legal services through an office or other systematic and continuous presence in New Hampshire that are provided to the lawyer's employer or its organizational affiliates. <a href="#">N.H. R. Prof. Conduct 5.5(d)(1)</a>	No
New Jersey	Yes	A foreign lawyer employed in New Jersey for a corporation, a partnership, association, or other legal entity authorized to transact business in New Jersey that is not itself engaged in the practice of law or the rendering of legal services outside the organization, and does not charge or collect a fee for the representation or advice other than to entities comprising such organization, may register as a Foreign In-House Counsel. <a href="#">N.J. Ct. R. 1:27-2A</a>	No
New Mexico	No	No rule	N/A

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New York	Yes	In its discretion, the Appellate Division may register as in-house counsel a foreign lawyer who possesses the good moral character and general fitness requisite for a member of the bar of New York, if the foreign lawyer is admitted in a jurisdiction which would similarly permit an attorney admitted to practice in New York to register as in-house counsel. <a href="#">N.Y. R. Ct. App. § 522.1(a)-(b)</a>	A foreign attorney registered pursuant to section 522.1(b) of this Part shall only provide such pro bono legal services under the direct supervision of a duly registered New York lawyer. <a href="#">N.Y. R. Ct. App. § 522.8(a)</a>
North Carolina	No*	A foreign lawyer may establish an office or other systematic and continuous presence in North Carolina for the practice of law if the lawyer's conduct is in accordance with the Rules of Professional Conduct and the lawyer provides legal services to the lawyer's employer or its organizational affiliates. <a href="#">N.C. R. Prof. Conduct 5.5(d)(1)</a>	No
North Dakota	Yes	A lawyer admitted to practice in a foreign jurisdiction who establishes an office or whose presence is other than temporary in this jurisdiction does not engage in the unauthorized practice of law in this jurisdiction when the lawyer is an employee of a client. <a href="#">N.D. R. Prof. Conduct 5.5(c)(1)</a> . A nonresident lawyer must register under <a href="#">N.D. Sup. Ct. R. 3(D)</a> if the lawyer is employed in North Dakota as in-house counsel exclusively for a corporation or its subsidiaries or affiliates.	No
Ohio	No	No rule	N/A
Oklahoma	No	No rule	N/A
Oregon	Yes	An attorney employed by a business entity authorized to do business in Oregon, who has been admitted to practice law in any foreign jurisdiction, may be admitted to practice law as house counsel in Oregon. <a href="#">Or. Sup. Ct. R. Admission Att'y § 16.05</a>	No
Pennsylvania	No	No rule	N/A
Rhode Island	No	No rule	N/A
South Carolina	No	No rule	N/A
South Dakota	No	No rule	N/A
Tennessee	No	No rule	N/A

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Texas	Yes	In its discretion, the Supreme Court may certify as a Foreign Legal Consultant an applicant who has been actively and substantially engaged in the lawful practice of law in a foreign country and intends to practice only as an in-house counsel on behalf of an individual, corporation, limited liability company, partnership, association, nonprofit entity, or governmental agency whose primary business is not the provision of legal services to the public. <a href="#">R. Gov. Admission Bar of Tex. 14 § 1(b)</a>	No
Utah	No	No rule	N/A
Vermont	No	No rule	N/A
Virginia	Yes	A foreign lawyer who is employed by an employer in Virginia may register under Part II as a Corporate Counsel Registrant to practice law as in-house counsel. <a href="#">Va. Sup. Ct. R. 1A:5 Part II(a)</a>	No
Washington	Yes	A foreign lawyer may apply for a limited license to practice law as in-house counsel in Washington when the lawyer is employed in Washington as a lawyer exclusively for a profit or not-for-profit corporation, whose lawful business consists of activities other than the practice of law. <a href="#">Wash. Admission and Prac. R. 8</a>	No
West Virginia	No*	A foreign lawyer may provide legal services through an office or other systematic and continuous presence in this jurisdiction that are provided to the lawyer's employer or its organizational affiliates. <a href="#">W. Va. R. Prof. Conduct 5.5(d)(1)</a>	No

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Wisconsin	Yes	A foreign lawyer who is employed as a lawyer in Wisconsin on a continuing basis and employed exclusively by a corporation, association, or other nongovernmental entity, the business of which is lawful and consists of activities other than the practice of law or the provision of legal services, shall register as in-house counsel within 60 days after the commencement of employment as a lawyer. <a href="#">Wisc. Sup. Ct. R. 10.03(4)(f)</a>	Registered in-house counsel may provide pro bono legal services to persons of limited means or charitable, religious, civic, community, governmental and educational organizations in matters that are designed primarily to address the needs of persons of limited means; and to such organizations or to civil rights, civil liberties or public rights organizations, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate. <a href="#">Wisc. Sup. Ct. R. 10.03(4)(f)</a>
Wyoming	No	No rule	N/A

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