## PROPOSED AMENDMENTS TO RULE 5.5 OF THE RULES OF PROFESSIONAL CONDUCT

## RULE 5.5 UNAUTHORIZED PRACTICE OF LAW; MULTIJURISDICTIONAL

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- 3 (a) A lawyer shall not practice law in a jurisdiction in violation of the regulation of the legal
- 4 profession in that jurisdiction, or assist another in doing so.
- 5 (b) A lawyer who is not admitted to practice in this jurisdiction shall not:
- 6 (1) except as authorized by these Rules or other law, establish an office or other systematic and
- 7 | continuous presence in this jurisdiction for the practice of law; or
- 8 (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in
- 9 this jurisdiction.
- 10 (c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended
- 11 from practice in any jurisdiction, may provide legal services on a temporary basis in this
- 12 jurisdiction that:
- 13 (1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction
- 14 and who actively participates in the matter;
- 15 (2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or
- 16 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;
- 18 (3) are in or reasonably related to a pending or potential arbitration, mediation, or other
- 19 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
- 21 admitted to practice and are not services for which the forum requires pro hac vice admission;
- 22 or
- 23 (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.
- 25 (d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended
- 26 | from practice in any jurisdiction, may provide legal services in this jurisdiction that:

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(1) are provided to the lawyer's employer or its organizational affiliates and are (i) provided on a
temporary basis and (ii) 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.
(e) A lawyer authorized to provide legal services under paragraph (d)(1) of this Rule may
provide legal services in this jurisdiction for no fee through a qualified legal services provider
as that term is defined in APR 8(e)(2). If such services involve representation before a court of
tribunal, the lawyer shall seek admission under APR 8(b) and any fees for such admission shall
be waived. The prohibition against compensation in this paragraph shall not prevent a qualified
legal services provider from reimbursing a lawyer authorized to practice under paragraph (d)(1)
for actual expenses incurred while rendering legal services under this pro bono exception. Ir
addition, a qualified legal services provider shall be entitled to receive all court awarded
attorney's fees for pro bono representation rendered by the lawyer.
Comment
Comment [1] through [14].
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[1] through [14]. [no change]
<ul><li>[1] through [14].</li><li>[no change]</li><li>[15] [Washington revision] Paragraph (d) identifies two one circumstances in which a lawyer</li></ul>
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[1] through [14].  [no change]  [15] [Washington revision] Paragraph (d) identifies two one circumstances in which a lawyer who is admitted to practice in another United States jurisdiction, and is not disbarred or suspended from practice in any jurisdiction, may establish an office or other systematic and
[1] through [14].  [no change]  [15] [Washington revision] Paragraph (d) identifies two one circumstances in which a lawyer who is admitted to practice in another United States jurisdiction, and is not disbarred or suspended from practice in any jurisdiction, may establish an office or other systematic and continuous presence in this jurisdiction for the practice of law as well as provide legal services.
[1] through [14].  [no change]  [15] [Washington revision] Paragraph (d) identifies two one circumstances in which a lawyer who is admitted to practice in another United States jurisdiction, and is not disbarred or suspended from practice in any jurisdiction, may establish an office or other systematic and continuous presence in this jurisdiction for the practice of law as well as provide legal services on a temporary basis. Except as provided in paragraphs (d)(1) and (d)(2), a lawyer who is
[1] through [14].  [no change]  [15] [Washington revision] Paragraph (d) identifies two one circumstances in which a lawyer who is admitted to practice in another United States jurisdiction, and is not disbarred or suspended from practice in any jurisdiction, may establish an office or other systematic and continuous presence in this jurisdiction for the practice of law as well as provide legal services on a temporary basis. Except as provided in paragraphs (d)(1) and (d)(2), a lawyer who is admitted to practice law in another jurisdiction and who establishes an office or other systematic
[1] through [14].  [no change]  [15] [Washington revision] Paragraph (d) identifies two one circumstances in which a lawyer who is admitted to practice in another United States jurisdiction, and is not disbarred or suspended from practice in any jurisdiction, may establish an office or other systematic and continuous presence in this jurisdiction for the practice of law as well as provide legal services on a temporary basis. Except as provided in paragraphs (d)(1) and (d)(2), a lawyer who is admitted to practice law in another jurisdiction and who establishes an office or other systematic or continuous presence in this jurisdiction must become admitted to practice law generally in

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1	under common control with the employer. This paragraph does not authorize the provision of
2	personal legal services to the employer's officers or employees. The paragraph applies to in-
3	house corporate lawyers, government lawyers and others who are employed to render lega
4	services to the employer. The lawyer's ability to represent the employer outside the jurisdiction
5	in which the lawyer is licensed generally serves the interests of the employer and does no
6	create an unreasonable risk to the client and others because the employer is well situated to
7	assess the lawyer's qualifications and the quality of the lawyer's work.
8	[17] [Washington revision] In Washington, paragraph (d)(1) applies to lawyers who are
9	providing the services on a temporary basis only. If an employed lawyer establishes an office
10	or other systematic presence in this jurisdiction for the purpose of rendering legal services to the
11	employer, the lawyer may be subject to registration or other requirements, including
12	assessments for client protection funds and mandatory continuing legal education must seek
13	general admission under APR 3 or house counsel admission under APR 8(f).
14	[18] through [21]
15	[no change]
16	[22] Model Rule 5.5 does not contain a provision equivalent to paragraph (e) of Washington's
17	Rule. Paragraph (e) provides that in-house lawyers, government lawyers, and others authorized
18	to practice under paragraph (d) of this Rule may provide legal services for no fee through a
19	qualified legal services provider, but it does not authorize any other form of law practice
20	whether for a fee or not, other than that authorized by Paragraph (d). For purposes of paragraph
21	(e) of this Rule, the term "qualified legal services provider" is defined in Admission to Practice
22	Rule 8(e)(2) as "a not for profit legal services organization whose primary purpose is to provide
23	legal services to low income clients."
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